



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

Family Court
(New Candidate)

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

I grew up on a dirt road in Walterboro, South Carolina. The given name of that road was Patterson Street, but just about everyone in Colleton County knew it as "The Lane." The Lane was a dead-end road lined with clapboard houses occupied by poor families who were mostly headed by single women. Everyone in The Lane was committed to helping each other and doing his/her part to make the days easier for the next person. To that end, my first job ever was working for Ms. Rosa Lee, the blind lady who lived alone in her house in The Lane. I was about 7 or 8 years old when Ms. Rosa Lee started "hiring" me to help her thread needles or run to "the drug store" to get her prescriptions from Doc Tracy. By the time I was 10 or 11, Christover and Ms. Louvenia "hired" me to do odd jobs and help them clean their house. I loved every minute of helping out my neighbors who were really like my family. I also loved the shiny dimes and nickels that I earned which I used to buy penny candy from Miss Maxine's Place!

My experiences in The Lane created in me a desire for service as I was able to see immediately the positive effects of helping those in need. To that end, I embarked upon a career in service, and I spent 12 years as a public-school teacher. Even though I have been engaged in the private practice of law for the past 13 years, my experience with service to others has been the foundation of my practice. Not only have I worked hard advocating on behalf of my clients, I have also planted good seeds in the community by giving back in tangible ways. Whether giving away turkeys and other food items to needy families during the holiday seasons to buying coats from Wal-Mart to help keep people warm to donating my time and talent to worthy causes, I have been determined to do good work to enrich the lives of others.

As an attorney, I have worked for more than just a successful resolution of my cases. I have tried to help my clients become the best version of themselves as they move on to the next chapter of their lives. In sharing my personal experience and being transparent about the obstacles that I have faced and overcome, I let my

clients know that they should take advantage of the second chance and/or life “reboot” that they have been given after litigation has ended. I encourage them to focus forward on the windshield and the shining sun and not the rearview mirror which contains their past.

While I have found success and a level of fulfillment in private practice, I would like to use the rest of my professional career to return to public service. The bulk of my practice has been in the Family Court. I believe that my life experiences and the experiences I have gained throughout my practice will allow me to assist families and provide the highest level of service to the State of South Carolina. In addition to my knowledge, intellect, and legal experience, I would bring to the bench my life experiences that I believe would make me more relatable to litigants. In the appropriate situations, I would be able to explain to litigants that there is likely nothing that they are experiencing in litigation that I have not experienced at some point in my life. From growing up in poverty to struggling to get a college education to being a teen mom to experiencing divorce, single parenting, homelessness, and the consequences of just plain dumb decisions, I believe litigants and defendants in the juvenile justice system would benefit from seeing an example of someone who made it in spite of the obstacles and the unforced errors. I believe litigants need to see that even as the standard may be perfection, there is no statute of limitations on achieving it. Every day brings an opportunity to get it right. I would like to have the honor of providing this type of service to my state.

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?

Every party to a proceeding has the right to be heard and to have their facts and evidence presented to the judge in an equal and fair process. The prohibition against ex parte communications is necessary to provide litigants with the confidence that the forum is neutral and that their matters are being decided based

on the facts that are part of the record and/or communicated to both parties, not facts that might be communicated to the judge ex parte. I am fully aware that Rule 501, SCAR, Canon 3(B)(7) requires that “A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside of the presence of the parties concerning a pending or impending proceeding...” I understand the importance of this Canon in maintaining fairness and impartiality in all proceedings, and I am committed to upholding it.

Are there circumstances under which you could envision *ex parte* communications being tolerated?

Rule 501, SCAR, Canon 3(B)(7)(a-e) contains several exceptions to the prohibition against ex parte communications. Those exceptions pertain to scheduling, administrative purposes, and emergencies that do not deal with substantive matters. If the judge engages in ex parte communications under the exceptions Canon 3(B)(7)(a), he/she must reasonably believe that no party will gain a procedural or tactical advantage as a result of the communication, and the judge must promptly notify the other party of the communications and allow the other party an opportunity to respond. The other exceptions found in Canon 3(B)(7)(b-d) allow the judge to obtain the advice of a disinterested expert on the law so long as the judge provides notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond. The judge can consult with court personnel, with the parties and their lawyers separately, with the consent of the parties, in an effort to mediate or settle matters before the Court without violating Canon 3. Further, the judge can also initiate or consider any ex parte communications when expressly authorized by law to do so including but not limited to considering ex parte pleadings in Family Court matters. These exceptions are the only circumstances under which I could envision ex parte communications being tolerated.

