



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

Family Court
(New Candidate)

Full Name: Rebecca Brown West

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

I firmly believe that public service is required of those who have the talent, skill and temperament to serve. I believe my skillset and temperament are particularly well-suited to the position I seek to hold. My career has been dedicated to learning the craft of trial practice and family law. The field of family law has held my fascination for many years and I have a genuine curiosity about the issues that come before the Family Court. I have used my personal and professional experiences to mature as a practicing lawyer and I have developed the skills I believe are necessary to sit in judgment of the issues that come before the Family Court. It is my sincere desire to serve my community and my state in this capacity.

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 order to perform the duties of judicial office impartially and with integrity, *ex parte* communications must be limited to those circumstances

described in Canon 3B(7)(a)-(e), CJC, Rule 501, SCACR. My belief is that judges must not engage in *ex parte* communications except as specifically allowed for scheduling or administrative purposes or as related to emergencies such as those before the court on a temporary basis in accordance with Rule 65(b), S.C.R.C.P. and Rule 21, S.C.R.F.C. *Ex parte* communications are permissible under other limited circumstances as stated in Canon 3B(7), CJC, Rule 501, SCACR, but I would be mindful of my obligation to impartially perform the duties of the office and would interpret the exceptions narrowly.

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?

In order to preserve the integrity of the judiciary, I would likely defer to the request for recusal despite my belief that I could render an impartial ruling. I would be mindful of the potential adverse effect that delay could have on the parties and use reasonable efforts to transfer the case to another member of the judiciary as soon as possible. There are circumstances that may require immediate action such as an emergency removal action. If no other judge was available to hear the matter, I would disclose the basis for possible disqualification on the record, rule on only the issues that required immediate attention, reserve the other issues for a decision by another judge and direct the scheduling clerk to set the matter for a hearing before another judge as soon as possible. I would also direct the clerk to avoid placing the matter before me in the future.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

Canon 2 requires that judges avoid even the appearance of impropriety. If I determined that an appearance of impropriety existed and that my close relative's financial or social involvement was more than *de minimis*, I would disqualify myself. In the event that my ability to hear the case was called into question due to my family's financial or social involvement and I felt that their involvement was *de minimis*, I would have the ability to ask the parties and their attorneys to consider waiving my disqualification and would ask that they consider this outside of my presence. If they were willing for me to proceed, I could do so. I would be required to place the agreement on the record.

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

I would comply with the requirements of Canon 4D(5) and not accept gifts or social hospitality that could be perceived as an attempt to influence me in the performance of my duties. Doing so would call into question my ability to be impartial and might require disqualification as a result.

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?

My response would depend on whether I have direct or indirect knowledge of the conduct of the lawyer or fellow judge. I would also consider the nature and severity of the conduct prior to determining my response. I would review my obligations under Canon 3(D)(1) and (2). If I have actual knowledge of a judge's violation of the CJC or a lawyer's violation of the Rules of Professional Conduct which raises a substantial question as to fitness, I must inform the appropriate authority. If I receive information of a judge or lawyer's violation, I would communicate directly with the judge or lawyer or consider reporting the violation to the appropriate authority if I thought the conduct warranted such a report.

If I have a reasonable belief that the performance of the lawyer or judge is impaired by drugs, alcohol, or by a mental, emotional or physical condition, I must take appropriate action pursuant to Canon 3(G). "Appropriate action" is described in the CJC as "action intended and reasonably likely to help the judge or lawyer address the problem and prevent harm to the justice system." After careful consideration of the nature of the conduct or infirmity, I would decide whether it is appropriate to speak directly to the judge or lawyer, speak to the individual's supervisor or make a referral to Lawyers Helping Lawyers or the South Carolina Bar. If the lawyer or judge's conduct is egregious or poses a substantial harm to the justice system, I would report the individual to the appropriate disciplinary authority pursuant to Canon 3(D)(1) and (2).

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.

During the 2018-2019 academic year, my daughter participated in her school's women's honor choir and I served as the secretary of her

high school's Choral Booster Club. The club held several fundraisers for the choirs' trip to sing at Carnegie Hall in New York City. These fundraisers included "Pictures with Santa," a Krispy Kreme discount card sale and solicitation of local businesses for concert program sponsorships. I participated directly in these fundraisers by assisting with recordkeeping and event organization. My law firm was a Grand Patron and we also purchased an ad in the concert program. I estimate that my firm contributed approximately \$300.00 in the past academic year to the Choral Booster Club.

I also engaged in fund-raising for my son's middle school football team by helping him sell discount cards at the beginning of the 2018-2019 and 2019-2020 season. I estimate that I helped him raise approximately \$60.00 each season by selling cards to our friends and family.

