



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?

Becoming a family court judge has been an aspiration of mine for the last 19 years. I recall the day it began which I will share with you below. However, it is a goal that I have approached with reverence and by sincerely dedicating my practice toward all areas of family law during that time.

The American family (with the members differently defined by all but of equal importance) is an essential foundation that gives children the ability to: grow, prosper, find belonging, develop skills, celebrate triumph, learn from failure, and become productive members of society. I myself have been blessed with two loving parents (never divorced and still living) who put aside their own dreams and goals at age 17 to raise an unexpected child but not everyone has that same firm starting foundation.

I consider it a calling and a service to my community to use the skills and knowledge I have developed in my 22 years of law practice to do my best to help pick up broken pieces. Left unchecked, those broken pieces of our past in daily living can cut and wound us deeply. In the hands of skillful and dedicated people, like lawyers and judges, they can be rearranged into a beautiful stained glass picture of all that life still has to offer. I've seen this hope and promise time and again: from the resiliency of a child in a brutal physical abuse situation with a welcoming smile to the triumph of a spouse finding hope in a new job after a bitter divorce. I merely see my application to serve as a Family Court Judge as a logical progression from my years of legal practice that have come to be strongly defined almost exclusively by work and training in the realm of our Family Courts.

After only a few years of practicing, I was assigned to a major attempted homicide case. I worked tirelessly on the matter sensing that my client's future was at stake. He was a teenager facing jail time for his entire adult life. Not only did the jury return a verdict of not guilty, but testimony I highlighted began to exonerate my client because of impossible self-serving co-defendant statements. Solicitor Ed Clements was impressed with my grit and he offered me a job with his department the very next week. I will be eternally grateful to him for encouraging me, but a friend asked me a question on my way to the benefits clerk office I had never thought of. He said, "Do you see yourself becoming the Solicitor in your county someday?" When I was honest with myself, my acceptance of the job would have merely been for a pay increase and some benefits. I knew my heart was not in it. I did the only thing I could do then and respectfully declined the position.

The question remained: where did I see my efforts taking me over the course of the next twenty years? The answer was evident in the work that I was already enjoying the most. It was serving as a guardian for children, seeing kids adopted (just like my own mother was), coming to the aid of a spouse blindsided by adultery, and meeting with other lawyers to find solutions to expensive cases long before mediation was mandatory. That was where my path was leading me. That has become my life's work and I feel that the honor of serving the people of South Carolina as a Family Court Judge will be the culmination of all my training and experiences.

My conscious is clear on this point alone. I could not see myself being the Solicitor. That was not my calling. My road and my passion has prepared me to serve as a Family Court Judge.

I did not want to be a Solicitor, no matter what the pay and the benefits were. By comparison, I did not even know what the pay for the Family Court position was until a week after I had already begun completing my application. Why? Because it was never about the compensation or benefits. This is where my training, skills, experience and passion for the law has lead me. If called upon to serve in this honorable position, I will continue to dedicate myself to upholding our Constitution, protecting the families of South Carolina, and preserving the integrity and of our great judiciary.

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?

If elected, I would not plan to return to private practice. I see this position as a logical evolution in my dedicated service to the people of the great State of South Carolina. I would daily endeavor to show dividends of merit for those that would entrust me with such an honorable position. As I continue to grow in even more experience and wisdom, I would work to make the legislature's burden light in any decision to renew my service. As I tell my domestic clients, a relationship should be like a cell-phone plan so that your service to others makes it easy to renew the plan at the end of the term, even when there are so many other options out there. I live by that ideal in my relationship with my wife of twenty-four years and I will do the same in my commitment to this job. When that time comes, and I may no longer be able to serve, I would still keep an open mind toward possibly helping the lawyers and judges in my area by lending my expertise in mediations. I stand ready and committed at this time to fulfill the role and duties of the job I have applied for and to ensure the legislature their efforts are not wasted in exploring my candidacy.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes. I have met all the requirements as set out in SC Code Ann. § 63-3-30(A)(1)(2008).

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I would prefer to leave such dangerous and important matters like *ex parte* communications to the trusted Canons of Judicial ethics than to embark on the slippery slope of personal philosophies on the subject. The answer to this question, with guidance from the Canons, is that there is very little room in the arena of due process to allow for *ex parte* communications and I would abstain from them and disclose and remedy them should they even be attempted.