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?

Rule 501, SCACR, Canon 3(E)(1) states that “A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned...” I believe that a person’s perception is their reality. If I were to make a disclosure that I personally felt would not prejudice my impartiality, but a party requested recusal, I would grant the Motion for recusal. Again, litigants must always have faith, trust, and confidence in the judicial system. I believe that judges must be extra careful not to allow anything to erode that trust and confidence. Further, if a circumstance is important enough for the judge to make the disclosure, then the judge should be open-minded enough to grant the motion for recusal.

Would you grant such a motion?

Yes.

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

I understand that the life I have led as a lawyer would be different from the life I would lead as a judge if I am so blessed with the opportunity. As such, I have explained to my spouse and close relatives that there are mandates for members of the judiciary, both written and unwritten, which are designed to ensure fairness and impartiality in the proceedings. I understand that Rule 501, SCACR, Canon 3(E)(1) requires that a judge disqualify himself or herself in a proceeding in which the judge's impartiality might be reasonably be questioned. As a safeguard against the appearance of impropriety, I would disqualify myself from any and all matters involving my spouse or close relatives.

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

Rule 501, SCACR, Canon 4(D)(5) states that "A judge shall not accept, and shall urge members of the judge's family residing in the judge's household not to accept a gift, bequest, favor or loan from anyone..." with certain exceptions noted. I would not accept gifts, loans, favors or bequests from anyone that were not pursuant to the exceptions, and I would ensure that my spouse and close relatives understood the importance of their adherence to this rule. Again, I believe that the system must be protected, and I would be faithful to uphold those protections in all areas including the acceptance of gifts or social hospitality.

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?

Rule 501, SCACR, Code 3(D)(1-2) requires that a judge take appropriate action if he/she receives information indicating a substantial likelihood that another judge has committed a violation of the Code or of the Rules of Professional Conduct. As such, if I became aware of misconduct of a lawyer or judge, I would immediately report the misconduct to the appropriate authority for investigation. If I became aware of the appearance of infirmity of a lawyer or of a fellow judge, I believe that my first action would be to speak with the lawyer or the judge about the issue I observed. Based on his/her response, I would then decide if I was

required to report the issue I observed and inform the lawyer or judge about resources that would help address the issue per Rule 501, SCACR, Code3(G).

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. Before becoming a judicial candidate, I engaged in fundraising activities with the entities including but not limited to the following: political candidates in both non-partisan and partisan elections for candidates of both major parties, Democrat and Republican; Lord of the Harvest Christian Faith Center, my church; Dorchester Children's Center and Dorchester County Habitat for Humanity as a Board Member; and many other organizations. I believe in helping out wherever I can in the community. Nevertheless, I understand that if I have the honor of serving the people of South Carolina as a judge, I would no longer be involved in any type of fundraising, and I would be committed to upholding the mandates of Rule 501, SCACR, Canon 4(C) and Canon (5).

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

No, but I do own a building that is currently being leased to Seamon Whitesides, a water resources engineering firm in South Carolina. The lease is being managed by a property management company.

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

After reviewing the file and after hearing the arguments of counsel on temporary hearings and other motion hearings, if I ruled from the bench, I would require that one attorney prepare a proposed order for my review. I would require that the proposed order be provided to opposing counsel before it is submitted to me. I would then review the proposed order and make any revisions to conform with my ruling. If I took the matter under advisement, I would provide a

Memorandum of Instructions to the attorneys via email or fax. I would request that one attorney prepare a proposed order for my review. I would require that the proposed order be provided to opposing counsel before it is submitted to me for review. I would then review the proposed order and make any revisions to conform with my instructions/ruling. After trials, I would consider asking each attorney to prepare a proposed order stating their findings and conclusions with support from the record. I would then review the record along with the proposed orders and determine which submission conforms to my ruling.

