

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

Family Court
(New Candidate)

Full Name: Spiros Stavros Ferderigos
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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 because I believe children deserve the best in life and that Family Court litigants have the right to move forward in a dignified manner during what may be the most difficult time in their lives. Many litigants and criminal defendants who appear before a Family Court Judge are barely holding on. They deserve to have a presiding judge who is knowledgeable, respectful, and will apply the black letter of the law. I would strictly uphold these principles should I be selected as a Family Court Judge.

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?

I believe ex parte communications are inappropriate except in extremely limited circumstances. I would allow an ex parte communication for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues. For substantive issues, I would not tolerate an ex parte communication unless a proper motion for ex parte relief, with supporting affidavits, is filed. Furthermore, the motion and supporting affidavits would have to be of such urgency that failing to sign the emergency, ex parte order would likely result in immediate, serious and irreparable harm. If I were to sign such an order, the order would include an emergency hearing date within forty eight hours to re-visit the ex parte order, thus allowing all parties a sufficient opportunity to address the court on the matter. However, if the party subject to the requested restraint in the ex parte motion has an attorney of record, I would not entertain the ex parte communication/motion unless that attorney has been given a



copy of the motion and given an opportunity to include a written objection to the motion prior to my making a decision.

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

I believe that a judge should recuse himself/herself if there is a reasonable appearance of impropriety. I would immediately recuse myself from any matter in which I, or an immediate family member, directly received financial payment from anyone before the court; be it a litigant, attorney or other interested party. The appearance of impropriety always increases when finances are involved. I do not believe that a reasonable appearance of impropriety arises simply because a lawyer-legislator or former associate were to appear before the court. It is important that judges are out in the community representing the judiciary in a positive manner. This includes normal social relationships with other members of the bar, former associates, and lawyer-legislators. A social relationship, however, can rise to the level for recusal if that relationship turns into an ongoing intimate, personal relationship. I do believe recusal is appropriate if a former law partner appears before the court because the judge and former law partner would have previously shared in profits from their former practice.

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?

I would grant great deference to a party requesting my recusal if there was an actual appearance of bias. Whether I would grant the request for recusal would depend on the facts of that specific case. If I felt that there was a legitimate appearance of bias, even if I did not believe it would actually prejudice my impartiality, I would recuse myself.

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

First and foremost I would inform the parties, in detail, of the financial or social involvement with my spouse or close relative. I would recuse myself if my spouse had financial involvement with a party before the court. I would not automatically recuse myself if my spouse has or had social involvement with a party before the court. Whether I would recuse myself for social involvement by my spouse would depend on the details of that relationship. For instance, if my spouse previously had lunch with a group of people and a litigant happened to be among the group, I do not believe that would be

grounds alone for a recusal. If my spouse had a personal and intimate relationship with a party, then that would warrant a recusal.

I would not immediately recuse myself if a close relative had a financial or social involvement with a party before the court. It would depend on the facts of that involvement and whether it raises a reasonable appearance of impropriety. There may not be a reasonable appearance of impropriety solely because a close relative has a financial or social involvement. A decision would need to be made on a case by case basis depending on the relationship with my close relative and any indirect involvement I may have with the party as a result of that relationship.

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

Although gifts are allowed under certain circumstances, I would not accept any gifts from anyone who appears or would likely appear before me. As for social hospitality, I would not accept such hospitality from litigants that appear before me. I would accept reasonable social hospitality from legal colleagues that appear or may appear before me, as I believe it is important for attorneys and judges to get to know one another. However, the social hospitality should not be of such frequency as to rise to the appearance of bias.

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

I would immediately contact the Ethics Committee and report that individual if I had sufficient knowledge of misconduct. It is of the utmost importance that the members of the bar and judiciary abide by the ethical rules of our profession.

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

No

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I would continue my co-ownership of Lantern Properties, LLC and Old Towne Suites, LLC. Lantern Properties leases a residential property located at 1854 Ashley Hall Road, Charleston, SC 29407 and Old Towne Suites, LLC rents short term residential units located at 229 King Street, Charleston, SC 29401. I am not involved in the day-to-day activities of the properties. I would further continue co-ownership of my property located at 229 King Street, which rents the first floor to Old Towne Grill and Seafood Restaurant and the remaining floors for short term residential rental units through Old Towne Suites, LLC.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

For domestic relations cases, I would inform both parties of my ruling either verbally from the bench or by written means if the decision has been taken under advisement. I would ask the prevailing party to draft a proposed order and provide a copy to opposing counsel. Upon receipt of opposing counsel's written objections to the order, I would ask the prevailing party to provide the proposed order and written objections from opposing counsel to the court. I would then make the appropriate revisions, sign the order and send it to the Clerk of Court. For juvenile justice hearings, the State currently serves as the scrivener for court orders. I would continue with that practice.

