



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

Family Court
(New Candidate)

Full Name: Kathleen Moraska Ferri

Business Address: Post Office Box 31776 Charleston, SC 29417

Business Telephone: 843-557-9775

1. Why do you want to serve as a Family Court Judge? From the first day that I set foot in Family Court, for a Final Hearing for adoption, I have wanted to be a Family Court Judge. That day in Berkeley County Family Court was nearly 25 years ago. Since then I have represented countless litigants, both husbands and wives, parents, grandparents, foster parents, adoptive parents, and children of all ages. Their stories and reasons for being in Family Court are all different. Yet typically, one thing is the same: being in Family Court is a profoundly emotional experience. Sometimes being there is a happy experience - being freed from an unhappy marriage, or adopting a child, or a family being reunited. But more often than not, those in Family Court are there with a heartbreaking story. But my desire to be a judge has not wavered. I have been mentored by and have had the honor of trying cases in front of some of the wisest and most fair jurists in the state in Family Court, and I hope to become one of them as well.

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? Yes, I would return to private practice as I think that continuing to work as long as one is physically and mentally able to do so is ideal. As an attorney, my work in the community is invaluable and I feel I am obligated to give back to the community as long as I am physically able to do so.

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

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 may be acceptable if done in chambers,

further the interest of justice, and serve for the protection of a minor or a litigant. For example, the issuance of an Ex Parte Restraining Order or an Ex Parte Order barring the removal of children from the state are occasions when ex parte communications would be acceptable.

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? Yes, I would grant that motion. If a party was afraid of my failure to be impartial after I disclosed a potential bias, I would recuse myself. There is no way to prove impartiality. Every litigant needs to receive their day in court. They must be assured that they are receiving a fair trial. Often times litigants leave Family Court feeling they have not received a fair trial, even when the judge is truly impartial. It costs a lot of money, time and emotional energy to get to trial, and litigants are entitled to know that their case is being heard by an impartial judge.
7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? If there was even the appearance of impropriety because of the financial or social involvement of my spouse or close relative, I would recuse myself because it is just not worth it to have the impartiality of the Court called into question. Judges represent the entire legal system, and our entire way of American life is based on a fair trial.
8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I think that accepting gifts of food at holiday times are acceptable, but accepting gifts beyond that would be inappropriate. Invitations to social events would be acceptable if this is a friend I would have socialized with prior to becoming a judge. Also invitations to social events that are sponsored by the Bar would be acceptable, but nothing beyond that.
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? The Rules of Professional Conduct and the Rules for Lawyer Disciplinary Enforcement help to govern situations like these. The Bar has several programs that allow other attorneys to come to the aid of infirm or sick attorneys. It would be unethical of me to not speak up if I was aware of a problem with another judge or attorney.

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. Yes, I have assisted with fundraising for the Annual Fund at my children's school. I have worked on committees at my church that worked to raise funds for academic scholarships for students, and to raise money for mission organizations.
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? Typically Family Court judges have the attorney for the moving party or the attorney for the prevailing party draft the order. It is then circulated among all of the attorneys for review, then forwarded to the court so that any additional changes can be made.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? I have been using a two step calendaring system for the 26 years I have been in practice. I would continue to use this system.
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? Having a guardian ad litem checklist that outlines the specifics of the statute is vital to ensuring the statute is followed. A calendaring system that provides for routine checkups on the case would also ensure that the time constraints of the statute are complied with.
16. What is your philosophy on Ajudicial activism,@ and what effect should judges have in setting or promoting public policy? Judges should not be activists. That is what legislators are for. Our county was founded on the premise that the legislature sets public policy. It is not appropriate for the judiciary to attempt to set public policy nor to do anything more than see that the law is followed as it is written. It

is extremely important for each branch of government to act within the boundaries set forth in our Constitution.

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 have always enjoyed working with children and being active in education-related activities. I would work on activities that improved the lives of children and those that would promote the legal 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? My husband is an attorney and fully understands the time pressures associated with the practice of law and raising a family. We have a very strong marriage and he is a wonderful father. I am grateful to have his assistance and support with every endeavor that I undertake. Our children are now teenagers and have lived their whole lives hearing about the legal profession. They are very interested in the process of how judges are elected. I have always wanted to be a judge but did not run earlier in my career because I did not want to place an undue hardship on my family. I am grateful that when my children were young I was able to be involved with them and their schooling and activities. Now that they are older, I feel that I have the time to devote to this new challenge.
19. Would you give any special considerations to a pro se litigant in family court? There are numerous reasons that someone might choose to be a pro se litigant. While a pro se litigant should be treated with the same respect as a litigant with an attorney, they should not be given any deferential treatment. They should be required to comply with the rules of evidence and civil procedure that are required by the court.
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, because even the appearance of impropriety is enough to do damage to our justice system. As a judge it would be my duty to hold our system of fairness in the highest regard and to do everything in my power to keep our legal system in high esteem.
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? My role as a family court attorney is a gift that I am most grateful for. But with great privilege comes great responsibility. My reputation within the legal community and among the public I serve is the most precious thing that I have. My reputation for fairness and honesty is something that I have worked hard to protect for the past 26 years. My work as an Attorney to Assist the Office of Disciplinary Counsel for 14 years has allowed me to learn from the mistakes of others. I have also seen how easy it can be for lawyers to make mistakes. It has made me realize that one must constantly be aware of the mistakes that can be made in this profession. Keeping a good reputation has meant that I have had to turn down certain cases. Having a clean reputation takes a lot of work, but being able to sleep at night with a clear conscience is a wonderful thing!

A judge often hears some of the most intimate details of a person's life. They should be a person of the highest moral character, able to hold things in confidence, yet willing to speak out on behalf of children and the innocent at all times. The appropriate demeanor of a judge would apply to me at all times-- 24 hours a day-- because being a judge is not just a job. It is a calling and a gift and a public trust. It would be the highest honor I have ever been given and it is a gift that I would cherish and treat with the utmost respect.

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?

It is never appropriate to be angry with an attorney, a litigant or criminal defendant. The job of the judge is to keep emotions in check so that the facts of the case can be heard and decided upon. The judge must remain unemotional, so that they can set the standard and example for how those appearing in their courtroom will conduct themselves. The judge should lead by example and keep emotions in check, so that all parties involved will do the same.

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 _____ day of _____, 2019.

(Signature)

(Print name)
Notary Public for South Carolina
My commission expires: _____