



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

**Family Court**  
**(New Candidate)**

Full Name: Kimaka "Kim" Nichols-Graham  
Business Address: 701 South Main Street  
Greenville, South Carolina 29601  
Business Telephone: (864) 679-3259

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

I would like to serve as a Family Court Judge because I am honest, fair, respectful to all, interested in the administration of justice, and I have prepared myself for a lifetime of service to children and families regardless of adverse or fortunate circumstances.

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? No.

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?

In family court there would have to be exceptional circumstances to justify an *ex parte* communication and the party without the privilege of the communication would be notified as soon as possible and given a full and fair opportunity to participate in the process. An exceptional circumstance would be to protect a child in imminent danger and the other party would be notified immediately and given a full and fair opportunity to participate in the process.

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 the party requesting the recusal makes an argument that a reasonable person would agree shows prejudice or impartiality, then the motion would be granted.

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 disclose the financial or social involvement to the parties and ask them for their opinion on the issue of recusal. If a reasonable argument is made, then I will recuse myself.

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

I would not accept gifts from parties or attorneys that appear before me. I would not allow social hospitality to influence my judgment or conduct. Social relationships do not influence my judgment or conduct as a lawyer and I would not allow them to influence my judgment or conduct as a Family Court Judge.

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 report misconduct that raises a substantial question about honesty, trustworthiness or fitness to the appropriate authority. If I am aware there may be an infirmity that falls within the parameters of Lawyers Helping Lawyers, then I hope I would also remember to refer the lawyer to the South Carolina Bar's Lawyers Helping Lawyers Committee.

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, not as a candidate.

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 will use form orders provided by the judicial department, when necessary or possible. I will request draft orders from the prevailing party's attorney. If the prevailing party is not represented, then I will request a draft order from an attorney of record in the matter. There may be times when I prepare the final order or request electronic submission of the draft order in contested termination of parental rights cases. If neither party is represented by legal counsel because they cannot afford legal counsel, then I will draft the order if no form order is available.

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

I would use a computer scheduling method and, if necessary, charts to make sure deadlines are met.

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 would confirm every person that I appoint to serve as a Guardian ad Litem is qualified to serve in that capacity, familiar with the responsibility, restrictions, and expectations, pursuant to the statute. When necessary, I will reference the Guardian ad Litem statute.

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

Judicial activism is when judges use their position to create laws or promote personal or political views. Judges should not act as policy makers nor use their position to promote public policies that have not been codified.

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?

If invited or appointed, I will participate in the commissions or committees of the SC Bar and the Supreme Court, as allowed.

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?

No. I have always demonstrated a commitment to serving others and people that have personal relationships with me are aware of my work ethic and commitment. My immediate family values the fact that I can help other people and they know it is not always convenient or only when it is convenient. We have a support system that can assist.

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

No, not in terms of assistance or the ruling. I would confirm the litigant is aware of the right to retain private counsel and appears capable of making decisions on his or her own behalf. Every party will have due process rights.

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. I would not hear the case if a reasonable argument is made that I could not be impartial.

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 confident and knowledgeable and allow motions and cases to be heard while maintaining integrity and respect of the process and for all those involved. Judicial ethics are applicable for behavior in and out of court.

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 it is appropriate to display anger in the courtroom. Anger is not an appropriate emotion to display towards an attorney or pro se litigant.

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

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Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_