



**State of South Carolina**  
**The Family Court of the Thirteenth Judicial Circuit**

**Tarita A. Dunbar**  
 Judge

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**FORMAL RESPONSE AND MEMORANDUM**

To: The Honorable G. Murrell Smith, Jr., Chairman and the Honorable Members of the Judicial Merit Selection Commission

From: Tarita A. Dunbar, Respondent

Subject: In the Matter of Tarita A. Dunbar, Judge. 19-DE-J-0200

Date: November 15, 2019

This case was adjudicated pursuant to a temporary hearing over four years ago. In order to refresh my memory, I read the hearing transcript of the temporary hearing held on August 18, 2015. I have also reviewed the Code of Judicial Conduct Canon 3B (3).

I performed my required and mandated Judicial duties and responsibilities of requiring and maintaining civility, order and decorum during the proceeding of *April Abbott v. Mark James Guion*. The temporary hearing transcript does not reflect the use of rude, vulgar, or abusive language by any litigant, witness, or me, or the improper consideration and uncivil treatment by me of an attorney, witness, or a party as alleged by Ms. Cynthia Glenn, Complainant.

I did not and have never allowed anyone in the courtroom to act in an abusive, rude, vulgar, and inconsiderate manner. The attorneys and the attorney Guardian ad Litem involved in this case are seasoned and well respected family court practitioners, who always exhibit

calmness and the utmost professional conduct at all times. I was polite, courteous, and patient with every person in the courtroom, including the litigants.

In August 2019, over 600 responses were submitted by South Carolina attorneys to the South Carolina Bar in regards to my qualifications as a judge. No one indicated that I had ever failed to fulfill my responsibilities in keeping proper order and decorum in the courtroom. I have never hesitated to maintain decorum. On a number of instances, I have cautioned attorneys and witnesses regarding unacceptable, uncivil and unprofessional behavior either in open court or in my chambers. I have also had a bailiff remove witnesses from the courtroom because of improper behavior.

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I completely understand the Judicial responsibility and duty I have to maintain order, civility and decorum. I maintained proper order and carried out my responsibility of requiring order and decorum during the temporary hearing held before me on August 18, 2015.

Attorney Kimberly Dunham was in the courtroom because she was the attorney in a companion case involving the Defendant, Mark James Guion. Ms. Dunham intervened in the hearing in order to make certain the visitation for all the siblings was coordinated. South Carolina Rule of Family Court 21(b) allows the court to receive additional evidence or testimony in temporary hearings. No one objected to Ms. Dunham's request. Additionally the attorney Guardian ad Litem agreed it would be in the children's best interest for coordinated visits with the Defendant.

The Attorney Guardian ad Litem, Milford Howard, III in this proceeding was also the Guardian ad Litem in the companion case involving Ms. Dunham's client. Ms. Glenn filed a civil action during the proceeding against Mr. Howard, which caused his removal as the Guardian ad Litem.

My ruling in this case regarding custody in the temporary hearing was ultimately adopted by the parties resulting in a final agreement absent a final trial. Conversely, the companion case involving Ms. Dunham ended in a five day trial with Ms. Glenn filing an appeal regarding the court issuing certain stepparent restrictions involving her and the Defendant's children.

I offer Attorney Brian P. Johnson, 115 Whitsett Street, Greenville, SC 29601 (864) 331-1630, Attorney Milford Howard, III, P.O. Box 9754 Greenville, SC 29604 (864) 233-567<sup>2</sup> and the court reporter Tracy McBride (864) 283-2274 as witnesses refuting Ms. Glenn's allegations.

In short, Ms. Glenn's allegations, the complaint, orders, exhibits, and the transcript from the temporary hearing do not reflect I violated any aspect of the Judicial Code or my oath as a judge. In fact, the hearing transcript confirms decorum was maintained throughout the proceeding. I humbly and respectfully deny the charges and request a dismissal of Ms. Glenn's complaint.

Respectfully submitted,

Tarita A. Dunham