



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

**Family Court**  
**(Incumbent)**

Full Name: Rosalyn Frierson-Smith

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1. Why do you want to serve another term as a Family Court judge?  
I am grateful for and humbled by the public trust to serve as a Family Court Judge. I am forever mindful that my deliberations and decisions carry far reaching consequences. I believe that I am well suited to serve as a Family Court Judge and continue to believe that temperament, patience and fairness are of utmost importance. I believe that I have the necessary skills required of a judge and want to continue to serve the citizens of my home state.
2. Do you plan to serve your full term if re-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?

My philosophy is based on the Code of Judicial Conduct. A judge should not initiate, permit, or consider *ex parte* communications outside the presence of the parties concerning a pending or impending proceeding. The Rules provide for very limited exceptions. As a general rule, *ex parte* communications should not occur. The only time *ex parte* communications are tolerated is in the

event one party submits a request for an ex parte order based on exigent circumstances and the request is to set a hearing and possibly take some temporary action given the emergency situation. In such case the communication is in writing and filed with the Clerk of Court.

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? I would grant the motion to avoid the appearance of bias.
  
7. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
I would not allow personal relationships to influence my conduct or judgment. However, if a matter before me involves a spouse or a close relative who has a financial or social connection, I would disclose on the record that involvement to the parties. I would only proceed if the parties agreed on the record that I should not be disqualified from hearing the matter.
  
8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?  
I would not accept a gift, bequest, favor or loan from anyone unless it complies with the exceptions allowed in the Code of Conduct.
  
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?  
I would have an obligation to take the appropriate action which includes direct communication with the judge or lawyer or report to the Office of Disciplinary Counsel.
  
10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.  
I have assisted organizations in the planning of fund-raising but have not participated in soliciting funds.

11. Do you have any business activities that you have remained involved with since your election to the bench? No.
  
12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders? In hearings where neither party is represented, I draft the Order, or if the Clerk of Court provides staff to assist, they would draft the Form Order for my review. Examples of such Orders include: Orders of Protection from Domestic Abuse, Bench Warrants, child support enforcement. In cases that involve at least one attorney, I identify the attorney to provide a draft order based on my instructions and to be reviewed by the other party or parties before submission to me. If changes or edits are needed, I will make the changes and finalize the Order. When there are disputes in what was directed to be in the order, I will review my notes and resolve the dispute. Additionally, if a conference is needed with all parties to resolve issues regarding the order, I will set a time for that to occur by conference call or Webex video conference. When orders are received, I refer to my detailed notes to ensure that the language conforms to my instructions.
  
13. What methods do you use to ensure that you and your staff meet deadlines? My Administrative Assistant and I keep meticulous records of cases heard and the status of outstanding orders. We use spreadsheets to monitor all orders received and when signed. We timely submit required monthly reports to Court Administration by the deadline.
  
14. What specific actions or steps do 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 provides timely written reports demonstrating that a thorough review was conducted as contemplated by 63-3-830. The final written report must not include a recommendation on custody unless requested by the court for reasons specifically set forth on the record. The guardian must comply with the Rules of Evidence. Also, I would review the file to

ensure there is an affidavit attesting to the guardian's compliance with statutory qualifications.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
Judges, particularly at the family court level should not be involved in setting or promoting public policy. The judge's role is to apply the law as it exists to the facts of the case.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?  
I am involved in various bench and bar related activities with the purpose of improving the judicial and legal system. I also participate in legal education programs where appropriate.
17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? No, I do not feel that serving as a judge strains my personal relationships. I believe all who are close to me understand my role as a judge and therefore, it does not interfere with my personal relationships.
18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No. I am not involved in any active investments.
19. 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 *de minimis* or insignificant financial interest to the parties. If there is reasonable concern about my impartiality after disclosure, I would avoid the appearance of impropriety and would not hear the case.
20. 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.

I am a member of a public service sorority that historically includes women of any race. I am not aware of whether any male has sought or been denied membership in the national organization. I recently became a member of The Links, Inc, which is an International, not for profit women's public service organization. I am not aware of this organization practicing discrimination.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes.
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?  
Judges should be fair and open minded, good listeners, courteous but firm in the courtroom. Judges should also be patient, calm, professional, honest, and independent at all times in or out of court. We never stop being judges regardless of where we are. I believe that a respectful and appropriate demeanor applies at all times. Judges are held to the same high standard regardless of whether you or on the bench, in chambers, or away from the court.
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? I believe anger is not an appropriate way to deal with anyone and it would be highly unprofessional. I believe that it is important to deescalate a tense situation and not display anger to anyone appearing before me.

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 \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)  
Notary Public for South Carolina  
My commission expires: \_\_\_\_\_