Canon 3 (B) (7) states "A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding". It provides only a few limited and narrow exceptions that are sometimes necessary for court efficiency and would be allowed after all conditions are satisfied.

For instance, *ex parte* communications for scheduling, emergencies, and administrative purposes are allowed. However, it must be determined that no party will gain a procedural or tactical advantage, and the judge must



make provision to notify all parties of the communication then allow an opportunity to respond. Another limited exception also allows a judge to obtain the advice of a disinterested expert after notice to the parties of the person consulted and affords the parties reasonable opportunity to respond.

A judge may also consult with court personnel or with other judges on administrative topics related to the case. I would be guarded about the use of any additional exceptions though I have seen them used to good measure achieving fair outcomes by many of our best Family Court Judges. These involve a judge, with the consent of the parties, conferring separately with the parties and their lawyers in an effort to mediate or settle some pending matters. Finally, a judge may initiate or consider any ex parte communications when expressly authorized by law to do so. I will follow strictly the judicial canons in the area of ex parte communications if so honored and selected to serve as the next Family Court Judge of the Twelfth Judicial Circuit.

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?

My analysis of this question would come under Judicial Canon 3 (E) (1) and the commentary related to it. As a starting point, the Canon is clear that "A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes *there is no real basis for disqualification.*" Some of the valid reasons for my immediate disqualification and recusal from the case will be discussed in detail below. As a general rule, I would perform the analysis below and give great deference toward the arguments to always preserve the fairness of the proceeding and never bring the judiciary into disrepute.

However, in some very limited and extreme matters, my decision on the request for recusal may be governed by "the rule of necessity". For example, the superior right of the child's best interests may overrule the request for recusal in an Emergency Removal petition wherein I may find myself as the only judge available to hear a matter with a statutory time limit and the request is only serving as a means for delay or obstruction. I would disclose on the record the basis for any possible disqualification and use all reasonable efforts to transfer the matter to another judge as soon as practicable before denying the motion.

I would close this limited discussion toward conflicts that I only merely believed to *have no real basis for disqualification* by acknowledging the



provisions of Canon 3 (E) (1) (a through d) list some true conflicts for which the motion certainly would be granted and I would be recused. These are matters regarding: my personal affiliation or bias toward a lawyer involved in the matter; my previous involvement in the matter itself as a witness or attorney; a known economic interest I or my family may have in the case; members of my close family being involved as litigants, lawyers or witnesses, and finally if such family members have a more than de minimis economic interest in the lawsuit (as more thoroughly discussed in question 21 below).

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

As stated in the question above, I would undergo the analysis required by Judicial Canon 3 (E) (1) and the commentary related to it. As a starting point, the Canon is clear that I must "disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification." The lawyers may then discuss the matters with their client and make a motion for recusal.

Again, in some very limited and extreme matters, my decision on the request for recusal may be governed by "the rule of necessity". For example, the superior right of the child's best interests may prevent an immediate recusal in an Emergency Removal petition wherein I may find myself as the only judge available to hear a matter with a statutory time limit. However, this question details a proper request for recusal and would not be made as only a means for delay or obstruction. In such emergency, I would disclose on the record the basis for any possible disqualification and use all reasonable efforts to transfer the matter to another judge as soon as practicable before proceeding.

Absent any emergency situation, this issue clearly falls into the purview of Canon 3 (E) (1) (d) which holds: A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where: . . .the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding; (or)

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

Once disclosed, I would entertain a motion being made for my recusal. Once made, for the preservation of the impartiality and sanctity of the judiciary, I would grant that motion and work to efficiently have the matter rescheduled with another Judge at the Court's earliest convenience.

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

My decisions in this area must be ruled by Judicial Canon 4 (D) (5) and its guiding commentary. At the outset, the Canon holds: "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 very few exceptions.

I would maintain these tight restrictions for myself and my family and have my staff carefully document any items of even a slightly questionable nature to satisfy the legislature, my colleagues, superiors, lawyers, and the general public of my compliance to preserve judicial integrity.

The Canon commentary provides even greater guidance on the seemingly stringent prohibition about my household members when it adds: "Because a gift, bequest, favor or loan to a member of the judge's family residing in the judge's household might be viewed as intended to influence the judge, a judge must inform those family members of the relevant ethical constraints upon the judge in this regard and discourage those family members from violating them." While I could not reasonably know or control all of the financial or business activities of my adult family members, I will endeavor to be vigilant and attuned to any perception of impropriety.

