



**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 have aspired to work in Family Court and public service since I applied to law school over 30 years ago. I recently found drafts of the essay I wrote when applying to law school. All those years ago, I wrote: "I sincerely feel that I can use my abilities through a legal career to help others and the State of South Carolina. I sincerely feel that I can make a difference. . . I have high goals that I am determined to reach. I want to work in the Family Court and with the Department of Social Services. I am aspiring to one day be Solicitor and eventually to be a Judge."

Since drafting that essay as a twenty-one-year-old, I have had a vast array of experiences that will prepare me for this position. First, my husband and I have been blessed with three wonderful children. I primarily worked in family court for the first 5 years of my career handling a variety of domestic cases and serving as a juvenile public defender. When I joined the Solicitor's office in 2001, I was exclusively in family court for 12 years. I handled literally thousands of juvenile cases, and practically every type of issue in juvenile prosecution. I transitioned to the sexual assault and child abuse team and worked with many child victims and their families. Since becoming Deputy Solicitor in Georgetown in 2013, I have handled a variety of cases and supervised all attorneys. I have a special passion for young victims and Defendants and often rely on my knowledge and experience in Family Court in prosecuting General Sessions Cases.

**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?**

My philosophy regarding *ex parte* communications is that Judges and attorneys should not only follow the letter of the law and Judicial Cannons but also the spirit of the law to avoid the appearance of impropriety. *Ex parte* communications are allowed for scheduling purposes or administrative functions and are anticipated in the issuance of search warrants and authorizing funds on behalf of a defendant. Judges may also communicate with disinterested experts and other Judges in certain circumstances.

Other exceptions typically involve emergency situations that could affect the safety and welfare of the parties or children. Examples would be requests for emergency restraining orders, the emergency removal of children, juvenile detention orders, and emergency custody orders (such as when both parents are deceased). *Ex parte* communications should be documented, and rulings should be reduced to writing. Opposing parties should be notified as soon as it is safe to do so and be given an opportunity to be heard. Any Order issued based on *ex parte* communications should be temporary until the opposing party has an opportunity to respond and request a full hearing. Orders based on *ex parte* communications should not give a party a tactical and procedural advantage.

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 and recuse myself unless the motion was clearly for an improper purpose, frivolous, or an effort to unnecessarily delay a proceeding or harass a participant. I believe that appearances of impropriety should be avoided. Litigants and attorneys should have faith in the judicial system and confidence that all decisions are rendered based on the law and evidence presented with all parties having an opportunity to be heard and respond. There should not even be

the slightest doubt that a decision was rendered on an improper basis such as a prior relationship or some sort of bias.

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.

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

I would follow the Judicial Conduct Canon. I would only accept gifts or social hospitality when there is a pre-existing friendship, and the hospitality and gifts are ordinary social hospitality and have no connections to any judicial position.

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 follow the Judicial Canons. I would encourage the person to self-report and/or contact lawyers helping lawyers. If this did not resolve the issue, I would report the matter 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.**

I have participated in fundraising activities for my children in school and sporting events. I have also participated in fundraising for a community organization and church activities. I have not specifically requested donations for political candidates, but I have physically assisted in fundraising activities.

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 would have one of the attorneys involved draft a proposed order and submit it to the opposing party to review. I would have the attorney send it to me and copy the opposing attorney. I would give the opposing attorney the opportunity to respond. I would give deadlines for the submission of the proposed Orders and time to respond. I would use Form Orders for matters such as child support or other appropriate matters. I would draft the Order myself if I deemed it appropriate.

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

I would use a calendaring system such as Microsoft Outlook with reminders and alerts. I would make sure that deadlines were entered in my calendar and my assistant's calendar. For more urgent matters, I would also have a visual reminder such as a list or dry erase board.

**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 follow the statutory guidelines in appointing guardian ad litem and make sure it is an appropriate matter for the appointment. I would appoint guardians who are qualified and can be fair to all parties and put the best interest of the child above all else. I would set clear guidelines in the Order and attempt to minimize costs to the parties.

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

Judges should follow the statutory law and constitution as written and follow the precedent established by case law. It is the role of the Legislative branch to change laws based on public policy, and the Judiciary should not upset the checks and balances that are the cornerstone of our government.

**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?**

As Senior and Deputy Solicitor I have found that law enforcement is often confused by issues involving family court such as violations of restraining orders, child custody, out-of-state orders, and juvenile justice. I would participate in legal education for law enforcement agencies, and teach continuing education courses for attorneys, law enforcement officers, and other professionals in the family

court system. I would speak to students and participate in law-related education or career days.

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 have learned to balance a very demanding position as Deputy Solicitor including late nights and weekends, being “on-call” for law enforcement questions, and responding to crime scenes. My children are now eighteen years old and older, and all have graduated from high school. My family is very supportive and is encouraging me to seek this position. I do not feel that the pressure of serving as a judge would strain my personal relationships.

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

I would hold a pro se litigant to the same standard as an attorney. Pro se litigants should be treated with dignity and respect. They should not be belittled by any other participant for their lack of legal knowledge. Judges and attorneys must uphold the integrity of the legal profession and standards of conduct. Attorneys should not take advantage of a pro se litigant in a manner that would call into question the integrity of the legal profession and candor to the tribunal.

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?**

No

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?**

A Judge must always appear calm, respectful, fair, and honest, both off and on the bench. A judge should treat all attorneys, litigants, and courthouse personnel with

dignity and respect. A Judge should remember that behavior and actions outside of the court reflect on the reputation of the judiciary.

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?

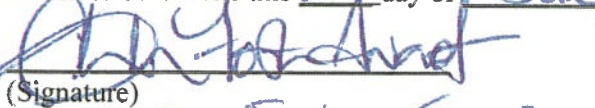
A Judge should maintain a calm demeanor. A Judge should recognize that Family Court proceedings are often emotional. A Judge should expect this and use strategies to calm the parties and not further inflame the situation. A Judge should set an example of self-control, dignity, and professionalism. Anger is not appropriate in dealing with attorneys or pro se litigants even if the attorney or litigant is displaying anger.

However, a Judge should be firm in maintaining the dignity of Court and the safety of participants and staff. In rare circumstances, where there is an actual threat to the physical safety of court participants and staff, especially attempted assaults or the attempted taking of a weapon, a Judge should react quickly, firmly, and authoritatively to ensure that the threat is handled, and all participants are safe.

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



Sworn to before me this 27<sup>th</sup> day of July, 2022.



(Signature)

ELEANOR FOSTER SWARAT

(Print name)

Notary Public for South Carolina

My commission expires: 5-25-31

