

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

Family Court
(New Candidate)

Full Name: Bradley Wilson Knott
Business Address: 215 Park Avenue – P.O. Box 3208
Greenwood, South Carolina 29646
Business Telephone: 864-223-8111

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

During law school my two favorite courses were domestic Relations and Negotiation. Most attorneys will tell you that not many newly minted attorneys say they want to solely practice family law, but I did. While I have loved being an advocate for my clients as a family law attorney, I enjoy my mediation practice even more. I believe that is because mediation gives me a chance to work with both sides of an issue and fully appreciate both points of view. It is also very gratifying to help people resolve their issues and allow them to maintain control over the outcome of these matters that are so important to them.

I believe a family court judge needs to have spent years on the other side of the bench. Not just as a general practice attorney who happens to have done some family court work but someone who has been in the trenches year end and year out; someone who has dealt with all of the novel issues that come up under the broad umbrella of "family law"; someone who knows what it is like to present good people at their worst and what it is like to have those good people entrusting to you the most precious asset in their life; their children. I can bring that experience to the bench.

I really enjoy helping other attorneys come up with solutions to resolve their cases. If elected, I intend to be proactive and make good use of my chambers. I want the attorneys on both sides of a case to feel comfortable coming to me to discuss the issues and how they can be resolved with the first goal being to assist those attorneys in counseling their clients to help them come to those resolutions themselves. In sum, I do not want to be a "call your first witness" judge.

Lastly, when a case or a certain issue cannot be resolved by agreement, I am ready, willing and able to make those decisions in a patient, well reasoned and even-handed manner by applying the law to the facts of the situation.

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?
To the extent possible all parties or their attorneys should be included in any communications with the Court.

In my practice, family court judges have allowed *ex parte* communications with the Court for purposes of scheduling, for other administrative purposes or in emergencies such as when an emergency motion is being filed with the Court in order to get an expedited hearing set. I would intend to allow *ex parte* communications under these very limited circumstances which I believe are necessary for the efficient administration of court business. However, in any situation where substantive matters or issues on the merits would be brought up, *ex parte* communications would be strictly prohibited.

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 disqualify himself in a proceeding where his impartiality might reasonably be questioned. I think that takes care of the former associate or law partner question. It is simple enough for any former associates or partners to schedule around me so that this issue is avoided but I would disqualify myself if those situations did arise.

The lawyer-legislator issue is a more complex question as any sitting judge is going to have at least the appearance of a conflict since we are all elected by the General Assembly. My practice would be to disqualify myself in any matters in which a member of the local legislative delegation would be appearing as an attorney of record. If it was a lawyer-legislator serving as a representative outside of my geographical district, I believe the proper procedure would be to disclose that situation to the parties and counsel. Unless the disqualification was waived by the parties after disclosure, I would then disqualify myself.

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 suppose there is the possibility that such a motion to have me recuse myself could be abused but I would give complete deference to such a motion. I feel it is not important whether I think the matter

would actually prejudice my impartiality. In my experience, once impartiality is questioned, the damage is done and cannot be repaired. Although that litigant might receive the exact same decision from another member of the bench, the integrity of the court will have been preserved and that is paramount to the administration of justice.

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

First, I would disclose to the parties and their attorneys the specifics of the financial or social involvement. If the involvement was anything more than a de minimus interest, i.e. insignificant; I would disqualify myself. If the interest was truly insignificant then I would allow the parties and their counsel could waive disqualification provided there was a record made and preserved. If one or both parties declined to waive disqualification, then of course, I would disqualify myself in the interest of justice.

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

Any acceptance of gifts or social hospitality by me or my family from an attorney or party that could come before me as a judge must be avoided. Social invitations to a bar-related function would be permissible.

My standard would be that any gift or hospitality extended that could be viewed as being intended to influence me in my capacity as a judge could not be accepted.

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

Appropriate action in either of these circumstances could include direct communication with the lawyer or judge involved. If not appropriate or if direct communication would not be sufficient given the nature of the misconduct involved, the matter would have to be reported to the appropriate agency or body. Such action is part of a judge's duties.

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? No.

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

I would handle the drafting of orders in the same manner of which I have been accustomed to in my years of family court practice. With the exception of Orders of Protections and Clerk's Rules I would assign the task of drafting the proposed Order to one of the attorneys of record in the case with instruction to provide the draft to the other attorneys of record prior to its submission to me for signing and filing.