I may however accept the following and limited types of gifts: a public testimonial, resource materials supplied by publishers, an invitation to attend a bar-related function or an activity devoted to the improvement of the law, a gift or benefit accruing to and incident to the business of my spouse or daughter, ordinary social hospitality, traditional holiday and anniversary type gifts from friends and family, a gift from friends or relatives whose close relationship would require my recusal in any matter or case, loans from a lending institution in its regular course of business, a scholarship or fellowship awarded similarly to other applicants, and other gifts only if the donor is not a party or person who came or is likely to come before me. If those gifts exceed \$150.00, I would report it in the same manner as I report my compensation in Section 4H of the Canon. Finally, I commit to serve faithfully and ably so as to someday qualify for the final category of allowed gifts which is a judicial portrait or memorial complying with the requirements of Rule 3.5(d) of the Rules of Professional Conduct.



The main focus of these restrictions is to preserve my judicial integrity and fairness to all by ensuring I do not accept gifts, favors, bequests or loans from lawyers or their firms if they have come or are likely to come before me. I can and will abide by the Canon guidance in this area.

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?

As a former Attorney to Protect Client Interests for the Office of Disciplinary Counsel, this is an area I have some experience in. It requires swift action and clear documentation to protect the client's interests though it is a very disheartening and serious undertaking. For help in this area, I turn to Judicial Canon 3 (D)(1-2).

As to the question of misconduct of a fellow Judge, nothing could be more undermining of Judicial Canon 1 and our obligation to preserve: "an independent and honorable judiciary... (such that) a judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved". The Canon requires that I, "after receiving information indicating a substantial likelihood that another judge has committed a violation" which raises "a substantial question as to the other judge's fitness for office", "shall inform the appropriate authority."

That action will include direct communication with the judge (or lawyer if the circumstances may be the same for the lawyer under subsection 2) who has committed the violation, along with other direct actions if needed. I must also make a report of the violation to the appropriate authority, agency, or body. This is usually the Office of Disciplinary Counsel. I would comply with the Canon to report what I had observed and preserve the integrity of the judiciary and the bar.

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.

I have not engaged in any fund raising activities for any political organizations. I have, in the past, served as a member of organizations

committed to raising charitable funds for various community or religious causes. Though these are discussed in detail in my Personal Data Questionnaire, I will summarize here my involvement in such worthy causes. Primarily, my continuing community activities with the Marion High School Booster Club (since 2001) and American Legion Baseball (since 2005) were to provide equipment, training, travel, awards and scholarships to worthy student athletes.

My other involvements in any social or religious organization's fund-raising would only fall into the category of a contributing member. These charities would include well known programs with targeted giving like Rotary International (Polio eradication), The United Fund (strengthening health, education, and financial stability in Marion County), Disabled American Veterans, The USO, Wounded Warriors, St. Jude's Research Hospital, Boys Town, and the Veterans of Foreign Wars.

In religious giving, I contribute yearly to the Cooperative Program through the Baptist Convention with gifts to the Annie Armstrong Easter Offering, The Connie Maxwell Children's Home, and The Lottie Moon Christmas Offering. I support The Ridgecrest Foundation (since 2021) in funding conference centers and camps for youth leadership, pastor renewal events, and marriage retreats in Black Mountain, North Carolina.

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

No.

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

I am a strong believer in the sanctity and reliability of the current method of meticulous note taking by our fine family court judges coupled with a request for attorney "draft" preparations with timely mutual exchanges and debate before that draft would be presented to me. This has been modeled to me since my first day of practice in the family courts. It is a superior method of efficiency if and when judges enforce time restraints for draft submissions and it makes for a "check and balance system" to avoid errors and misrepresentations to the court.

In this method, one would be challenged to find any finer example of our ethical standards. The attorney's oath requires in their exchange of drafts that they "will employ for the purpose of maintaining the causes confided to me only such means as are consistent with trust and honor and the principles of professionalism, *and will never seek to mislead an opposing party, (or) the judge...* by a false statement of fact or law."



The Judicial Canons likewise compliment this efficiency and accuracy by noting in Canon 3 (8) "A judge shall dispose of all judicial matters promptly, efficiently and fairly". The commentary provides: "In disposing of matters promptly, efficiently and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved *without unnecessary cost or delay. . . A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs.*" Once on my desk, I would reserve the right to use as little or as much of the draft as comports to my notes and initial ruling in the case. I understand that, once I sign that Order, I have made it my own work product. I alone will be responsible for the outcome which is an obligation I would take very seriously.

