

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

**Family Court**  
**(New Candidate)**

**Full Name:** Paul Fredrick LeBarron

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

As an attorney for the Child Support Division for more than two decades, I have had the honor of appearing before dozens of family court judges in over half of the counties in the state. I am drawn to the tenet that every single judge I have met holds: do what's correct and just. Although I am one of the best at what I do with the Division, I have a desire to do much more. I feel the skills and abilities I have will benefit more of the people of South Carolina as a Family Court Judge.

Such frequent contact has allowed me to grow close to several active and retired judges, and the passion they hold has inspired me to pursue this position and continue my long career of service to an even greater scale of the community. I believe I hold the same qualities of Judge Creech, whose retirement allows me to pursue this seat. While no one else can match his experience, I believe I also possess the impartiality, candor, care, knowledge, and patience that he has shown in his many years on the bench. I would like to think that succeeding him would be as close to a perfect substitution as there can be, and will help ensure that the high level of honor and service his court has established will continue.

**2. Do you plan to serve your full term if elected?**

If elected I will serve my full term, and will plan to seek re-election.

3. Do you have any plans to return to private practice one day?

I am a dedicated public servant. I have no interest in the private practice of law. My ultimate desire is to retire as a family court judge.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

I have.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Judicial Canon 3 addresses *ex parte* communications, and I intend to comply strictly. The exceptions that are set out, regarding scheduling, administrative purposes, and emergencies are clear, as well as those conducted with the prior notice and consent of the parties. Having been a disinterested expert on child support law in the past, I would imagine reaching out to such when I seek such knowledge on questions upon which I am not an expert, with full disclosure to the parties.

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?

Impartiality is not likely to be trusted when there is an appearance of bias. No matter how neutrally I handled the matter or fairly I decided the merits, that specter of bias will always cloud that decision and erode the trust in the judiciary. Therefore I would most likely seek to grant the motion. I am aware, however, that there may be circumstances when I may not have the luxury of doing so, such as in an emergency case or when there was no other judge available to hear the matter. In that event I would hear from all parties regarding the recusal, and make it clear that the request would have no impact on not only the decision today but in future appearances that may occur before me.

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 from hearing the case. I would also attempt to review the upcoming dockets as soon as possible to identify potential conflicts so they may be resolved before coming to hearing or continued in time to appear before another judge.

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

As a state attorney, I am already held to standards regarding the acceptance of gifts and social hospitality. I don't expect those standards to lessen as a judge, nor do I intend to change them. I would comply strictly with Judicial Canon 4. Even so, I will not accept any gift that may give rise to a lack of impartiality.

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?

This is a profession, and we are all professionals. However, life can create lapses in judgement or blind spots in our perceptions. We may not see what others see about ourselves, or realize what others may perceive. It would be respectful to bring what I see to that attorney's or judge's attention, and make the appropriate report in the case of misconduct.

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 do not belong to any organizations that have limitations on membership.

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

When my children attended parochial school, I would often participate in fund-raising activities to support that school. When my children attended their fine-arts middle and high

school, I would participate in fund-raising activities for the respective band booster organizations. I have not participated in any such activities since the spring of 2017.

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

I do not have any business activities.

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

As I am responsible for drafting all of my own orders, and ghost-writing in some unrepresented cases, I have developed a very extensive library of templates and verbiage that are commonly used in my practice. I do not anticipate losing the ability to create fill-in-the-blank templates or a bank of cut-and-paste provisions and prose that I would use as a judge.

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

As assignments run week-to-week, the goal is to make sure all items created for that week are resolved that week. If not, I would intend for reminders to be set on my or my assistant's Outlook calendar to look for those items the following week(s) within the deadline. With appropriate notice to those individuals keeping me from meeting those deadlines timely.

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?

Before appointment, I would make sure that the guardian ad litem meets the statutory qualifications, and ensure that the appointment order specifically sets out the position and duties through the course of the case.

Requiring specific deadlines would be appropriate, especially for matters on an emergency basis. I would seek to make sure that all parties had a copy of the final report with sufficient time before a contested final hearing. I would also seek to review the report of the guardian ad litem carefully, and relay



concerns to the parties if I believe there to be missing or insufficient information as soon as practical.

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

Legislators write the laws. Judges apply those laws. Judges are not responsible or authorized to do more, and should not. If the law is clear in promoting public policy, then applying those laws should have the desired effect without any direction of a judge.

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?

For decades I have worked with groups that assist those without attorneys or significant resources to obtain attorneys. I have spoken and met with unrepresented parties throughout my practice, and have come to realize that even with the advances and resources available to self-represented litigants, more can always be done. Although I would no longer be able to meet with these parties as I once did, I would like to assist the Access to Justice Commission or a similar group in spreading education about our legal system.

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?

While I expect the content of what I would deal with serving as a judge would create some pressure, I know it will not strain my personal relationships. I have the privilege of being married to a wonderful woman who is not an attorney or involved in the legal field. My children are adults, and none of them interested in a legal profession. Having this environment has allowed me to defuse any of the pressure I currently experience as a state attorney, so I do not expect any strain on personal relationships, other than the loss of frequent contact with other attorneys.

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

As I have frequently appeared in court with self-represented litigants in countless cases, I have seen many different judges handle such litigants many different ways. One thing I have come to realize is that the more prepared a litigant is, the better the process and the results. The only consideration I would give is that I've seen given to all parties, represented or not, in the simple question: "Are you prepared to proceed?"

There are many resources to prepare for a court hearing, and it is the responsibility of litigants, not the court, to be prepared. The Court should only accept and weigh the appropriate evidence to decide the matter at hand, not assist unrepresented parties.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

I have no such active investments that may impair my appearance of impartiality.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

In reference to previous answers 6 and 7, if holding a financial interest, even a *de minimis* one, may create an appearance of impropriety or partiality, I would look at the possibility of recusing myself from the case. Although the impact and burden on the docket would have to be minimal to stop and reschedule a matter already set for hearing.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

I have.

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Over my career, I have had the benefit of spending hundreds of hours in a courtroom with Judge Wayne Creech, who I hold as a top example of a Family Court Judge. Judge Creech is always calm and poised, with exceptional politeness and manners. He can be stern, but he never shows anger. He actively listens,

and by his confidence and attention one cannot help but be respectful in his presence. He is a gentleman above all, and expects that all those in his courtroom act accordingly. Even when a party does not show the courtroom the appropriate respect, there's no question that all parties are being treated fairly. This demeanor is not only for the bench, but his permanent disposition. That is the standard I would aspire to, both on and off the bench.

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?

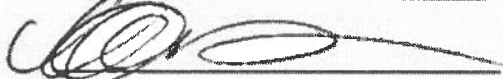
Anger is never appropriate, as anger disrupts rationality upon which impartiality relies. The only time I ever saw Judge Creech exhibit what may have been anger was toward a contemnor that openly disrupted the court proceedings while being detained in the holding cell next to the courtroom. As evenly-disposed as he normally is, I heard his voice raise and become more stern than I have ever heard, but even in such a state he spoke with such reasonable authority that there was never a question that what he ordered was fair and just.

Individuals coming to family court are often in crisis. Emotions are high, and the fear of the unknown can create less-than-rational responses. Self-represented litigants are often overwhelmed and understandably defensive. Showing anger would be less than helpful in that situation, and may instead harm the confidence in our courts for not only that litigant but for many persons that litigant may know.

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 17<sup>th</sup> day of July, 2023.



(Signature)

Patrick M. Dungen

(Print name)

Notary Public for South Carolina

My commission expires: 2-11-2030