

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

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

Full Name: Rosalyn Woodson Frierson  
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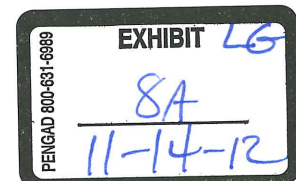
1. Why do you want to serve as a Family Court Judge?

Serving as a judge will give me an opportunity to give back to my native state of S.C. I want to utilize my personal qualities to uphold the right to equal treatment under the law. I have the legal background and experience to make good decisions. I believe that my unique legal experience and my analytical, organization and communication skills are well suited for service as a judge.

Simply put, I am ready to serve the Family Court system and the people of S.C. based on an exemplary and proven history of public service. As a recognized lawyer and adroit executive-level administrator, I am uniquely prepared to be engaged, resourceful and even-handed in rendering sound judicial decisions. I embody the judicial temperament to uphold the right to equal treatment under the law. In closing, I am not seeking this judgeship as an admirable ambition, but rather because of a sensitivity to serve and contribute to the most principled legal system known to mankind.

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?

My philosophy is based on the Code of Judicial Conduct. A judge should not initiate, permit, or consider *ex parte* communications outside the presence of the parties concerning a pending or impending proceeding. The Rules provide for very limited exceptions. As a general rule, *ex parte* communications should not occur.



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 if my impartiality can be reasonably questioned, I would recuse or disqualify myself unless it has been waived by the parties after disclosure.

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 the motion and give deference to the request for recusal in light of the appearance of bias. If the party believes after disclosure that there was still concern about impartiality, I would grant the motion.

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

I would not allow personal relationships to influence my conduct or judgment. I would first avoid the appearance of impropriety; however, if a matter before me involves a spouse or a close relative who has a financial or social connection, I would disclose on the record that involvement to the parties. I would only proceed if the parties agreed on the record that I should not be disqualified from hearing the matter.

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

I would adhere to the Code of Judicial Conduct Section 4D(5). I would not accept a gift, bequest, favor or loan from anyone unless it complied with the exceptions allowed in the Code of Conduct.

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

I would have an obligation to take the appropriate action which includes direct communication with the judge or lawyer or report to the Office of Disciplinary Counsel.

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

I am not affiliated with any political party. I serve on the Richland Memorial Hospital Board of Trustees and the Palmetto Health Alliance Board.

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 request a proposed order from one or both of the parties to use as a starting point for the final order. I would also

maintain detailed notes from the hearing to be used in drafting orders and to ensure that the proposed order meets with the terms of the decision. I would track the outstanding draft orders and monitor submission. I would edit or revise as necessary to prepare a final order that meets with the terms of my decision.

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

I would maintain a tracking system that I would monitor to ensure that all deadlines are met.

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 ensure that the guardian provides timely written reports demonstrating that a thorough review was conducted as contemplated by 63-3-830. Because judges are not assigned to a specific case throughout the entire litigation, this would be accomplished by reviewing the file at the earliest time possible once it is clear that it is a case that I would hear. The final written report must not include a recommendation on custody unless requested by the court for reasons specifically set forth on the record. The guardian must comply with the Rules of Evidence. Also, I would review the file to ensure there is an affidavit attesting to the guardian's compliance with statutory qualifications.

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

Judges, particularly at the family court level should not be involved in setting or promoting public policy. The judge's role is to apply the law as it exists to the facts of the case.

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 involve myself in bar related activities and participation in legal education programs where appropriate.

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?

No. My family and close friends are supportive of my interest in seeking a family court judge position. Further, my two sons are independent adults and I am no longer responsible for providing child care arrangements. I do not have family obligations that would strain personal relationships or affect my ability to perform the role of a family court judge.

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

Pro se or self represented litigants are responsible for researching the law and are held to the same legal standards as attorneys. Judges are not to give legal advice to pro se litigants, however, where possible minor assistance, such as questioning, may be provided that would not prejudice the other party.

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?

I would disclose the *de minimis* or insignificant financial interest to the parties. If there is reasonable concern about my impartiality after disclosure, I would avoid the appearance of impropriety and would not hear the case.

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

I am a member of a public service sorority that historically includes women of any race. I am not aware of whether any male has sought or been denied membership in the national organization.

