



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

Family Court
(New Candidate)

Full Name: Timothy Eugene Madden

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

I want to serve as a Family Court Judge to fulfill a personal commitment to public service, to give back to the profession, to help as many people as I can find reasonable solutions to the most difficult of personal challenges, and to meaningfully improve the Family Court experience.

The focus of my entire 31-year career as a lawyer has been serving clients in Family Court. Although I had several attractive opportunities to leave this area of law to work in other areas in private practice, a government setting, or in the corporate world, I remained committed to family law. I continued as a family law attorney because every day I was helping a client get through what was likely the most difficult challenge of his or her life. There is no trial-level court in our legal system which has the depth and breadth of impact comparable to the Family Court. As a Family Court Judge, I will be able to use my lifetime of experiences, training, knowledge, and abilities to help hundreds if not thousands of adults and children find solutions to problems they cannot find without the help of the court system. Now is time for me to give back to the profession and community which has given greatly to me, and to spend my professional time for the greater good of our state.

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?

Ex parte communications are improper and should not occur except and unless specifically permitted as detailed in Canon 3(B)(7) of the Code of Judicial Conduct. I can envision infrequent circumstances like those described in this Canon 3(B)(7) where such communications may be authorized.

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?

I would grant the motion to recuse. Judges should avoid even the appearance of bias or impropriety.

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 recuse myself and not hear the matter.

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

I would not accept gifts or social hospitality except as permitted by Canon 4(D)(5) of the Code of Judicial Conduct.

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?

If I acquired personal knowledge of facts of professional misconduct or infirmity of a lawyer I would report the facts to the Commission on Lawyer Conduct and/or Office of Disciplinary Counsel, and may, under appropriate circumstances, confront the lawyer. If I acquired personal knowledge of facts of professional misconduct or infirmity of a fellow judge I would report the facts to the Commission on Judicial Conduct and/or Office of Disciplinary Counsel, and may, under appropriate circumstances, confront the 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.

Since becoming a judicial candidate I have not engaged in any such activities.

Prior to becoming a judicial candidate over the course of my life the following sentences answer this question. At various times in conjunction with various local, state, and federal elections, I assisted political candidates by donating money and time and encouraging others to donate money. Through the Community Foundation of Greenville, I established a donor advised fund and regularly contribute to that fund and make recommendations for grants to be made from that fund to qualified charitable organizations. Each year for at least the last thirteen years, I donated money to the United Way of Greenville. I assisted my church, Westminster Presbyterian Church in Greenville, in raising funds for capital campaigns by donating money and time. I assisted my alma mater, Wofford College, by donating money and encouraging others to donate money. In addition to these specific charitable causes, over my adult life I have assisted various other charities through donations.

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?

Depending on the circumstances, I would either (a) announce a ruling in open court and ask counsel for one of the parties to prepare a proposed order, share the proposed order with opposing counsel, and submit the proposed order to me for consideration and review; or (b) issue a memorandum to all counsel with appropriate instructions for the preparation and submission of a proposed order as outlined in (a) above; or (c) draft my own order.

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

I would create and implement substantially the same system I successfully used as a practicing attorney to monitor and comply with deadlines in litigation. The system which serves me best is a shared Microsoft Outlook electronic calendar for which one person has primary responsibility for the entry and monitoring of entries, and every member of the staff and I have constant access to all entries. On this calendar every deadline is entered, and in advance of every deadline there is a reminder of the upcoming deadline. Where appropriate color-coding is used to differentiate the type of entry. A member of staff is responsible for identifying upcoming deadlines and deadlines each day, and for follow up with me for instructions on the action to be taken. In a judicial setting, if the action to be taken involves obtaining documents or information from lawyers (such as a proposed order), I expect my staff would be required to routinely follow up with the responsible lawyer(s).

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?

When issuing an order which appoints a guardian ad litem, I would include in the order requirements which track the guidelines of the applicable statutes. When conducting any hearing in a matter in which a guardian was previously appointed, I would inquire as to the guardian's progress in meeting the statutory guidelines and requirements, and, if necessary, enter such orders which are necessary for this purpose. Prior to or at the commencement of any final hearing in which a guardian is involved, I would make the necessary inquiries to become satisfied the relevant guidelines and statutes were followed, and if not, issue the necessary order(s).

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

I believe each case should be decided on the merits based on the admissible evidence and applicable law. I do not believe judges have the authority to set public policy, nor should judges attempt to do so. To the extent there is established public policy which is relevant in a particular case, I believe a judge should consider such policy and issue rulings which are consistent with and not contradictory to such public policy.

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 plan to continue to teach and present at continuing education seminars and programs, and to participate in whatever mentoring opportunities which are allowed and appropriate to aid in the education and development of less-experienced lawyers and law students. To the extent there are committees or task forces which exist or from time to time are created for particular purposes, I plan to volunteer for service when I believe I can add value or meaningful input.

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 necessarily believe serving as a judge will “strain” personal relationships among family and close friends, but certainly believe judicial service could have an impact on some aspects of these relationships. Over the past 31 years I have worked long hours under significant stress to serve the needs of clients and manage the demands of a busy law practice. In order to have healthy family and personal relationships, I set boundaries, remained diligent in my commitment to the confidentiality of my work, created regular opportunities to be with family and friends without the distractions of work, exercised regularly, and looked for and explored outside interests and activities. If elected judge, I expect to spend significant time learning from those who have successfully balanced family and personal relationships, apply the lessons learned in a way which works for me and my family and friends, and otherwise continue doing what I did as a practicing attorney.

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

I would treat a pro se litigant in family court, like all litigants, with dignity and respect. I would be patient with the pro se litigant’s lack of legal and procedural training, while at the same time avoiding any prejudice to the opposing party.

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

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

I believe a judge should always be dignified, courteous, and patient when acting in an official capacity.

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?

No

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: _____