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

If elected, I would use a paper calendar system to record all dates, deadlines, etc. This would be in a document that I refer to on a daily basis. I would also require that all dates, deadlines, etc., be placed on an electronic calendar with a tickler system so that I could receive periodic reminders as I progress towards a date or deadline. I would also meet with my assistant on a regular basis for the sole purpose of reviewing dates and deadlines.

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?

In addition to executing the Supplemental Order Appointing Guardian ad litem which states the statutory requirements, I would create a document that contains the guidelines as well as any timelines for submission of items to the parties and/or to the Court, i.e., the date that the Court requests the initial investigation be complete and the date the initial report should be filed, etc. The attorneys and the guardian ad litem would be provided with a copy of the document, and a copy of the document would be made a part of the court file for other judges to review if they hear the matter. The document would be used as a way to make all parties aware of the statutory requirements and as a way of tracking to ensure that the statutory requirements are followed during the pendency of the case.

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

Judges cannot maintain impartiality if they are attempting to set or promote public policy. For that reason, I believe that a judge should never allow his/her personal views about public policy affect his/her decisions. I understand the three branches of government, and I know that the role of a judge and the Court is to

interpret the law and enforce the law. Judges should not attempt to legislate from the bench.

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?

During my practice, I learned that many communities have not always had a favorable opinion of the legal system, particularly the police and the judiciary. For that reason, I often facilitated legal clinics at churches and community centers where I provided basic information on various areas of the law including family law, criminal law, and wills and estate law. On every occasion, I believe that the participants gained a great understanding of the law and the court system. Knowledge is power, and I believe that when citizens and litigants have a greater understanding of the process, they gain a greater respect for the process. I would like to continue those efforts if I am elected so long as they do not interfere with my work duties or ethical obligations as a member of the bench.

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 believe the pressure of serving as a judge would strain my personal relationships. Since graduating from law school, I have been involved in fast-paced litigation. I learned to sleep with my cell phone under my pillow during my first year in practice when I was an associate in a criminal defense firm. I learned that a client facing a criminal charge or a client waiting to learn if he/she will retain or lose custody of a child is a person who does not always adhere to the formalities of normal office hours. My family has learned to respect my position as an attorney as they express pride over my dedication to my clients. We have worked together to maintain balance in our home, and we are sure to make time to do things as a family. These actions help us avoid stress and strain from my private practice, and if elected, I feel that the same will hold true.

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

A judge must remain impartial at all times as the appearance of impropriety and the appearance of favoritism can erode the judicial process. When dealing with a pro se litigant, the first consideration that I would give him or her is an extra dose of patience and a thorough explanation of the process. I believe that if I provided additional considerations without the consent of other the party, I would risk showing favoritism. The goal is always to ensure that the parties have a fair

opportunity to be heard and that the parties have confidence in the system. The allowance of any further considerations to a pro se litigant would have to be supported by sound authority.

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 not hear a case where myself or a family member held a de minimis financial interest in a party involved. Even as the rule allows a judge to hear an action of this type, I would disclose the relationship on the record and disqualify myself.

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 was raised by my mother and my grandmother. They taught me the importance of treating others with compassion, dignity, and respect. These are characteristics that I carry proudly. I believe that a judge should have these characteristics while also acting with professionalism towards those who come before the Court and those who work within the court system. I believe that these behaviors should apply to judges not only when they are on the bench but in every aspect of their lives.

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?

There is no circumstance under which a judge should be angry with a member of the public who would appear in front of him/her, especially a criminal defendant, or

anyone for that matter. A judge must remember that even the litigant who is facing the worst allegations is cloaked in the presumption of innocence until that individual is proven guilty. A judge loses his/her impartiality and neutrality when he/she allows feelings of anger or even feelings of empathy to come to bear. Anger is never an appropriate emotion for a judge in any setting but more so when with attorneys, litigants, represented or a pro se, and court staff and personnel.

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


MARGIE A. PIZARRO

Sworn to before me this 20th day of July, 2022.



(Signature)

Chaheyda L. Mack

(Print name)

Notary Public for South Carolina

My commission expires: 12/1/2026