23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes, I generally exceed the minimum CLE requirements each year.

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?

My experience is based on my background as a Supreme Court law clerk and State Court Administrator. I am willing to study diligently to compensate for what may be viewed as limited trial experience. I stand ready to complete all requisite and available training for new judges as well as consult the Family Court Bench Book, Rules and applicable statutes.

- a. Divorce and equitable distribution: 5%
- b. Child custody: 20%
- c. Adoption: 10%
- d. Abuse and neglect: 40%
- e. Juvenile cases: 10%

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

Judges should be fair and open minded, good listeners, courteous but firm in the courtroom. Judges should also be patient, calm, professional, honest, and independent.

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 that a respectful and appropriate demeanor apply at all times. As a judge, you are held to the same high standard regardless of whether you or on the bench, in chambers or away from the court.

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?

No, it is never appropriate to be angry or show anger with members of the public appearing before me as well as any attorneys.

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?

I have not spent any funds at this point. I understand my duty to report, if funds are expended.

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

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, I am not aware of others contacting members on my behalf.

33. Have you contacted any members of the Judicial Merit Selection Commission? No, I have not knowingly contacted any members.

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.

Rosalyn Woodson Frierson

Sworn to before me this 9 day of August, 2012.

Notary Public for South Carolina

My commission expires: 11/08/14 \_\_\_\_\_

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October 11, 2012

Michelle Dhunjishah, Esq.  
Chair Judicial Qualifications Committee  
S.C. Bar  
P.O. Box 608  
Columbia, SC 29202-0608

Dear Michelle:

I am deeply grateful for the opportunity to provide supplemental information to rebut the Committee's finding of unqualified overall and unqualified as to my experience. I believe that, unintentionally, the evaluation measures for experience used by the South Carolina Bar may be limited in that experience can only be gained in one way.

While I understand the path to a judgeship is generally through the ranks of trial lawyers, it is not the required exclusive path leading to service as a judge. I believe that, because my legal experience is other than that as a litigator, I am isolated from consideration to serve as a judge by members of the Bar.

Pursuant to the Judicial Qualification Committee's Statement of Policy and Rules of Procedure, it is stated that, in evaluating experience, significant evidence of distinguished accomplishment in the field of law may compensate for a prospective nominee's lack of substantial courtroom experience. I respectfully request that my evaluation be reopened and reconsidered in light of this criterion.

I recognize that the position of State Court Administrator is not well understood by the general bar membership and there is a lack of understanding about my responsibilities and experience with the State Court system.

I contend that my background more than adequately prepares me to preside as a Family Court judge. As Court Administrator, I interact on a daily basis with judges at all levels of the judicial system. I routinely interact with all participants at the trial level including litigants, clerks of court, attorneys, and court reporters. On the Family Court level in particular, I am involved in policy making decisions regarding court practice and procedures. I work with family court judges routinely and supervise their performance. I am involved in developing the training and education programs provided to Family Court judges. Over the years, I have worked tirelessly on various areas in Family Court with the ultimate goal of improving the court experience for all participants. I have a 360 degree view of the Family Court. I am required to make decisions that impact all participants in court which includes development and implementation of forms, policies, and procedures to be used by attorneys, clerks of courts, parties, and judges. My viewpoint is from all areas of the court, and not solely as an advocate.

I believe that my distinguished accomplishment in the field of law is evidenced by recognition of my peers across the country in my work with the National Courts, Children and Family Committee of the Conferences of Chief Justices and State Court Administrators. Further, I was elected by my peers to lead the National Conference of State Court Administrators and serve as Vice-President of the National Center for State Courts. Over the years I have been involved in national policy issues, such as reviewing federal legislation and making recommendations on policy positions such as child welfare, child support, domestic violence, and elder abuse. I have represented the Conference of State Court Administrators on the Department of State Advisory Committee on Private International Law's Study Group on the 1006 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect to parental responsibility and measures for the

protection of children. Discussion involved the role of state courts in implementing the provisions and assisting judges in complying with the treaties, if ratified. Additionally, the Courts Children and Families Committee addresses issues including child welfare, adoption, domestic violence, guardianship, and elder abuse. I have also served as a liaison to the National Council of Juvenile and Family Court Judges since 2009 and worked on common issues in the family court area. As liaison, I participated in the Work Group of Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges to develop a bench card entitled "Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care." The bench card serves as a checklist for judges to use in preliminary protective hearings. Over the last year, I worked with the National Center for State Courts, Conference of Chief Justices and ABA on Language Access issues. I worked as part of a small group to refine the proposed ABA Language Access Standards in the courts to produce a document that is acceptable to state courts. I served as a member of the team that planned a Language Access Summit for all states to provide best practices to ensure courts are accessible and led a team from S.C. to the Summit.

