



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

**Circuit Court
(Incumbent)**

Full Name: Kristi Fisher Curtis
Business Address: 215 North Harvin St., Sumter SC 29150
Business Telephone: 803-436-2152

1. Why do you want to serve another term as a Circuit Court Judge?

Serving as a Circuit Court Judge has been the greatest honor of my professional life. I believe this country is blessed to have the greatest justice system in the world, and I am proud to be a part of it. It has been enormously gratifying to play a role in seeing litigants have their day in court and to get the chance to tell their stories to a jury of their peers. I am humbled every day by the responsibility I have as a judge to ensure that every litigant receives a fair trial.

I have seen the attorneys and court officials of this State practicing their craft, and it has reinforced my belief that the legal profession is made up of some of the finest, most hard-working, and dedicated individuals in the community. I would like the opportunity to continue to serve the litigants and lawyers of our State.

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

Yes.

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

No. It is my preference to remain on the bench for the remainder of my legal career.

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?

I believe judges should make every effort to avoid engaging in *ex parte* communications. The best practice is to have safeguards in place to prevent *ex parte* communications from occurring, such as speaking to both attorneys on a conference call, including all attorneys in my email correspondence, and requiring that all email communications to my office be copied to all attorneys of record. However, the Canons of Judicial Conduct allow a judge to have *ex parte* communication with a party for the purpose of scheduling, for administrative purposes, or for emergencies that do not deal with substantive matters or issues. In those limited circumstances, *ex parte* contact is permissible provided the judge complies strictly with the Canons of Judicial Conduct by promptly notifying all other parties of the substance of the communication and giving each party an opportunity to respond. While this limited contact is permitted by the Canons, I believe the better practice is to avoid *ex parte* communications as much as possible.

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 for recusal where there is the appearance of bias. Even if I sincerely believed that I would be impartial, the attorneys and litigants cannot know my subjective intent. I believe it is of the utmost importance to protect the integrity of the judicial process and for the attorneys and litigants to have absolute faith in that process.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

The Canons of Judicial Conduct require recusal. A judge is required to disqualify herself from any proceeding in which the judge's impartiality might reasonably be questioned. A judge is required to recuse herself if the judge's spouse, family member, or close relative has an economic interest in the case, is a lawyer in the proceeding, or is likely to be a material witness in the case.

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

I have not been offered and would not accept any gifts having more than a *de minimis* value from anyone who appears regularly in front of me or from anyone whose interests have come before me or are likely to come before me. I would accept ordinary social hospitality tied to a holiday or some other social event, where it would not reasonably cause someone to question my impartiality. I believe a judge is free to accept social hospitality or gifts commensurate with the relationship from close friends or relatives whose appearance or interest in a case would already require disqualification.

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?

A judge is required by the Canons of Judicial Conduct to take appropriate action in this situation. The action should be commensurate with the seriousness of the misconduct or infirmity. Appropriate action may include direct communication with the judge or lawyer, communication with other members of the lawyer's firm, or reporting the violation to the appropriate authority. A violation that raises a substantial question as to the judge's fitness for office must be reported to the appropriate authority. A violation by a lawyer that raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer must be reported by the judge.

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

No.

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

No.

12. How do you handle the drafting of orders?

I believe that the drafting of orders is first and foremost the responsibility of the judge. While I do sometimes request a proposed order from the prevailing party, I give the opposing party an opportunity to review the order and to respond with any objections to the proposed order. Furthermore, I believe I am required to do my own "due diligence" in terms of legal research and findings of fact to ensure that the order is correct, legally sound, and factually accurate.

13. What methods do you use to ensure that you and your staff meet deadlines?

I keep a table of all outstanding matters from each term of court, which I update regularly as I make rulings and sign orders. I keep a hard copy of the table and my law clerk also keeps a hard copy. We review the list of outstanding matters weekly so that we can manage our time. Any outstanding matters more than thirty days old are reported to court administration.

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

I believe in the separation of powers. The legislature is the branch of government that enacts the laws and sets policy. The role of the judiciary is to

interpret the laws passed by the General Assembly, not to impose our own personal or political agenda.

15. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I currently serve as a member of the South Carolina Commission on CLE, and on the South Carolina Commission on Judicial Conduct. I will continue to play an active role in these important organizations. I believe judges have an obligation to speak regularly to civic organizations, schools, and at CLEs to promote better understanding of the judicial system.

16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

My family is very supportive of my position as Circuit Court Judge. They understand that my job necessitates travel and sometimes requires long hours, and they understand that there are many aspects of my job that I cannot discuss with them. My husband is an attorney and understands the time commitment the legal field requires, and the requirements of confidentiality. My family and close friends also understand that I am subject to public scrutiny and will avoid any situation that would reflect negatively on my character or would undermine public confidence in the judiciary. I am fortunate to have a support system of individuals who respect my position and give me their unqualified love and friendship.

17. 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.

a. Repeat offenders:

In general, I believe that punishment for non-violent offenders should be graduated. First-time offenders should be offered probation or any appropriate deferral program, such as Pre-Trial Intervention. Repeat offenders should generally face harsher sentences than first-time offenders. I believe judges have an opportunity and an obligation to intervene in a defendant's life and look for any underlying causes of the individual's recidivism. Many times there is a drug problem or mental health issue that has not been addressed. During sentencing, judges have an opportunity to require drug treatment or mental health counseling that can change an individual's trajectory.

b. Juveniles (that have been waived to the Circuit Court):

I believe juveniles require special consideration. Before sentencing a juvenile, the judge should consider all efforts to rehabilitate the defendant and should always consider a sentence under the Youthful Offender Act. Active prison time for a person who is not even old enough to vote, serve in the military, or live independently should be reserved for those committing more serious offenses.

c. White collar criminals:

The nature of the offense, and whether the offense is violent or non-violent, is always my primary consideration at sentencing. If a crime is non-violent, then I do not make any distinction between a "white collar" offense or any other type of offense. Stealing is stealing, and I do not believe that "white collar" defendants are deserving of any special treatment. As with any case, the judge should consider all of the facts and circumstances, along with the Defendant's background and prior criminal history, in fashioning an appropriate sentence.

d. Defendants with a socially and/or economically disadvantaged background:

I believe a judge should take a Defendant's disadvantaged background into consideration, along with all of the other facts and circumstances, in determining the appropriate sentence. While a disadvantaged background does not excuse criminal behavior, it should always be taken into consideration.

e. Elderly defendants or those with some infirmity:

I believe elderly defendants and those with some physical or mental infirmity require special consideration. A prison sentence for an elderly person or a person with poor health can be a death sentence. A judge should weigh the particular hardship to an elderly or infirm defendant of serving a prison sentence, along with the nature of the offense, the person's background and criminal history, and all of the relevant facts and circumstances before sentencing those individuals to prison.

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

No.

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

The Canons of Judicial Conduct do not require recusal where the financial interest is *de minimis*. However, the interest must be disclosed to all parties and they must be given an opportunity to object.

20. 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.

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

Yes.

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

A judge is required by the Canons of Judicial Conduct to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and anyone else he or she deals with in an official capacity. I believe these rules should also apply outside of the courtroom any time a judge interacts with the public. A judge's demeanor in a restaurant or other public setting should reflect the dignity of her position and should reflect positively on the judicial system.

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 a pro se litigant?

I do not feel that anger is an appropriate emotion for a judge to exhibit during court proceedings. As a judge, I should exhibit self-control at all times, and a show of anger in the courtroom gives the impression of a loss of self-control. Whether dealing with attorneys, pro se litigants, or members of the public, a judge can express his or her frustration in a calm and rational manner without resort to an outburst of anger. I do believe there are times when it is necessary to exhibit a very frank or stern demeanor in the face of particularly brutal or callous crimes, or to admonish an individual on the seriousness of his or her conduct. However, I believe that can be conveyed more effectively when done with a cool head than when spoken in a fit of anger.

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

Kristi A. Curtis

Sworn to before me this 10th day of July, 2023.

(Signature)

WILLIAM H. CROFT
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 01/07/2032.

(Print Name)

Notary Public for South Carolina
My commission expires: 1/7/2032