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

Having responsible control of my calendar helps me make promises to myself and others that I can keep. I feel a good calendar system needs six essential elements to succeed. Though I will remain flexible in considering any program or software the state would have me to use, I currently find these elements in the Google calendar I use and maintain for my own law firm.

First, the calendar control person is very important. My administrative assistant would be responsible for daily maintenance and backup with weekly oversight from me as well. I personally like to use Saturdays for "pre-week" planning when I give my calendar an additional review for due dates, trials, and deadlines.

Second, Events in my calendar system will be clearly labeled and detailed with more than just a topic heading and go deeper on who, what, when and where details. The entries must be double-checked before source documents are put away or phone calls are ended. Verbal confirmation from the requestor of the date just placed on the calendar should be mandatory after a read-back of the information just entered.

Third, "To-Do" items must be accurately entered and I prefer color coding for certain topics like court hearings, drafting deadlines or personal appointments. These items must make use of notifications. I prefer to get an email from any calendar event on a 20-10-5 Day extinction cycle so I can use that email as a daily planning tool.

Fourth, those "Alerts" would need to be an essential part of this plan. If the state software did not have them, I would use a secondary source that triggers these alerts to my email account.



Fifth, maintenance scans must be conducted regularly. For instance, finding entries that are listed at 2AM in the morning when obviously that hearing is going to take place at 2PM in the afternoon. I also daily review my calendar for any entries that were not completed so they can be moved to a new time when they will reasonably be revisited. Delays happen but important tasks should not be left behind on the calendar.

Sixth, backups are a must and internet calendar systems are my preference to find a reliable provider. In my old practice, I had calendar items set for ten years to check on the renewal of certain trademarks. As always, two heads are better than one. There is no replacement for a great assistant that will daily check a calendar, review the mail and also check any secondary notes I have made. Having them remind me in notes, emails or even in-person about the important deadlines is a third form of backup system. There is no such thing as an annoying reminder because we are all working for the same team to bring efficient justice for everyone.

Therefore, I will emphasize the use of computer-based calendars that are accessible across all of my devices. For the time being, I chose the Google brand of products and add-ons but I am proficient with the Microsoft Outlook system as well.

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?

This is a topic dear to me because of my long-standing, extensive service to the court as a guardian ad litem. To begin with, I will not sign an Order appointing the guardian unless it references a forthcoming Order that will include (or it already includes) all the necessary language of SC Code § 63-3-830 (2013). This is essential to establish the Guardian's responsibilities and empower them by Order with the tools and authorizations they need to gather the information relevant to their assigned tasks. I will assure that the litigants promptly compensate the guardians for their work where appropriate or show just cause as to why such ordered payments have not been made. Where justified, I will hear motions promptly from guardians or their attorneys regarding matters of contempt, enforcement of previous orders, or requests for access to relevant materials, places and diagnostic tools.

In the alternative, I will hold guardians to the high standard of professionalism to which their mandatory training has called them. They, like me in the role of Judge, must be neutrals in court proceedings with no enemies to punish and no friends to reward. The children and

incapacitated adults are their clients and I will hear motions to have the Guardian removed and or sanctioned if willful or negligent dereliction of their duties or cavalier animosity is proven to the appropriate standard.

I will also ensure that the lawyers timely communicate with the guardian on scheduling matters and protect them from economic loss or harm to their ward before notices of dismissal are sent. By the same token, I will consider motions by attorneys for continuances and other relief necessary if the guardians do not comply with their statutory duties (especially in the timely delivery of their reports prior to trial).

While many of these initiatives seem to apply to guardians in private cases, I want to be clear that I have the utmost respect for the various county guardian ad litem programs around the state that serve in social service cases as well. They run a tight ship and train their personnel well. I have dedicated my last two years in service to many committed and altruistic Guardians in Dillon County that give of their time with no monetary gain to protect children. There will be no bias shown in my courtroom regardless of the guardian's vocational background- be it as an attorney or private citizen. I am honored that they all choose to serve children in this way as they join me in the family court's quest for "the best interest of the child".

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

I have been very verbose in some of my answers above, but upon this important topic, I feel few words are necessary. I am not a proponent of judicial activism and I do not believe it has any place in the Family Courts of the State of South Carolina. The Family Court is a trial court. My job will be to hear the facts of any case before me and apply the law to them as was given to me by the legislative and executive branches of this great state. To forcefully move into an area seeking to interpret, enhance or redefine such statutes is a usurpation of the power of those branches and our superior courts in Columbia- that of our state Supreme Court and the Court of Appeals.

