

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

Family Court
(New Candidate)

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

My first professional experience in the Family Court was as a summer Law Clerk for the Judges in Charleston County. Today, I handle the Family Court caseload at The Richter Firm. As an advocate and as a Guardian ad Litem, my work has been both challenging and rewarding. Clients come to me with their most difficult problems and most personal family crises. I have been through a divorce in the South Carolina Family Courts and am now raising a child while practicing law full time; I know personally the challenges that my clients face. Unlike other areas of law, my Family Court practice has enriched my life and allowed me to help others. As a Family Court Judge, I will apply my experience as a client, an as an advocate, and as a Guardian with fairness, compassion, and dignity while seeking to uphold the highest judicial standards for the benefit of all who appear before me.

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?

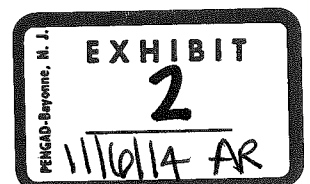
No.

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?

Avoiding any appearance of impropriety is of utmost concern to me. If elected, in accordance with the Rules of Professional Conduct, state law, and Judicial Canon 3. B. (7), I shall not "initiate, permit, or consider *ex parte* communication" unless the situation falls under a specifically delineated



exception. Additionally, I shall ensure that my staff is well-trained on the screening of attempts at *ex parte* communication.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

A judge should recuse herself if there is any reasonable appearance of impartiality or impropriety. The decision to recuse must be determined on a case by case basis. Full disclosure on the record is critical. If the Court has any concern that there may be a question as to her ability to issue an unbiased ruling, then the Court should disclose immediately her concerns to all parties. After disclosure, if any party questions her ability to be fully impartial, then she should withdraw. In every case in which a former associate or law partner appears, the Court should recuse herself. With regard to lawyer-legislators, there is no mandatory reason for recusal; however, the Court should disclose to all parties on the record that she is elected by the Legislature and allow the parties to raise any concerns. Impartiality is the cornerstone of fair and unbiased rulings. If elected, my highest priority shall be to insure that the public and the Bar can depend on my fairness and impartiality.

7. 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, after full disclosure, a party reasonably requests my recusal, I would consider it carefully. The Court should balance the duty to sit with the need to avoid any appearance of impartiality or impropriety.

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

The financial or social involvement of a spouse or close relative of a judge would always create an appearance of impropriety. Therefore, if another judge were available to hear the case, I would recuse myself before the parties stepped into the courtroom. If no other judge were available, then I would fully disclose the relevant facts to the parties and hear from the attorneys and if any one objected then I would recuse myself.

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

With regards to the acceptance of gifts or social hospitality, I would strictly adhere to Judicial Canon 4 which clearly details which gifts and invitations are appropriate to accept. I will always err on the side of absolute impartiality and

avoidance of any situation which may raise a question as to impropriety or influence on a judicial officer.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

In accordance with Judicial Canon 3(D), if I had a reasonable belief that there was a substantial likelihood that a Judge had violated the Judicial Canons or that an attorney had violated the Rules of Professional Conduct, then I would refer the matter to the appropriate disciplinary authority. If I suspected misconduct, but did not have all the facts, then I would question the individual whom I suspected and based on that meeting I would determine whether or not the Canon required me to make a referral.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?

I currently serve as an appointed member of the Town of Mount Pleasant Planning Commission. If elected to the Family Court Bench, I will resign from the Planning Commission. I have advised that Town of Mt. Pleasant that I am a candidate for the Bench and will resign if elected.

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?

First, I will timely issue my rulings in all cases. In most cases, I will instruct one party to draft the Order and provide it to opposing counsel for their review and comment prior to submitting the Order to the Court. I will never sign an Order without first carefully reviewing it for clarity, accuracy, and compliance with the law and the terms of my ruling. When the need arises, I will draft my own Orders.

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

Charleston County is fortunate to have a group of experienced Family Court Judges. I will seek their guidance on the best way to ensure that my staff and I meet all deadlines. Additionally, I bring with me the experience of managing a diverse law practice which will aid me in setting up my calendaring and tracking systems. I will likely use an electronic calendar system, similar to what I now use to manage my law practice.