I initiated efforts to receive federal Court Improvement Grant funds to assist S.C. in implementing systematic improvements in the courts handling of child abuse and neglect proceedings. One of the initiatives accomplished with grant funds was the development of a video educational tool for judges to hear directly from foster care youth on the impact of the foster care system to their lives and their desire to be heard by the court. I participated in the National Leadership Summit on the Protection of Children funded largely by the PEW Charitable Trusts. This Summit began the national discussion on the importance of exercising leadership in each state to make child protection a priority. I organized a S.C. team which as a result of our participation led to the planning of two subsequent South Carolina Summits bringing the court, Department of Social Services attorneys, child service workers, Guardian ad Litem attorneys, and foster care agencies together to discuss ways to improve the child protection system at the county and state levels. Also, as a direct



result of the National Summit, we recommended that the state appellate court amend the Appellate Court Rules to expedite termination of parental rights cases.

My experience is unique and at a high level. I practice law every day. In fact, the requirement set by the Supreme Court to serve as State Court Administrator requires that the appointed person be an attorney. This is in recognition that this role requires the practice of law on a daily basis. I prepare court orders, administrative orders, provide legal guidance and research on court rules, practices, and procedures for the Supreme Court. I am in day-to-day contact with the nuts and bolts practices of all trial courts, including the Family Court. I have assisted in the development of Family Court administrative orders issued by the Supreme Court related to the management of the family court docket. Such orders include procedures to monitor family court cases that are older than 365 days; revisions to the Order of Protection from Domestic Abuse; and development of a court coordination protocol to improve efficient management of child abuse and neglect cases that also include criminal charges. I have worked with the DSS Office of Child Support Enforcement in the periodic review of the Child Support Guidelines. In my experience, I am required to exercise good legal judgment and reach decisions that have a significant impact.

I have had the benefit and vantage point over my 20 years as an attorney to observe and understand the decisions judges are required to make from child custody, division of property, alimony, divorce, child support, TPR, abuse and neglect, and juvenile delinquency. My time spent as a staff attorney and law clerk and now State Court Administrator have provided invaluable legal experience. Over the duration of my legal career, I have worked closely with judges and it has given me invaluable knowledge regarding how to be a good judge, including the necessity to prepare for cases that will be presented and anticipate legal issues that may be raised.

I believe that all of the above should be considered as unique and valuable strengths when accessing my level of experience. I believe that my level of

experience is at least comparable to that of a trial attorney. It appears from the rating of the Committee that my experiences as a licensed attorney for 20 years have been discounted in evaluating whether I have the appropriate experience.

The traits of a good judge are multi-faceted. Whether one has been a trial lawyer is but one of the many traits that should be considered. To discount my qualities of ethical fitness, good temperament, professional and academic ability, character, and reputation is to say that nothing else matters or that what is perceived as the correct experience is the only quality that deems acknowledgement or measurement. As a matter of fact, in several states, the role of Court Administrator and the invaluable experience gained as State Court Administrator has been deemed an acceptable path to judgeship at the trial as well as appellate level. The candidate as a whole should be considered versus narrowly considering one element as the overall factor in determining a candidate's qualification to serve as a judge. I assert that it is only fair to give broad consideration to my entire body of knowledge, experience, and personal traits. The bench is well served by having judges with varied backgrounds and legal experience. Further, the overly restrictive assessment of trial experience is contradictory to the overall qualifications to serve as a family court judge.

In conclusion, I respectfully request that the Committee reopen and reconsider my qualifications to serve as a Family Court judge and give consideration to my unique experiences and accomplishments in the field of law over the past twenty years.

Sincerely,

*Rosalyn W. Frierson*

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