Further, the preamble of the Judicial Canons is foremost in my heart and mind on this topic when it states: "Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and *apply the laws* that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must *respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system*. The judge is an arbiter of *facts and law* for the resolution of disputes and a highly visible symbol of

government under the rule of law." To fulfil this ideal, I will endeavor to rule solely on the State's law as it is codified and any available case law that has already appropriately and previously given clarity upon those provisions.

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?

This is one aspect of this job that I am very excited to embark upon. As mentioned in my personal data questionnaire, I have an extreme love for the South Carolina Bar's Mock Trial Program. I have enjoyed serving as a scoring judge for many years now. I am not ashamed to tell this committee how many times the eagerness and diligence of those middle-school kids has inspired me to keep going in this endeavor called the practice of law. With a lot of the tragedy and loss we help our own clients deal with, it's easy to lose sight of why we first chose to serve in this intriguing yet demanding profession.

After listening to lawyer James Malcolm McLendon (1909-2000) speak to my 7th grade class, I knew that I wanted to be a lawyer. However, very few lawyers then encouraged me in that pursuit. Most seemed very bitter and were quick to dissuade me from such idealism. Lawyers that gave their time (like Mr. McLendon, "Toy" Nettles, and David Watson) were so instrumental in cheering me along. I greatly want to pay that forward by encouraging these children and their mock trial teams to pursue a career in the law. We need the best and the brightest students in our profession. The practice of the law holds together the fabric of our society. Without that, it will not matter how great our nation is in medicine, science, or mathematics. I look forward to a continuing partnership with the Mock Trial organizers and serving in any capacity they would need me in.

I also indicated I enjoy working with my father and his friends at the Sheriff's department in teaching responsible firearm ownership and the safe and legal requirements for any concealed carrying. I have developed materials that I present at least eight times a year in these classes in a two-hour segment to educate participants and answer any questions they may have. I would hope to, not only continue those activities but, develop other topics to participate in programs like Law School for Non-Lawyers, free legal clinics for our veterans, and Dial A Lawyer promotions with local television networks to improve the visibility and reputation of judges and lawyers in our communities.

I'm also greatly looking forward to participating in panel discussions with attorneys and other judges at Hot Tips and Best Legal Practice seminars conducted by the State Bar. These have been very helpful to me in my

practice as an attorney in the family law arena for the last 22 years. I feel it is a tremendous and necessary way for me to pay back the investment that others made in me.

I have heard that becoming a judge can seem quite isolating because of necessary precautions against the appearance of partiality in social relationships. Mingling with lawyers and other judges at these state and local level seminars is a great way to stay engaged and yet insulate against such concerns. It also emphasizes to our community that no one role in our system is any more important than the other. We all need each other, trained to the best of our ability, to ensure that justice is delivered each time the courtroom doors are open.

As much as allowed, I would also like to participate in the Lawyers Helping Lawyers program. This program is also dear to me because I lost my cousin, Heath Atkinson, who was like a brother to me, in a suicide directly related to a downturn in his attorney practice. We will never know all the reasons, but looking back, I do see hope for others with a recent change in society's positive focus in this area. "It is always OK to say that we are not OK". I would want to be a mighty advocate for this program, whether through direct participation, encouragement to lawyers that need to seek help, or protection of those lawyers in their calendar and legal practice while they are getting the help that they need.

Finally, I have always felt a sincere responsibility as a divorce lawyer to try and do something to reduce the number of divorces that take place in our state. We have laws against monopolies in business situations, so it occurred to me that I should care for my fellow citizens when I saw statistics climbing to indicate more people than not may actually end their relationships in divorce. I have organized and advocated for marriage retreats. I have lead classes in my community to assist people with basic communication and financial skills to keep marriages moving in the right direction. I would seek to find a way, as a judge, to continue in the spirit of what I have begun. At the very least, I will encourage other judges and lawyers to plan retreats and legal conferences where there is some time and attention (from the stage) given toward the preservation of their own marital and family relationships. It will go a long way toward better mental health which fosters better service to our community. In short, giving back to the legal practice is an exciting benefit of becoming a Judge for me- not a task or obligation.

