



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

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

Full Name: Jean Kiser McCormick

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

Early on in my career I realized that my ultimate career goal was to serve as a Family Court judge in order to serve the community and protect the children that come before the Family Court. I have been in public service most of my career, but I have been limited in taking on more responsibility due to raising my 3 children. Now that my children are grown and I am an “empty nester”, I feel that I can give the position my full attention and dedication.

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, I am 54 years old, I have lived in South Carolina my entire life and I have been practicing law in South Carolina for almost 29 years.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I will not permit *ex parte* communications unless it is due to one of the exceptions listed in Rule 501, SCACR Canon 3 (B) (7) or expressly authorized by law.

A judge shall not initiate, permit, or consider *ex parte* communications.

There are very limited exceptions for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits. Also

a judge may obtain the advice of a disinterested expert on the law with notice to the parties.

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 give great deference to the party and abide by Rule 501, SCACR Canon 2 which binds a Judge to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

My decision would depend on the facts of the case. I would apply the test stated in the commentary, whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired. Therefore even if I believed it would not actually prejudice my impartiality if there was a perception then I would grant the motion.

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 an appearance of impropriety then I would disqualify myself based on Rule 501, SCACR Canon 3 (E), a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

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

Unless listed in the exceptions of the Code of Judicial Conduct, I would not accept a gift from any individual or business and I would urge my family members to do the same.

Rule 501, SCACR, Canon 4 (D) (5) commands that a judge not accept and shall urge members of the judge's family residing in their household not to accept a gift, bequest, favor or loan. Exceptions to this rule include public testimonial, books, tapes and other resource materials supplied by publishers on a complimentary basis for official use, invitation to attend a bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice. Additional exceptions are gifts for ordinary social hospitality or from a relative or friend for a special occasion which is commensurate with the occasion and relationship.

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?

Pursuant to Rule 501 SCACR Canon 3 (D).

If I received information indicating there was a substantial likelihood that a judge violated the Judicial Code of Conduct, I would take the appropriate action.

If I had knowledge that a judge violated the Judicial Code that raised a substantial question as to fitness for office then I would inform the appropriate authority.

If I received information indicating there was a substantial likelihood that a lawyer violated the Rules of Professional Conduct, I would take the appropriate action.

If I had knowledge that a lawyer violated the Rules of Professional Conduct that raised a substantial question as to their honesty, trustworthiness or fitness then I would inform the appropriate authority.

The commentary describes appropriate action to include direct communication, other direct action if available and reporting the violation to the appropriate authority or other agency body.

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?

Depending on the type of case and circumstances, when appropriate I would draft the orders myself, issue a memorandum to the attorneys with my findings and ruling and have one or more attorneys prepare a proposed order, use form orders, have the attorneys submit proposed orders, or have the prevailing attorney submit a proposed order.

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

I would calendar deadlines with notifications of approaching deadlines electronically and by hardcopy. I would share my calendars with staff and they would share their calendars with me. We would meet regularly to review upcoming matters.

501 SCACR, Canon 3 (B) (8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

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 require a supplemental order appointing the guardian ad litem that contains the applicable law, requirements and responsibilities. I have drafted an order that I regularly use that complies with the above.

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

Judicial activism is not appropriate. Judges should not let their personal, political or religious beliefs interfere when applying the law.

Rule 501, SCACR, Canon 3 (B) (2). A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

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 like to work with the appropriate agencies in developing alternative programs or sentencing options. I have worked with judges and my employers in developing programs such as drug court, homeless court, veteran's court, juvenile multidisciplinary court and truancy court.

As of July 1, 2019 a new juvenile justice law became active where the age of a juvenile increased from 17 to 18 years of age. I would like to work with family court and the appropriate authorities in this transition.

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?

Absolutely not. I have raised my three children and it is just my husband and me at home. My husband is a lawyer and knows the requirements of a judgeship. I have his full support and blessing. Please see his attached letter.

My husband does not practice in family court and has only handled approximately 2 appointed family court cases over the course of his 26 years of practice.

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

Yes to a point. I would require them to have the necessary legal documents, case requirements and follow the rules as I would an attorney, but I would go out of my way to explain the procedure and requirements.

I would be patient, dignified and courteous. Rule 501, SCACR, Canon 3 (B) (4)

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?

501 SCACR Canon 3 (E) (c) states a judge should disqualify herself if there is more than a *de minimis* interest. Even if I determine it to be a *de minimis* interest, out of the abundance of caution I would place the matter on the record and allow the parties to determine if they would like to make a motion for reconsideration for 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?

I have always treated everyone with respect, understanding and compassion.

In addition, and in accordance with Rule 501, SCACR, Canon 3 (B) (4), I would be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others in which I work with in an official capacity. I would perform my duties impartially and fairly without bias or prejudice.

These rules and principles should apply at all times to everyone on and off the bench.

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 act angry while serving in a judicial capacity with anyone. I will be firm and maintain decorum in the courtroom. I will not allow anyone to engage words or conduct demonstrating bias or prejudice.

As an attorney I have worked with criminal defendants, attorneys, pro se litigants, parents, juveniles, hostile witnesses, witnesses, confidential informants etc. I have been presented with very adversarial individuals but know that responding in anger only makes matters worse.

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: \_\_\_\_\_