



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

Family Court
(New Candidate)

Full Name: Erin K. Urquhart

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1. **Why do you want to serve as a Family Court Judge?**
I have practiced before many judges – most good, some wonderful, and a few dreadful. I want to emulate the wonderful judges and avoid any bad practices of the others. I want to serve as a Family Court Judge because I have the relevant experience, work ethic, and appropriate demeanor to perform the duties Family Court requires. I have the knowledge and the life experience to understand the importance of treating litigants fairly, ruling according to the law, and treating all people with respect. I want to serve a broader contribution than just the representation of individual clients. As a Judge, I will be more credible as a teacher, researcher, and writer.

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 have no plans past my first term, but I intend to remain active and relevant for the remainder of my life. I would like to continue serving as a Family Court mediator after serving as Judge. I am also interested in teaching, researching, and writing, should opportunities present themselves.**

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?**
As a Family Court Judge, the general prohibition on *ex parte* contact is more likely to be challenged on permitted bases such as emergencies and temporary restraining orders. It is important, even under these

circumstances, to notify all parties and allow for an appropriate time and place for them to respond.

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?

Significant deference. I would grant the motion, presuming it is not withdrawn after disclosure of the relevant facts and lack of actual prejudice, and sufficient time for the parties and their lawyers to consider whether or not to waive the potential disqualification.

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 disqualify myself in the proceeding, disclosing the involvement known to the parties and lawyers on the record, and allowing sufficient time for the parties and their lawyers to consider whether or not to waive the potential disqualification.

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

I was raised in the South and believe in good manners and hospitality. Gifts given outside of general social norms often indicates the giver is expecting an arm's length trade of similar value and should be avoided both personally and professionally. An offer would be politely declined. I would not accept a gift from anyone who had not given me a gift before I became a Judge. I would not accept a gift from any lawyer who might appear before me.

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 I have as a lawyer, I would report such condition to the authority charged with investigating such reports. In the case of a lawyer the Office of Disciplinary Counsel and in the case of a fellow Judge the Commission on Judicial Conduct. As a profession, we deserve to have our colleagues defending the reputations of the rest of us.

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. (1) From approximately 2006-2012 I was an active participant in York County Democratic Party activities, including volunteering at fundraising events, including serving as Third-Vice Chair for two years. (2) Since approximately 2012, I have been a member of the board of directors for Camp Adam Fisher, the largest all-volunteer camp for children with Type I Diabetes in the southeast, a camp I have attended each year (other than 2020, Covid-19) since 1993. I have been a camper, CIT, counselor, CIT Coordinator and board member and in each of those roles, fund-raising has been an extension of the camp and its philosophy to offer a true summer camp experience for as many Type I children as possible.
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?
My goal would be preparation of my own order for short, routine matters and long, complicated matters, and assigning midrange matters to the prevailing attorney, but this may not be realistic. When asking a lawyer to prepare an order, I will request it in Microsoft Word so that either my legal assistant or I can make suggestions. I would require lawyers to adhere to the standards of The Model Parenting Plan by Barry W. Knobel, pages 89-95. Making complete and contemporaneous notes regarding the proceeding is essential, as well as including the factual and legal bases for the ruling either in writing or on the record. This allows for a more accurate review and revision process whether the order is the completion of a South Carolina Court Administration Form or an order "from scratch." My staff will ensure communications regarding orders are transparent and maintain a list of outstanding orders for follow up as necessary.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
As the team member ultimately responsible, it is my responsibility to oversee the management of to-do lists. Trust and communication are imperative between my staff and me. Deadlines must be clearly communicated and individual tasks should be specifically delegated. Each of us needs protected time to complete our tasks. Regular reviews of the list, as a team, ensure we do not fail to stay ahead and leave time for mistakes or emergencies. I will emphasize to my staff the lawyers and my

staff Rule 25(c), SCRCP, "as soon as possible after the hearing" and would treat "not later than 30 days thereafter" as nearly absolute. I would require lawyers to submit proposed orders within ten days as a baseline rule.

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?

As a frequent guardian, I understand the rules and I resent guardians who do not follow the rules. I would make the Family Court bar and local guardians aware that the rules are rules for a reason and that I intend to enforce them, issuing sanction if necessary, and refusing to appoint frequent violators. I would ensure that the parties and their lawyers have transparent access to the guardian, both the guardian's files if properly requested and the party's ability to cross examine the guardian as to the investigation and findings. With the exception of specific confidentiality requirements, avoiding limitations on the parties' ability to participate and question the guardian's activities provides essential protection for adhering to the statutes.

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

The Judge's role in a controversy is to apply the existing law to the facts of the case. Where that requires judicial interpretation, it should be approached as closely as possible to existing interpretation of the law or similar laws, however, this must be done within the confines of the Judge's duties to secure the fairness of all proceedings and to uphold the independence of the judicial branch. A Family Court Judge may be required by the law to promote existing public policy but it is not their duty to set it.

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 have spoken at South Carolina Bar and local seminars and would like to continue to do so. Once I have trial experience as a Judge, I would like to write about the lessons I have learned in the South Carolina Lawyer or other publications.

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?

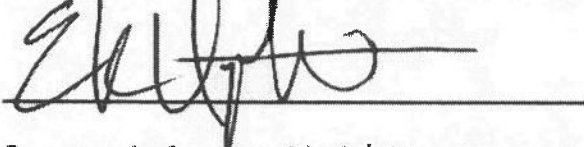
No, not in a significantly different way than any other demanding profession. Prioritizing self-care to avoid the negative effects of stress is

key to preserving personal relationships. Family and friends deserve regular communication and respectful consideration of their needs.

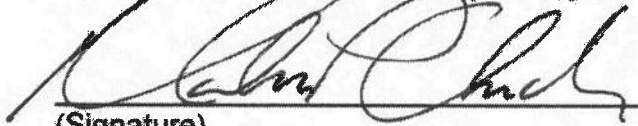
19. Would you give any special considerations to a pro se litigant in family court?
Most probably, within the context of the process. Judicial duties require that a pro se litigants, who have the uncontested right to represent themselves, be treated with civility and fairness. Those duties may require additional explanation, use of non-"legalese," and patience above that required for represented parties. Special consideration for a pro se litigant does not extend to rulings.
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?
Not without disclosure on the record and waiver of disqualification by the parties to avoid any appearance of impropriety.
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?
The demeanor of the trial judge sets the tone for the other participants in trial. In Court, a Family Court Judge should behave, to the greatest extent physically possible, civilly, calmly, and in accordance with the dignity and respectability demanded from lawyers and litigants. This is especially true when emotions are high in Family Court. This could mean different things depending on the proceeding, but the Judge should be the model for the behavior expected in their Courtroom. In public generally, a Judge should not portray herself in a way that discourages trust of the judicial system. This means being a good listener, considering others when acting, and keeping an open mind.
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?

Anger may be appropriate, but display of anger is inappropriate. Emotional reactions can and must be regulated in a way that offers pro se litigants the same civility, patience, and fairness guaranteed to lawyers.

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

A handwritten signature in black ink, appearing to be "E. H. W.", written over a horizontal line.

Sworn to before me this 3rd day of August, 2023.

A handwritten signature in black ink, appearing to be "Malissa P. Church", written over a horizontal line.

(Signature)

Malissa P. Church

(Print name)

Notary Public for South Carolina

My commission expires: March 16, 2028