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 this will be any impediment and I do say that with eyes wide open to the stringent requirements that are needed to perform this job. Specifically, I understand expansive travel is required to be in other circuits for days on end to hear cases. This is something my family is already used to because of my extensive work as a guardian ad litem for 22 years. I've had to be away from home on numerous occasions to protect the best interest of a minor child. I've traveled as far as the panhandle of Texas, New York, Alabama, Virginia and even Canada in performing these duties.

Further, my daughter is now a third year college student in Charleston. My wife is a high school French teacher that travels herself about 90 minutes daily for her own job. My family has already adjusted for the strains that come with lessened contact and the empty nest issues have passed two year's ago.

I actually feel really blessed to know that this would be a wonderful season in my life to implement changes of this nature because I have such a loving and supporting family. My parents live in my hometown of Marion as well. They are in very good health, and are only seventeen years older than me. Oddly, I would see my dad even more because he works as the security officer in the building I will be assigned to. My sister and her family still live on the same street we grew up on as well.

In short, I am excited to be offered the opportunity to serve in this dedicated Family Court seat in Marion, South Carolina. Marion has been my hometown from the day I was born until the present day. I live there, serve there, worship there and sent my child to public school there. In my few years away at school in Columbia, and then living in Newberry and Greenwood, I gained a great love for many other friends and locales in the state as well. I have so many friends in other towns I look forward to visiting in the evenings when I come to their county and serve their community.

I have no current concerns regarding strain or impediment upon my personal relationships that will keep me from being successful in this job. I thank the committee for asking this question though because every candidate should consider this important issue before "putting our hand to the plow" in service.

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

Judicial Canon 3 (B) (5) requires that I would perform all judicial duties without bias or prejudice. It holds: "A judge shall perform judicial duties without bias or prejudice... (and) shall not, in the performance of judicial

duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability or age, and shall not permit staff, court officials and others subject to the judge's direction and control to do so."

The commentary to the Canon offers even more insight. It guides me to know: "A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute...A judge must be alert to avoid behavior that may be perceived as prejudicial".

That being said, there certainly are some considerations to ensure that all parties are treated fairly in a situation where a pro se litigant is before the Family Court. First, and foremost, it would be incumbent upon me to explain to the litigant that I am a neutral and cannot assist them in the presentation of their case nor introduction of evidence. I would be patient and kind in reminding them that I will have to hold them to the same standard I do the attorneys that are appearing before me.

I would have some time of discussion with the pro se party before the case began (in the presence of all) to ascertain if they were of suitable age, education, and experience to be able to understand the matters that would be before the court with a minimal level of competence to protect their own interest. If not, I may begin additional proceedings (in certain specific matters) to either have them screened for appointment of counsel or assign them a Guardian ad Litem.

I would certainly be courteous in explaining that they would have a right to an initial continuance to have additional time to seek counsel if they were able to afford it. I would warn them of the risk in going forward unrepresented and place all required questions and answers on the record before proceeding any further.

I would not define any of this as special treatment, but merely employing the Golden Rule. I wish to treat others as I want to be treated should circumstance have found me standing before such a court with either no ability to hire an attorney or an ignorance of the process.

I would likewise be sure that procedural safeguards afforded by the Rules of the Family Court are followed by the attorneys. These include giving proper notice of a Final Hearing to those litigants by certified mail with return receipt requested and informing them they will be given a chance to testify on issues regarding custody, visitation, alimony, support, equitable distribution, and counsel fees under Rule 17.

I have attended many trials where one party is a pro se litigant. The majority of issues arise when the pro se litigant is allowed to question a witness and they begin trying to testify themselves and making statements. I will be patient in reminding the litigant that they will have a time to testify and then try not to discourage or impede them from refocusing to ask any valid questions they may have. I understand this is very frustrating for lawyers who would appear before a judge and feel somehow that litigant is receiving special treatment. I will endeavor to make sure that is not the case but I will treat all persons before me with the patience, dignity, and courtesy the Canons require.

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

No. My only current investments are in funds recommended and managed exclusively by the local Florence, SC offices of Stifel Nicolaus for IRA purposes. For full disclosure, and for these same reasons, I also do not believe my use of the local offices of Northwestern Mutual for life insurance reasons (with no cash value policies nor income derived) would trigger any appearance of impropriety or impartiality.