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

I intend to employ my own personal tickler system for any matters that I take under advisement with a short but realistic time frame set so that there is no risk that the facts and testimony in the case become stale before ruling.

Once rulings are made known to the attorneys of record I would have a second tickler system in use by my staff to ensure the timely submission of the proposed Order back to me for review, signing and filing.

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 that the Guardian Ad Litem submit the Affidavit of Compliance as set out in Section 63-3-820(D). I would expect the responsibilities of the Guardian Ad Litem as set out in Section 63-3-830 to be carried out and be apparent by the content of the Guardian's reports to the Court. In the rare event a Court appointed Guardian is not following the statutory guidelines in my experience that fact is made known to the Court upon motion from one or both parties.

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

My definition of "judicial activism" is where a judge creatively interprets or reinterprets the law in order to serve that judge's own vision regarding the needs of contemporary society. I don't see that as my place as a member of the family court bench. The legislature makes the law, my role would be to interpret that law already in place, not substitute my own vision. If the polar opposite of judicial activism is judicial restraint, my philosophy on the bench will be that of judicial restraint.

Judges do not and should not make policy. That is the role of the Executive and Legislative branches of government.

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?

In the past I have enjoyed speaking on family court matters in a public forum. I would welcome the opportunity to continue that as a judge. I have enjoyed attending seminars at which members of the family court bench have participated in panel discussions to further educate our family court bar. I would willingly agree to participate on such a panel. I have also noted members of our family court bench assisting with high school moot court competitions and I think that is

a great contribution I could make for students considering a career in law.

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 recognize that a position on the bench could be isolating and I know it has the potential to strain relationships, however, I feel I have had the advantage of many years observing members of our bench in social settings and how they handled situations that came up that had the potential to put them in an untenable position. I think the key is to be kind but firm. Simply put, I would not allow someone to take advantage of my position to ask for advice on a matter that was either in the family court or had the potential for becoming a matter before the family court. I would decline to comment, encourage their contacting a member of the family court bar and steer the conversation elsewhere.

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

I think a member of the bench has to acknowledge that pro se litigants are not familiar with legal terminology and procedures; however, pro se litigants have to be held to the same standards as any other attorney would be in terms of filing the proper documentation and complying with the rules of evidence. I would be polite and patient with a pro se litigant but I can not and would not help them put up their case.

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?

With the understanding that de minimus is interchangeable with the word "insignificant"; I think the proper procedure would be to disclose that interest and explain that it would not affect my ability to render a fair and impartial decision. I would then allow the parties and their attorneys the opportunity to waive my disqualification or let make know that caused a problem for them. Assuming either side was uncomfortable, I would recuse myself.

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: 50%
 - b. Child custody: 30%
 - c. Adoption: 12%
 - d. Abuse and neglect: 6%
 - e. Juvenile cases: 2%

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

While I do not intend to be a humorless judge, I believe the position of family court judge should command respect. The way to do that is to handle myself professionally at all times. I have observed many judges during my years of practice and I have taken note of the things I felt were good character traits for any person serving that position. Above all else I think courtesy to attorneys and litigants is paramount. If there is anything I have learned in my years of practicing family law it is to be a good listener and to be patient. The matters we deal with in family court are extremely important to the litigants involved regardless of the dollar amount. There is nothing worse in my estimation than a judge rushing parties through a hearing. A schedule must be kept, yes, but when adequate time has been reserved for a hearing a judge should not forego thoroughness and compassion simply to "get through" with a case. I want litigants and attorneys alike to say I was a thoughtful even-handed judge who really considered the evidence and the issues brought before me prior to issuing a ruling.

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?

I believe a member of the bench has to conduct themselves professionally at all times. The public is always watching and a judge never knows whether the person who observed him publicly six months ago will be a litigant in his courtroom tomorrow.

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?

I do not believe anger is ever appropriate in a member of the judiciary and I understand that can at times be easier said than done. I realize there will be times of frustration and displeasure. Respect has to be maintained for the position of the Court as an institution and what it represents. Nothing in addition gets conveyed with anger.

How can I demand proper behavior and decorum in my Court if I cannot abide by those requirements myself?

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 at the time this form is being completed.

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.

Bradley Wilson Knot

Sworn to before me this 10 day of August, 2012.

Notary Public for South Carolina

My commission expires: 12/20/15 _____