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

I am a very organized individual and make good use of electronic calendars that may be linked to numerous devices (including, but not limited to multiple computers and handheld devices). This process would allow me to schedule deadlines as they come up on the bench or in chambers, along with alerts prior to the deadline. My staff would also have the ability to add deadlines directly to the work calendar. In addition to the electronic calendar, I would incorporate a "basket system" similar to the one I developed in my office wherein pending matters would be clearly identified and displayed in a respective basket within my direct vision so matters are not placed to the side and forgotten. My "basket system" has been so successful that all four attorneys in my division have adopted the method.

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?

The role of a Guardian Ad Litem is one of the most important roles in Family Court. The Guardian Ad Litem constitutes the impartial "eyes and ears" of the court for matters affecting the minor child. As such, the requirements and guidelines for Guardians Ad Litem must be strictly upheld. I would ensure the Guardian Ad Litem files a written sworn affidavit specifically attesting that he/she meets the requirements of the statute. Prior to the conclusion of the matter, I would ensure that the Guardian Ad Litem files an affidavit specifically attesting that he/she has followed the guidelines set forth in the statute. Lastly, I would provide either party in the action an opportunity to file a sworn affidavit regarding any alleged failure of the Guardian Ad Litem to follow the statute so that any failure to comply can be immediately addressed by the court.

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

I do not believe a Family Court judge should be a judicial activist. A Family Court judge should apply the strict letter of the law. If a law is too vague as written, the Family Court judge should do his/her best to discern the intent of the legislature and make a ruling accordingly. A Family Court judge should follow legal precedent instead of bending the law to fit a conclusion that he/she personally prefers. I do not believe the Family Court bench is the appropriate forum to set or promote public policy against clear case law or statutes.

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 am a big proponent of alternative court programs and would be willing to spearhead such a program. I have been honored to be the Solicitor's Office representative for the Ninth Circuit Juvenile Drug Court Program, where I have literally seen juveniles addicted to illicit substances turn their lives around and become productive citizens of our community. I intend to continue to lend whatever assistance I can to juvenile Drug Court. I further intend to hold staffings with community leaders to discuss the difficulties facing the youth in our community and brainstorm solutions for those difficulties. I also intend to hold staffings with the agencies involved in the juvenile justice system to repeatedly review how the agencies can most effectively communicate with one another to provide better services for their clients.

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 believe serving as a judge would strain my personal relationships. I have a very supportive spouse and a close-knit extended family unit. My extended family is always willing to provide assistance in time of need. I have successfully weathered both the stress of private domestic relations practice, as well as the emotional difficulties inherent in the prosecution of juvenile delinquency matters. There is no doubt I would miss many of my children's extra-curricular activities and daytime performances; however, it would also show my children by example that when an opportunity arises to help the community, they have a duty to make the sacrifice to help others and think of more than just themselves.

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

I would not. I would treat them in the same manner as I would an attorney who appears before me. I would be very careful,

however, to use non-legal jargon in speaking with pro se litigants so they can understand what is occurring in the courtroom.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

The only additional income that I derive that might impair my appearance of impartiality is from my residential rental company Lantern Properties, LLC. Although I am simply a co-owner and do not run the day-to-day operations of the company, I would recuse myself from any case involving a tenant that has resided in the rental property.

21. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?

If an extended family member were to have such a financial interest, I would inform the litigants of the minimal financial interest and would recuse myself if any litigant objected to my presiding over the proceeding and I believed there was a reasonable appearance of impropriety. If I personally or someone in my immediate family held such an interest, I would immediately recuse myself given the high level of scrutiny and importance of the presiding judge's appearance of impartiality.

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

I do not.

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

I have.

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: Thirty percent
- b. Child custody: Thirty percent
- c. Adoption: None. Although I have not represented a client in an adoption matter, I have personally observed numerous adoption hearings and would be comfortable as a presiding judge navigating through the statutes and case law relating to adoptions to ensure that the legal standards are satisfied and the best interests of the child are met.
- d. Abuse and neglect: Six percent
- e. Juvenile cases: Thirty-four percent

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

I believe a judge's demeanor should be serious, respectful, straight-forward, and professional.

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?

With the exception of a serious demeanor, I believe a judge should be respectful, straight-forward and professional both on and off the bench (at all times). There are many appropriate occasions for a judge to be jovial with legal colleagues; however, while on the bench in sight of litigants is not one of those times.

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 a natural human emotion and may be appropriate given the behavior of some litigants, criminal defendants or attorneys in Family Court. It is not appropriate, however, to make decisions out of anger or to lash out at litigants, criminal defendants or attorneys. Every individual before the court should be treated with respect and not given a reason to feel as though the presiding judge will fail to give him/her a fair trial or proceeding. The look of dissatisfaction, a stern tone and a reminder (or use) of the contempt powers of the court may very well be appropriate under certain circumstances.

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?

None

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?

I have not.

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

I have not.

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? I have not. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

I am not.

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

I have not.

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/ Spiro Ferderigos

Sworn to before me this 4 day of August, 2014.

Noah J.R. Moore

(Print name)

Notary Public for South Carolina

My commission expires: November 26, 2023