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

Since it is allowed by the judicial canons within certain parameters, there is a distinct possibility, in fulfilling my other appointed duties for promptness, efficiency and fairness to all concerned, that I may proceed upon the trial of such issues. As stated in the questions above, I would undergo the analysis required by Judicial Canon 3 (E) (1) and the commentary related to it. As a starting point, the Canon is clear that I must always "disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification." The lawyers may then discuss the matters with their client and make any motions for recusal.

Absent any emergency situation, this issue clearly falls into the purview of Canon 3 (E) (1) (d) which holds: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where. . .the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: (iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding".

Once disclosed, I would patiently entertain a motion being made for my recusal. However, our definitions give an example of de minimis interests which hold: "De minimis denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality." If this was an undisputed fact by all parties as defined in the prompt above, there would be no need to grant the motion and we would proceed to trial.

If true contention remained, and both attorneys were in agreement to continue the matter (until a judge with no interest whatsoever could be procured), I would patiently entertain the motion. I would have to be certain that no prejudice would occur to either party in the necessary delay and that the parties were not attempting to use a frivolous motion to "judge shop". At all costs, I will endeavor to protect the sanctity and the impartiality of the judiciary to establish public confidence in the courts of our great state.

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

Yes. I routinely surpass the requirements yearly. I am a lifetime learner and love to discuss new challenges and best practices with my colleagues. In the last five years, I have completed 113 hours of training in comparison to the 70 hours needed for compliance.

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

My opinions of appropriate judicial demeanor must be governed by Judicial Canon 3 which gives us precise language about how a Judge should conduct themselves. It requires that I be patient, dignified, courteous and without bias and prejudices in all of my dealings. Then, it continues as it reminds me that I must also pleasantly implore litigants, jurors, attorneys, witnesses and court house personnel to treat others the same while conducting the official business of the Court.

One might be inclined to think these requirements apply only while on duty or maybe even on the courthouse grounds. However, Judicial Canon 2 reminds us that "a judge shall respect and comply with the law and shall act **at all times** in a manner that promotes public confidence in the integrity and impartiality of the judiciary".

The commentary to this Canon is stitched into the very words of the ideal when it reminds us all of the high calling to represent the State by wearing the robe. "Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges" it reads. "A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome



by the ordinary citizen and should do so freely and willingly". The Canons are clear on what is required and these ideals are to be maintained at all times.

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?

While the emotion of anger remains an unwanted yet deep-seated reality of the human condition, actions born from or conduct rooted in anger have no place in the courtrooms of this state.

Anger itself, as an emotion, is certainly understandable because it is born from a family of causes like pain, fear, injustice, resentment, or frustration. If we label the fruition of these causes as anger, it almost seems an instinctive and understandable outcome. However, the processing of this emotion, when present, is the most crucial step.

Judicial Canon 3 (B) (4) gives me guidance in this analysis. It holds: "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control." The commentary goes further to add: "the duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate."

As a Judge, I would endeavor to focus on the difference between the emotions of anger versus any physical manifestations of aggression. I alone have the choice to cease to act upon those feelings and keep my conduct governed by the judicial Canon. I believe that anger expressed from the bench sends a clear signal to the lawyers and litigants that the judge has lost control of a situation. The commentary to the Canon again reminds us all that "a judge must perform judicial duties impartially and fairly" and failing to do so "impairs the fairness of the proceeding and brings the judiciary into disrepute".

It is possible there are situations where feeling anger would be understandable by a judge in matters like heinous criminal conduct or the actions taken by a combative or disrespectful litigant or lawyer. However, acting upon it in retribution or hostility is simply not to be condoned.

For me personally, I ask myself two questions when I feel I am growing angry. My mediation practice has taught me to do this. I first ask what detail I might be missing that is causing a miscommunication to burgeon



into anger. No one is ever completely without fault in any misunderstanding so I search to see how I can communicate better to gain compliance.

The next question is how I can solve this problem with mutual respect and understanding for all involved if we are headed toward disagreement. I must accept the slights or the transgressions of the other person but only I can control how I choose to respond to the situation. My daily mantra upon awakening each day has been a prayer for the wisdom and courage to do what I must, with the resolution that my first thought should always be in love and understanding for the other person before I act.

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

Paul B. Atkinson

Sworn to before me this 25th day of July, 2022.

Kolby Atkinson

(Signature)

Kolby Atkinson

(Print name)

Notary Public for South Carolina

My commission expires: 10/8/29

Kolby Atkinson Notary Public, State of South Carolina My Commission Expires October 8th, 2029