In 2017-2018 I served on the Leadership Committee of the Leukemia & Lymphoma Society Man and Woman of the Year Campaign. In this role I did not solicit donations directly, but I did schedule and attend meetings with potential Man/Woman of the Year candidates where the local LLS campaign director explained the program and asked for their participation. In 2018-2019 I served as chairperson of the Leadership Committee of the Leukemia & Lymphoma Society Man and Woman of the Year Campaign. In this role I conducted monthly meetings of the committee, but I did not schedule or attend any meetings with potential candidates. My firm donated to the Man and Woman of the Year Campaign in 2017-2018 and 2018-2019 through contributing raffle items worth approximately \$150.00 and by purchasing an advertisement in the Gala program.

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?

The complexity of the case will guide how I handle drafting orders. In my years of family court practice, I have encountered and had experience with nearly all forms of orders issued by the family court. Certain cases lend themselves to the issuance of a form order. In the majority of hearings, including temporary hearings and certain procedural motion hearings, I intend to ask that the prevailing party draft the order and allow opposing counsel to review the proposed order prior to submission. I would enforce Rule 5(b)(3), S.C.R.C.P., regarding the service of proposed orders. In complex or highly contested cases, I would issue a memorandum outlining findings of fact and conclusions of law and ask one party's representative to submit a proposed order for my review

and revision. There may also be circumstances where I will draw on my extensive experience in practice to write my own order.

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

As a practicing lawyer and business owner, I use an electronic calendar, an electronic reminder system and a paper back-up for both. This system has worked well for me and my staff. I anticipate that I would use a similar system as a judge. I would also rely on my staff to follow up with attorneys who have failed to submit proposed orders as I requested. I would schedule a regular review of outstanding orders and maintain regular communication with my staff to ensure that we meet all deadlines.

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?

If it is necessary to appoint a guardian ad litem in a matter, I would require that a separate Order be prepared that clearly states the guardian's statutory authority and responsibilities in the litigation. In practice, I find that having a separate order of appointment is more practical for the guardian and is easier to enforce than when the appointment language is imbedded in a temporary order. This separate order would place the parties on notice of the guardian's role in the case. If a party determines that the guardian is not following the statutory requirements, the party could file a motion and seek judicial intervention. I would also set a cap on the guardian's billing that could not be exceeded unless the parties agree or a judge feels that an increase is necessary. This would allow for periodic review of the guardian's work. In complex cases I would consider making a scheduling order that would include reporting deadlines for the guardian and/or the parties.

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

A judge must interpret and apply the laws of the jurisdiction. This is a central tenant of the separation of powers. Activism has no place in the judiciary and a judge does not create public policy. A judge should, however, always promote the public policy of the State.

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?

It is critical for judges to continue learning and participating in the academic opportunities afforded by the South Carolina Bar and other similar organizations. I intend to continue teaching at continuing legal education seminars because this process allows me to research and write on specific subjects that interest me and it exposes me to subjects that I am unfamiliar with. If elected, I look forward to learning more about court administration so that I can help improve the Family Court's efficiency.

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 am keenly aware of the strain that the practice of law can have on personal relationships and I suspect that similar stressors are present for judges. I plan on approaching these issues much as I have done in my practice. I am the mother of two active school-aged children, I am married and I am extremely close to my parents and extended family. I will continue to rely on my husband and my parents to assist me in maintaining continuity and stability for my children when I travel or work late. If I am elected, my husband and my family will continue to be heavily involved in my children's lives. We would continue to coordinate our schedules to make sure my children are able to participate in extra-curricular activities, sports and church activities.

I have found that maintaining a healthy lifestyle is critical to managing stress and nurturing my personal relationships. If elected, I would continue to make exercise a part of my daily routine.

My spouse, my children and my family understand my profession and the difficulties it can sometimes present. I consulted with them prior to making the decision to seek this position and I am confident that I have their support.

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

All litigants, including those who are self-represented, are entitled to respect and fairness in the proceeding. I do not believe that special considerations can be given to those who choose to represent themselves in family 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?

A *de minimis* interest is one that is so insignificant that it could not raise a reasonable question as to a judge's impartiality. Therefore, I would hear a case where my family member or I held a *de minimis* financial interest in one of the parties. If I am aware of the interest, I would disclose, on the record, the information that the parties might consider relevant to the question of disqualification.

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?

It is imperative that a judge remain mindful that litigants are often before the Family Court with intimate issues involving their children, spouses and finances. Litigants deserve a judge that is respectful, measured, attentive and patient. A judge cannot be flippant or inappropriately casual. A judge cannot lack discretion.

I would conduct myself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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?

The expression of anger in the courtroom would violate Canon 3B(4), and, therefore, I would refrain from expressing anger to attorney or any litigant. Likewise, if I encountered a member of the public in my official capacity, I would be mindful of the requirement to be patient, dignified and courteous.

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

Rebecca West

Sworn to before me this _____ day of _____, 2019.

(Signature)

Donna W. Gordon

Notary Public for South Carolina

My commission expires: May 30, 2027