



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

Family Court
(New Candidate)

Full Name: Martha M. Rivers Davisson
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1. Why do you want to serve as a Family Court Judge?

It would be an honor to serve my community and the State of South Carolina as a member of the judiciary. As a Family Court attorney for more than twenty years, I have built relationships with clients of all walks of life. I truly enjoy my work in the courtroom. As a judge, I could use the breadth of my experience to help the children and families of South Carolina. I understand that this profession is always a learning experience and would appreciate the opportunity to address these cases from the bench.

2. Do you plan to serve your full term if elected?
I do plan to fulfill any term for which I am elected.

3. Do you have any plans to return to private practice one day?
I would not have plans to return to private practice.

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?

Ex parte communications regarding Family Court cases should not be tolerated except where allowed for requests for emergency relief. Acceptable *ex parte* requests for emergency relief may include where affidavit or other evidence shows a credible threat to the safety of a child or party, regarding the removal of the child from this state, or where there is a need for emergency custody. In these situations, the court must set a time for a hearing to afford all parties due process.

Limited *ex parte* communication is allowed in routine scheduling issues. A judge should exercise caution in such matters as these communications can easily give the appearance of an improper communication or present the opportunity for a more in depth conversation regarding the issues of a case. Therefore, such communication should be avoided if possible. The practice of scheduling conferences, conducted by phone or in person, and the use of email and fax communication to all attorneys simultaneously is the better practice.

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 a disclosure would present the appearance of impropriety or bias to a litigant, the judge should recuse herself. It is important for the judiciary and the basis of the rule of law that the court appear unbiased in its ruling. Without a jury, there is no other person to address the concerns of the litigants.

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 not hear any cases involving a close relative of mine or my spouse. I would disclose any potential relationship as such information is available and allow the respective attorneys the opportunity to address the concern. If there was an obviously close relationship granting knowledge or insight into the situation at hand, I would recuse myself without input from the litigants or attorneys. Of course, each situation must be addressed at the given time and with particularity to the circumstances presented in light of the Code of Judicial Conduct.

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

I would not accept gifts from anyone who is not a close friend or relative because it would suggest a bias or prejudice. The judicial canons allow a judge to accept items of social hospitality and gifts at times of social custom, such as weddings and anniversaries. The gift must be one that fits the occasion as well.

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 Responsibility and Code of Judicial Conduct require the reporting of a lawyer or judge who violates the Rules of Professional Conduct in a substantial manner raising a question as to her honesty, trustworthiness or fitness to practice law. For other matters, a judge may take direct action, including discussing the matter with the attorney or judge. I intend to follow these rules if faced with an issue of misconduct of a lawyer or fellow judge.

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.

No

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 would follow the current practice of asking one or both of the lawyers in the case to prepare a proposed order. There are a growing number of pro se matters before the Family Court such as the Self-Represented Litigant divorce actions. In those situations, I would attempt to issue a bench form order. If the matter required a more detailed order, I would prepare it.

If I took a matter under consideration prior to issuing a ruling, I would send instructions to the appropriate attorney for drafting the order and copy the opposing attorney with the instructions in a like manner or I would draft the order myself.

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

I currently use a computer calendar which can be synchronized with my iPad and iPhone for mobile availability. A master calendar can be set with reminders, contact information, and deadlines. I would also maintain a paper system for more detailed information about instructions for orders

and deadlines for submission of orders. The paper system would serve as a backup to the computer calendar.

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?

S.C. Code § 63-3-830 details the responsibilities of the guardian ad litem. The potential risk is that a guardian is not conducting a full and balanced investigation. Requiring involvement of the guardian at scheduling conferences and temporary hearings provides the parties and the court an opportunity to determine the breadth of the investigation. Requiring interim reports of the guardian at certain points during the litigation also ensures that the guardian progresses in the investigation.

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

The primary public policy promoted in Family Court is the best interests of the minor children. Other than this paramount consideration, a judge should be cognizant of the public policies as set by the legislative branch and adhere to those policies as long as they are not in conflict with the constitution or a situation of conflicting statutory law.

“Judicial activism” often refers to the perception or reality of a judge following her personal philosophy in contradiction to the constitution or statutory law. I believe it is not a judge’s duty to set policy. That is the purview of the legislative branch. The judge must apply the law as written.

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 be glad to work with the South Carolina Bar and the judicial administration regarding any efforts to improve the Family Court system. I am particularly interested in any efforts to improve the volunteer guardian ad litem system and in efforts to include all parents in litigation involving children.

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 believe the judiciary is a job for which you cannot fully prepare. I have managed my law practice while my husband and I have raised three children. I have confidence that my family and I would be able to make accommodations for the demands of travel and scheduling.

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

A pro se litigant is generally not accustomed to the standards expected in court, procedural rules, or the legal knowledge expected of attorneys. A pro se litigant may erroneously attribute ill intent to a standard procedure. Therefore, I do believe the presence of a pro se litigant requires extra consideration to explain the procedure of the hearing and the role of the court. However, the court cannot provide special assistance to the litigant in presenting his or her case or in following the rules of 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?

If I was aware of the interest, I do not believe I would hear such a case. Even if *de minimis*, the financial interest would present the appearance of impropriety.

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?

A judge should be courteous and respectful of all persons in the courtroom. Although it is important for a judge to maintain control over the proceedings, I do not believe a judge should be demeaning to either attorneys or to the parties. The general public has limited experience in the courtroom. It is very important to be respectful and give each party the

opportunity to present his/her case within the rules of court. I do not know of a time these rules are not applicable in the profession.

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 believe anger is an appropriate response in court. I do believe it is appropriate to require respect of the law as well as of court personnel by all persons who come before the court, whether an attorney or a litigant.

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: _____