



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

**Circuit Court**  
**(New Candidate)**

Full Name: **Kimberly V. Barr**

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**Kingstree, South Carolina 29556**

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1. Why do you want to serve as a Circuit Court judge? **I have wanted to be a Circuit Court judge since applying to law school over thirty years ago. I still derive joy and pride in my profession, but I now want to serve in a different role. I believe that the experience I've gained as a practicing attorney in the trial courts of this state coupled with my life experiences will make me a welcome addition to the 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? **No**
4. Have you met the Constitutional 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? **Ex parte communications will be prohibited by me, unless they concern permissible scheduling matters, indigency and appointment of counsel issues, or appropriate temporary restraining orders. When in doubt, I would always defer to the requirements of the judicial canons.**
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 give deference to the party requesting recusal unless it was clear that the issue had previously been addressed and I believed that the request was being solely to delay the proceeding.**

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 make all attorneys and litigants aware of the matter and invite argument, discussion, and/or motions. I would also review the judicial canons to determine if recusal is warranted.**
8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
**I would politely decline gifts or social hospitality.**
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?  
**My response would depend on how I came to have knowledge of the alleged behavior. I would first seek to determine the nature or extent of the alleged misconduct or infirmity, particularly if I did not personally observe the alleged behavior. I would also review the judicial canons and perhaps seek the counsel of another member of the judiciary. When warranted, I would make the appropriate referral to Court Administration or the Commission on Lawyer 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. If elected, how would you handle the drafting of orders?  
**I would designate an attorney on the matter to draft the order and share it with all counsel of record prior to transmitting it to me.**
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
**I would utilize electronic and hard copy calendars to note deadlines. My law clerk and administrative assistant would be instructed and trained in the use of the electronic calendar system.**

15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?  
**I believe that judges should not engage in activism in any manner or cause and that to do so, would be contrary to their oaths and/or judicial canons. Judges are required to *follow* the law rather than set public policy.**
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?  
**I would accept invitations to attend and participate in continuing legal education seminars, and I would continue to serve in professional organizations that are not otherwise prohibited by my position.**
17. 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 address this?  
**No**
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.  
**As a general philosophy, I believe in personal responsibility. However, I am aware that a person’s background, resources, and circumstances may impact behavior. Regardless, I will decide each matter before me on a case-by-case basis.**
- a. Repeat offenders: **How I would address repeat offenders depends largely on the nature of the crimes for which they are accused, their relevant background (employment status, criminal history, presence or lack of substance abuse history, etc.), input of the victims, whether the victim suffered financial loss, and the impact the crimes may have or have had on the community.**
- b. Juveniles (that have been waived to the Circuit Court): **The primary factors that I would consider when handling juvenile offenders who have been waived to the Circuit Court would be the nature of the crime charged, the level of the juvenile’s involvement, the age and maturity level of the juvenile at the time of the offense, his or her behavior since the time of the offense, the input of the victim, and the input of the juvenile’s family or support system.**

- c. White collar criminals: **In sentencing white-collar criminals, I would consider the nature of the crimes alleged, whether he or she has a prior criminal history, the amount (if any) of financial loss, recommendations of the solicitor and input from the victim. I would also consider sentences imposed on similar offenders.**
  - d. Defendants with a socially and/or economically disadvantaged background:  
**I would consider the individual's prior criminal history (or lack thereof), the nature of the crime charged, the presence or lack of a substance abuse condition, employment history, and the input of the victim.**
  - e. Elderly defendants or those with some infirmity:  
**I would consider the nature of the crimes, the degree of the defendant's infirmity, any prior criminal history, available resources for rehabilitation in the community, sentence range, and recommendations of the solicitor and input from the victim.**
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
**No.**
20. 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 notify all litigants and attorneys of record of the nature and extent of the financial interest, and invite comment, discussion or motion on the matter. I would also review the judicial canons and determine whether summary recusal is warranted.**
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?  
**A judge should, at all times, maintain the dignity and decorum of the courtroom. A judge should be knowledgeable of the law, measured, thoughtful, decisive and display an even temperament.**
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 pro se litigants?

**I do not believe that it is appropriate for a judge to display anger to an attorney or a litigant in the courtroom. I believe that judges should maintain the dignity and decorum of their position.**

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

\_\_\_\_\_  
Kimberly V. Barr

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
(Print Name) Diane McFadden  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_