



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

Family Court
(New Candidate)

Full Name: Heather Vry Scalzo

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1. **Why do you want to serve as a Family Court Judge? I think I have the experience, passion, and temperament to be an excellent family court judge.**

As a lawyer, I have dedicated my career to helping children and families. I have had the pleasure of appearing before excellent Family Court judges whose courteousness, impartiality, consistency, fairness, and dedication to justice I admire. I want to serve as a Family Court Judge because I think my legal experience and knowledge has equipped me to make a meaningful contribution to the state of South Carolina's justice system. I believe that I have the temperament and background to competently serve the citizens of this state 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?**

***Ex parte* communications should not be tolerated, except in those circumstances expressly authorized by statute and for scheduling, administrative purposes or emergencies as outlined in Judicial Canon 3, Rule 501, SCACR.**

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?

If I disclosed something that had the appearance of bias based on Judicial Canon 3, then I would grant a motion for recusal. Every party should feel confident that the judge before them will be impartial and just, and even the appearance of bias could harm that confidence.

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 in those situations.

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

I would strictly follow Judicial Canon 4(D)(5), Rule 501, SCACR and therefore, not accept gifts or social hospitality unless it fell under those exceptions.

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 there is a substantial likelihood that the lawyer or judge committed a violation of the Rule of Professional Conduct or Code of Judicial Conduct, respectively, I would inform the appropriate authority. If I suspected that a lawyer or another judge was impaired by substance use or disability, I would refer them to an assistance program. In all instances, I would follow the Judicial Canons.

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.

I am a member of the Junior League of Greenville (JLG), a 501(c)(3) non-profit organization of women committed to promoting voluntarism, developing the potential of women, and improving the

community. The JLG began in Greenville in 1929 and has helped start many organizations, contributing over \$2.8 million in community projects and agencies, and providing countless hours of volunteer service. It does not discriminate on the basis of race, religion, or national origin and does not practice invidious discrimination.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

As a member of the Junior League of Greenville since 2008, I have held various leadership positions in the organization, including Fund Development Vice President. In this role, and in some others, I have participated in fundraising for the organization, which is both a charitable and educational one. Currently, I am a tenured member and not active in fundraising or membership solicitation. If I were elected, I would follow Judicial Canon 4 in any extra-judicial activities.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I am a member in a member-managed LLC that owns and manages real property. I anticipate remaining involved if elected. I would follow all Judicial Canons as they relate to business dealings.

13. Since Family Court judges do not have law clerks, how would you handle the drafting of orders?

I would follow the practice used by many family court judges. I would do one of the following: (1) delegate the task of drafting the order to one of the party's attorneys, with the understanding that the attorney would submit the proposed order to opposing counsel for review and approval before submitting it to me for edits and signature; or (2) use a form order, if appropriate; or (3) write the order myself; or (4) in a complex case, I might request memorandums of law or proposed orders from the parties' counsel from which I would draft a final order.

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

Currently, I manage deadlines through use of an electronic case management system that my administrative assistant helps manage.

I also use a paper calendar and list system. As a judge, I would use both an electronic system as well as a paper system to ensure that orders were submitted and received timely and that all matters taken under advisement or awaiting additional submissions are dealt with expeditiously.

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 appoint a guardian ad litem in a separate order detailing the specific statutory duties and responsibilities that should be followed. The order would also detail the requirements of the litigants as far as participation and payment. Prior to hearing a case involving a guardian ad litem, I would review the file to see if the statutory guidelines were followed, to include the filing of an affidavit of qualifications with any disclosure of relationship of the parties, and the timely filing of the report. If necessary, I would utilize pre-trial or status conferences with lawyers and the guardian ad litem to ensure compliance.

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

The role of the judiciary is to apply and enforce laws enacted by the legislative branch and as construed by the appellate courts. Judges should not set or promote public policy.

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 a lawyer, I have enjoyed training and lecturing at conferences and schools. As a judge, I would welcome the opportunity to present at continuing legal education classes, legal conferences, and school classes, if invited. I would also be interested in doing adoption days for uncontested adoptions as done in several counties around the state. In addition, I would be interested in doing an uncontested divorce docket day to move cases, similar to what was accomplished in Spartanburg County. These publicized projects show the public how the family court system can work for the community.

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?

Any career could cause strain in relationships. I think being mindful of creating space and time for relationships and oneself are important. Equally important are focusing on spiritual, mental, and physical health. I try to exercise several times a week, spend time with family and friends, and stay grounded in my faith.

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

I would ensure that pro se litigants are held to the same standards as counsel and that the rules of court and rules of evidence are followed. It might be necessary to explain some court procedures or rules to the pro se litigant prior to the proceeding in order to gain compliance.

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?

Depending on the facts and circumstances of the case and pursuant to Judicial Canon 3(E), I would disclose on the record the information that the lawyers and parties might consider relevant in deciding whether I should be disqualified. I would proceed accordingly.

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?

Judges should be courteous, fair, and respectful. A judge should promote confidence in the judicial system and therefore, their conduct both on and off the bench should reflect integrity and good moral character.

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?

No, anger is never appropriate for a judge in dealing with any person who enters the courtroom. A judge should treat all people with civility and respect.

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

HWydy

Sworn to before me this 7th day of July, 2023.

Caitlin Powell

(Signature)

Caitlin Powell

(Print name)

Notary Public for South Carolina

My commission expires: 8/12/2025