



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

Family Court
(New Candidate)

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

It has been my professional goal since law school to practice in the Family Court and to one day become a Family Court Judge. I interned with Judge Bill Byers my last semester of law school and was fascinated with Family Court. This opportunity allowed me to gain valuable experience, but more importantly, it allowed me to form my professional goal early in my career. I can remember attending a church conference one weekend where we had to write a personal life mission statement as one of our exercises. I do not remember the exact wording of my mission statement, but I remember it being something to the effect of “serving others by helping them through difficult times.” I have tried to devote my life to serving others professionally by representing them during some of the most trying and difficult times in their lives. I enjoy serving others. I have participated in eighteen mission trips through Kingstree Community Youth, the youth group sponsored by my church, Kingstree United Methodist Church. These mission trips cover the Southeast, and we go into the community, stay in a local school, and serve the residents during the week by repairing homes, painting, and helping to rebuild their lives. I think being selected as a Family Court Judge will allow me to further my life of service to others. I have patterned my career to position me to have the professional, academic, and ethical traits along with the proper temperament to do this job well. I deeply care about children’s issues as reflected by my professional work with the Department of Social Services and by my volunteer work with children and youth at Williamsburg Academy and my church. I want to see children thrive and grow up in a healthy and safe environment, and I always want what is best for them. I want to be fair and impartial and treat each person that comes before the Family Court with dignity and respect. I realize that this is a very trying time in the lives of litigants and a family court judge usually sees the worst side of people and their relationships. However, I think I can have a positive impact on the lives of the litigants and especially the lives of children who are involved in family court proceedings.

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?

Not at the current time. I would like to serve as a Family Court Judge until retirement.

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?

I am a stickler for no *ex parte* communication. I detest when other lawyers have multiple *ex parte* communications with a Judge on one of my cases. I believe *ex parte* communications should only be allowed in emergency life/death or bloodshed type situations that require an immediate order when there is no time to consult the other party. I always believe when there is an attorney on the other side of the case, that attorney should get a copy of whatever is being presented to the judge at the time that it is being presented to the judge, regardless if it is an emergency. I would limit *ex parte* communications to times of a true emergency where an action is not yet filed and there needs to be an immediate order to protect the interest of one of the parties' lives or the interests of the children. I would sign *ex parte* orders very sparingly when I reasonably believe that no party would gain a procedural or tactical advantage, and I would make provisions to properly notify all other parties of the substance of the *ex parte* communication and allow them an opportunity 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?

If there is an appearance of bias and even if I believe it would not prejudice my impartiality, the best practice would be to go ahead and recuse myself from that matter. I have done this with my practice when the other side claims that I have a

conflict of interest. After consulting the rules, I could go forward, but in an abundance of caution, I usually withdraw and allow another attorney to take over the case to avoid any problems down the road.

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

Again, I would recuse myself if there is an appearance of impropriety. I believe it is better to err on the side of recusal than to go forward.

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

I would follow the Canons of Judicial Conduct regarding the acceptance of gifts and social hospitality. Essentially, I believe I could accept gifts or social hospitalities that have traditionally been given to me over the years by certain persons. I would have to be careful when new gifts or new social hospitality was extended if I were a Judge. In those circumstances, I believe it would be improper, and I would decline from accepting gifts or participating in the 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?

I would follow the applicable Canon of Judicial Conduct and have to report the situation as required under our rules.

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.

As a member of the Governing Board of Williamsburg Academy, I have participated in fundraising for the school. I also participate in fundraisers for Kingstree Community Youth which is the youth group of Kingstree United Methodist Church especially for our yearly mission trip. Due to my position as a Commissioner of the Williamsburg County Board of Voter Registration and Elections, I am prohibited from participating in any political fundraising

activities. I understand that I would no longer be able to participate in any of these activities if elected as a Family Court Judge.

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?

I draft numerous orders each week with the assistance of my paralegals, and I feel I would be able to draft orders easily. I would continue the practice of having one of the lawyers draft the proposed order and submit to me for reviewing and editing.

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

I am very organized and calendar everything on paper and electronically. I also have "To Do" lists that are coordinated with my staff.

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 am very familiar with the guardian ad litem statute and have been appointed as guardian ad litem in many cases. I would review the guardian report to make sure it complies with the statute as well as question the parties to ascertain whether or not they feel the guardian ad litem has complied with the statute on record.

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

I have a very strict view of judicial activism and would rule based on the existing law. I believe it is the legislature's job to establish the law and the judiciary's job to interpret the law and apply it. I would not allow my personal political considerations to prohibit me from following the law as enacted by our legislature.

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 would like to continue participating in the Bench Bar Committee and the Supreme Court Family Court Docketing Committee if allowed as well as serve on various committees for the improvement of the law. I would like to attend as many continuing education classes as possible.

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?

I do not feel the pressure of serving as judge would strain my personal relationships. My family, friends, and relatives are used to my professional life which involves running an extremely active practice that is very time consuming. As a result of such a busy practice, I am under an extreme amount of pressure.

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

I would be kind, courteous, and understanding to pro se litigants and would probably take the proceeding a little slower. However, I would be careful not to offer any legal advice to a pro se litigant and would hold them to the same standard that I would hold attorneys to when in my courtroom.

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?

No

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

Yes. I usually exceed the required number of hours each reporting period.

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

I believe that a judge should always be kind, patient, and courteous to the litigants before the Court and to all Court personnel. However, I think it is important for me to be able to have and keep control of my courtroom. Thus, it is important for all the litigants, attorneys, and bailiffs to know I am in charge of the court room. However, I am confident I can do this in a respectful and dignified manner.

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?

I do not think one should show anger from the bench but rather patience and courtesy. However, I think it is fine to be firm with litigants and attorneys in a dignified manner to let them know you are in charge of your courtroom. I also think it is acceptable to show disappointment to a party if he/she has failed to follow a Court Order as long as it is done properly and not angrily.

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

Ernest J. Jarrett

Sworn to before me this _____ day of July, 2019.

(Signature)

Katherine B. Jarrett

(Print name)

Notary Public for South Carolina

My commission expires: _____