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?

Having worked extensively as a Guardian ad Litem and having assisted in planning numerous Continuing Legal Education programs for the Charleston County Guardian ad Litem Association, I am very familiar with the statutes governing both private and DSS cases. In every case in which a Guardian is involved or should become involved, I will make sure that I am familiar with the current law and will ensure that the statutes are followed.

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

The role of a judge is to interpret, apply, and enforce the law based upon legislatively created statutes and controlling case law. Judicial activism has no place in the Family Court.

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?

Public speaking as part of our Bar's Continuing Legal Education programs is both educational and personally rewarding. Additionally, I will volunteer my services to our law schools to assist in the professional development of new lawyers. While I am confident that with experience will come expanded interests, at the outset I would like to engage in activities which focus on the efficiency of DSS removal cases; maximizing the effectiveness of alternative dispute resolution in the Family Court; and, improving our Court's system for providing temporary relief to parties.

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?

While my service as a judge may alter my relationships with some friends and relatives, I do not anticipate that these relationships will be strained. Judicial ethics will require that I adjust certain social relationships and I am confident that my friends and family members will respect the need for me to do so. My father is a retired judge so I grew up understanding these unique relationships and the need for balance. I have a wonderful support system and I will never allow my profession to strain my relationship with my son. I understand the pressure of the job, but know that the rewards that will come with the opportunity to serve far outweigh any potential

stressors. I am proactive and will work to maintain personal and professional balance in my life.

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

Pro se litigants should be held to the same standard as litigants represented by counsel in the Family Court. In every case, I will make sure that the *pro se* party understands that he/she is not being afforded any special considerations. All litigants should be accorded the utmost consideration. I will endeavor to insure that the rights of every litigant who appears before me are protected regardless of representation and that the judicial process functions as fairly as possible; but the presiding judge cannot act as "counsel" for any litigant, and must always treat litigants equally.

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. Do you belong to any organizations that discriminate based on race, religion, or gender?

No.

23. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

- a. Divorce and equitable distribution: Fifty (50%) percent.
- b. Child custody: Sixty-five (65%) percent. Much of this work overlaps with the cases for divorce and equitable distribution. This estimate also takes into consideration the number of cases I am involved in as a Guardian ad Litem and my representation of parents in custody modification actions.
- c. Adoption: One (1%) percent. I am familiar with the statutes, procedures, and case law that address adoption laws and will make sure that I remain current on our adoption laws.
- d. Abuse and neglect: Ten (10%) percent. I have been involved in these cases as appointed counsel, private counsel, and as a Guardian ad Litem. I am familiar with S.C. Code Ann. 63- et seq. and understand that these cases involve the most vulnerable

members of our community. I have and will continue to endeavor to be knowledgeable about this area of the law.

- e. Juvenile cases: One (1%) percent. Outside of procedural matters, these cases are more criminal than family court in nature. My experience here is limited and I will need to spend time bringing myself up to speed and relying on training from current Family Court judges.

25. What do you feel is the appropriate demeanor for a judge?

A judge's demeanor should always be calm and respectful. Judges should demonstrate their sincere interest in all matters. Judges should be respectful of counsel, the parties, witnesses, and all those who come before her. Judges must be firm when needed to maintain order in the Courtroom.

26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

The Rules apply seven days a week, twenty-four hours a day.

27. 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?

Anger is neither appropriate nor effective when dealing with any member of the public, parties, or attorneys. Judges must maintain civility and should avoid allowing their emotions to take over their reason in the Courtroom.

28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?

\$0.00.

29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

Not applicable.

30. Have you sought or received the pledge of any legislator prior to this date?

No.

31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

No.

32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

No.

33. Have you contacted any members of the Judicial Merit Selection Commission?

No.

34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

Yes.

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

s/Alice Richter-Lehrman

Sworn to before me this 5 day of August, 2014.

Michelle Stith

(Print name)

Notary Public for South Carolina

My commission expires: December 4, 2022