



**..JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings**

**Family Court
(New Candidate)**

Full Name: Mandy Wilkerson Kimmons

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1. Why do you want to serve as a Family Court Judge?

I believe Family Court Judges are in a position like no other to protect children and attempt to bring peace to situations that desperately need it. In 2006, I began interning with the First Circuit Solicitor's Office Family Court Division. I was about 21 years old at the time, and I remember wanting so badly to make better decisions for them. Of course, a person must make their own decisions, but I learned that given the right guidance and resources, a young person can learn to make better decisions for themselves.

After I became an attorney, I began prosecuting adult cases, some of which were cases involving child victims and child abuse and neglect. In 2014, I began managing the Family Court Juvenile Dockets for Orangeburg and Calhoun Counties and truly felt like I was making a difference in the community and in the lives of children.

At the end of 2015, I started my private practice while continuing to work at the Solicitor's Office. In 2016, I fully transitioned into private practice. Most of my practice has been domestic cases which are my passion. I have had the opportunity to work with many clients who hire me during the worst time of their lives. I have also had the opportunity to see the relief that closure brings people. I have worked on DSS abuse and neglect, DJJ, divorce, separate support and maintenance, adoption, and name change cases. I have served as a guardian ad litem. In 2017, I became a certified family court mediator. I have also worked on several cases involving the UCCJEA including participating in a

UCCJEA conference with a South Carolina judge and a judge from another state.

I want to serve as a Family Court Judge to make a difference, protect children, attempt to bring peace to situations, and to do justice. A dedicated, attentive Family Court Judge with a positive attitude can truly change lives. I believe I will enjoy the work and intellectual challenge of being a Family Court Judge and the rewarding nature of the work.

2. Do you plan to serve your full term if elected? Yes.
3. Do you have any plans to return to private practice one day? No.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Our system is structure for people to be heard. I believe *ex parte* communications regarding a case are generally contrary to the administration of justice although there are situations in which they are appropriate. If a party has inappropriate *ex parte* communication with a judge, the judge should promptly disclose that communication to all parties involved and give the parties an opportunity to respond.

Acceptable *ex parte* communications are addressed in Judicial Canon 3 and include communications for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the communication and the judge promptly notifies all other parties of the substance of the communication and gives each of them an opportunity to be heard regarding the issue.

My philosophy is it is best practice to avoid and discourage *ex parte* communicaton. Given that email is available, there are few situations in which *ex parte* communication is necessary even when the rules allow for it. One exception would be an emergency matter.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

If I disclosed something that had the appearance of bias, but I believed it would not actually prejudice my impartiality, I would likely grant a motion for my recusal. I believe that if a judge discloses something that has the appearance of bias, it could create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired. As such, I would recuse myself. The only exception to recusal would be if the matter required immediate judicial action and no other judge was available to hear the matter. Under that scenario, I would hear the matter and issue an interim order without prejudice to any party to remain in effect until such time as the matter may be expeditiously rescheduled before another judge for a *de novo* hearing. I would also explain that the I understood the request for recusal and the request had not been a factor in reaching the decision reflected in the interim order.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would recuse myself from hearing the matter to avoid the appearance of impropriety.

8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

I would not accept gifts or social hospitality that I believed were given to me based on my position as a Family Court Judge, could reasonably be perceived as intended to influence me in the performance of judicial duties, or otherwise did not comply with the parameters of Judicial Canon 4. In the event I received a gift that I felt did not comply with the parameters of Judicial Canon 4, I would return the gift with an explanation that the Judicial Canons require that I do not accept the gift.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

If I became aware of misconduct or the appearance of infirmity of a lawyer, I would take appropriate action depending on the situation whether that be communicating with the lawyer, making a referral to Lawyers Helping Lawyers, or reporting the lawyer to the appropriate disciplinary authority. If the misconduct or appearance of infirmity raised a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer, I report such conduct to the appropriate disciplinary authority as required.

If I became aware of misconduct or the appearance of infirmity of a fellow judge, I would take appropriate action depending on the situation whether that be communicating with the fellow judge, making a referral to Lawyers Helping Lawyers, or reporting the fellow judge to the appropriate disciplinary authority. If the misconduct or appearance of infirmity raised a substantial question as to the fellow judge's fitness for office, I would report the conduct to the appropriate disciplinary authority as required.

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

Yes, I have engaged in fundraising activities with political, social, community, and religious organizations. I have raised money for my campaign for South Carolina House of Representatives, District 97 and other political campaigns. I have also participated in fundraising activities for the South Carolina Republican Party and the Dorchester County Republican Party. I served on the Frances R. Willis SPCA (now Dorchester Paws) Fundraising Committee from August 2017 until November 2018. In 2015, I helped the South Carolina Bar Young Lawyers Division raise money for the Special Olympics by participating in the Special Olympics Unified Relay. I

have also participated in fundraising for the ALS association, the elementary school my son attends, and possibly similar organizations. I have shared social media fundraising requests including for people in need of funding for things such as transplants, adoptions, mission trips, or after experiencing tragedy, illness, or misfortune. I have also shared a social media post to raise money for the community organization for Katie's Krops and for the Brookhaven Fellowship School Supply Drive. I have attended Dancing with the ARK's Stars which is an event to raise money for The ARK Alzheimer's Family Support Services. I also assist with fundraising for the Summerville Coon Hunters Club Youth Hunt each year. I cannot specifically remember every political, social, community, or religious organization for which I have engaged in fundraising activities, but I believe any fundraising activities in which I have participated would be similar to those described herein.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I have a small home that I rent to a close friend which I would continue to rent. The home is located on the same parcel of property as the home in which I live. I would only rent the home to someone with whom I have a close personal relationship and would otherwise already be disqualified from hearing matters in which s/he is involved.

