



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

Family Court
(New Candidate)

Full Name: Richard Chadwick (Chad) Smith

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

I have always attempted to provide my clients with zealous representation in all matters. Representing clients has a tremendous impact on the client's life and the life of the client's family. However, representing a client does not provide the opportunity to affect positively the lives of numerous families and children. I respect our judicial system greatly and want to make a positive influence not only to our judicial system, but to the lives of all South Carolinians. The integrity of our judicial system is vital to our society, and judges must ensure that the integrity and independence of our judiciary is preserved. I believe, based upon my character and my extensive experience practicing before the Family Court, I would make a positive difference in the lives of children and families across South Carolina if I were elected as a Family Court Judge.

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?

A judge should not initiate, permit, or consider *ex parte* communications, and a judge should discourage *ex parte* communications, as detailed in Canon 3(B)(7) of the Code of Judicial Conduct. I could envision *ex parte* communication being tolerated concerning the issuance of a temporary restraining order under limited circumstances; the issuance of an *ex parte* temporary order placing a child in the emergency protective custody of the South Carolina Department of Social Services, when the pleadings and affidavits submitted by SCDSS provide that probable cause exists to believe that, by reason of abuse or neglect, the child is in imminent and substantial danger; and other limited *ex parte* communications authorized by Canon 3(B)(7).

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 of the party requesting my recusal. Judges should avoid even the appearance 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 and not hear the action.

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

Neither my household family members nor I would accept a gift, bequest, favor, or loan from anyone if the gift, bequest, favor, or loan might be viewed as intended to influence me. I would only accept gifts or social hospitality permitted by Rule 4(D)(5) of the Code of Judicial 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?

If I became aware of a situation of misconduct of a lawyer or a fellow judge, I would be required, as part of my judicial duties, to notify the Commission on Lawyer Conduct and/ or the Office of Disciplinary Counsel, and/ or the Commission on Judicial Conduct.

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.

No.

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?

At the end of a trial or hearing, I would instruct one of the attorneys involved to prepare a proposed order in accordance with my ruling. If I took a matter under advisement, I would notify, in writing, the attorneys involved and request that one of the attorneys prepare a proposed order in accordance with my written instructions. If a case had been extremely complex, I may personally draft the order.

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

During my years in private practice and since joining SCDSS, my paralegals and I had various systems in place to ensure deadlines are met. I would use a calendar system, including reminder dates, warning dates, follow up dates, and due dates.

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 potentially question the litigants and the guardian ad litem regarding whether the guardian ad litem had conducted an independent, balanced, and impartial investigation; obtained and reviewed relevant documents; met with and observed the child; visited the parties' residents; interviewed parents, caregivers, school officials, law enforcement, and other relevant witnesses; considered the child's wishes, if appropriate; maintained a complete file; and presented to the Family Court and all parties a clear and comprehensive written report.

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

I do not believe that a judge's ruling should be based on personal or political considerations. Judicial decisions should be based on the evidence and the existing law. I believe that when judges take a role in setting or promoting a certain political agenda or public policy, the judge's judicial activism assumes the role of the elected branches of government and leads to potential problems with separation of governmental powers.

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 plan to engage in activities to improve the law, legal system, and administration of justice through continuing legal education, bar associations, judicial conferences, and other organizations dedicated to the improvement of the law.

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 relationship with my wife, my two children, my friends, or my relatives. I have learned to deal with stress through prayer, exercise, and family activities with my wife and my sons.

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

Pro se litigants are required to comply with the same substantive law and procedural requirements as represented litigants. A judge should facilitate the ability of every litigant involved in a case to be heard fairly. A judge should not give pro se litigants an unfair advantage or allow the appearance of partiality to a pro se litigant.

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's demeanor and judicial temperament should be exemplary. A judge should be diligent, patient, courteous, fair, open-minded, firm, dignified, compassionate, and polite towards litigants, attorneys, court personnel, and anyone with whom the judge has dealings.

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?

I do not feel that it is appropriate to be angry with a member of the public who would appear before me, especially with a criminal defendant. Anger is not appropriate in dealing with attorneys or a pro se litigant. Judges must perform judicial duties in a fair and impartial manner.

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 ____ day of _____, 2023.

(Signature)

(Print name)

Notary Public for South Carolina

My commission expires: _____