13. Since Family Court judges do not have law clerks, how would you handle the drafting of orders?

Generally, I would request that an attorney involved in the case draft the Order. If both parties were *pro se*, I would draft the Order. I would ensure that the orders are done in a timely fashion. If the order was not done timely, I would draft the order myself. I would also use form orders in appropriate situations. I would ultimately be responsible for making sure orders are done in an appropriate amount of time even if it required working additional hours.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?

I would calendar all events and set reminders and have the administrative assistant calendar all events and set reminders, so that both of us are aware of a deadline. I would also keep dockets "open" in my office until such time as all orders are signed. I would have the administrative assistant follow up about a week before orders are due. I would also have weekly meetings with staff to discuss upcoming deadlines and how we will ensure those deadlines are met.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

I would ensure that the guardian ad litem is statutorily qualified to serve. I would ensure that the Order Appointing Guardian ad Litem includes the statutory duties and requirements of the guardian ad litem. I would also ensure that the guardian ad litem is aware of the appointment. If for any reason the appointed guardian ad litem cannot serve, I would promptly appoint another guardian ad litem. If I discovered that the guardian ad litem had not complied with the guidelines of the guardian ad litem statute, I would order the guardian ad litem to comply with those guidelines.

In addition, once a guardian ad litem has been appointed, I would require either an Order Relieving the Guardian ad Litem or testimony or an affidavit from the guardian ad litem that s/he has complied with the guidelines of the guardian ad litem statute and his/her input regarding the resolution of a case.

16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

I do not believe it is not the job of the judiciary to set or promote public policy. I believe judges should follow the law and the United States and South Carolina Constitutions and apply the law to the facts. Lawyers and citizens cannot make reasonable decisions if the law is different in every court before which they appear or if decisions are based on a judge's desire to promote his/her preferred public policy or personal beliefs.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would work with Court Administration, other judges, the Clerk of Court, the Department of Social Services, and the Solicitor's Office, and the Public Defender's Office to find ways to work through the backlog of cases efficiently and effectively.

One of the other major activities I would like to undertake is implementing a Juvenile Drug Court Program in Dorchester County. I was the Assistant Solicitor on the team that established the Adult Drug Court Program in Dorchester County. When I managed the juvenile dockets for Orangeburg and Calhoun Counties, there was already Juvenile Drug Court Program in place, and I was the Assistant Solicitor involved in that program. Dorchester County does not currently have a Juvenile Drug Court Program, and I would love to work with all necessary parties to establish one.

If invited, I would enjoy speaking at Continuing Legal Education courses.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not feel that the pressure of serving as a judge would strain my personal relationships. I have managed my private law practice since 2015. I served in the South Carolina House of Representatives during which time I drove from Ridgeville to Columbia almost every day while in session. Participating in politics and campaigning is full of pressure and constant attacks. I never let that pressure strain my personal relationships. My family is accustomed to my work schedule sometimes requiring me to work late or on the weekends. I am also accustomed to ensuring that I have a healthy work/life balance and that neither my work nor my family is neglected. My family fully supports my decision to run for Family Court Judge.

19. Would you give any special considerations to a pro se litigant in family court?

No. While more patience may be required, it would be unfair to represented litigants if pro se litigants were not required to abide by the rules.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

I would disclose the financial interest on the record to all parties involved. I would ask the parties and their lawyers to consider, outside of my presence, whether they wish to waive disqualification or wish for me to recuse myself and continue the matter to be expeditiously scheduled before another judge. If after discussion between the parties and their lawyers, all agree on the record that I should not be disqualified, and I felt that my impartiality would not actually be prejudiced, I would participate in the proceeding. If the parties wanted the matter continued, I would Order the case be rescheduled expeditiously.

The only way I would hear the matter absent consent by all parties, would be if the matter required immediate judicial action and no other judge was available to hear the matter in which case, I would hear the matter and issue an interim order without prejudice to any party to remain in effect until such time as the matter may be expeditiously rescheduled before another judge for a *de novo* hearing.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

I feel judges should be patient and courteous to everyone with whom s/he deals. The courtroom is a place where people come to have disputes fairly resolved. A judge's demeanor should always make parties feel they were heard and that their position was fairly considered. If a judge has bad judicial temperament, it reflects

poorly on our system of justice. Judges often must be firm, but they should not berate, demean, or intentionally humiliate anyone. These rules apply all the time, both on the bench and off the bench and judges should be circumspect of their conduct even when they are not on the bench.

24. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

No, I do not feel it would be appropriate for me to be angry with anyone who would before me, even a criminal defendant. Criminal defendants are presumed innocent until found guilty or adjudicated delinquent in the case of Family Court. Decisions made in anger are very rarely the right decision. I believe people that come before the court should be treated with dignity and respect and should be given a fair hearing and should not be given a reason to believe they did not receive a fair hearing. Anger does not allow for that. A judge can be firm without behaving inappropriately.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

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Sworn to before me this 21 day of July, 2022.

Carlyn Bone

(Signature)

Carolyn Bone

(Print name)

Notary Public for South Carolina

My commission expires: 10/3/28

