

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

Family Court
(New Candidate)

Full Name: Mary Jane Goodwin
Business Address: 113 North Main Street,
Anderson, SC 29621
Business Telephone: 864-375-0909

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

I have long held an aspiration to be a Family Court Judge. I have spent the bulk of my 20 year legal career representing litigants and state agencies in Family Court. My extensive Family Court experience and even temperament would be an asset to the Family Court bench. My talents and skill set are well suited to the job of a Family Court Judge. I have chosen a career path to date that has involved public service jobs and a lot of Family Court work. This is an area of law practice that, in my mind, is more of a calling than other areas of law. This is an area of law where an attorney has to the potential to make a big difference in the quality of life of her clients. I hope that I have made a difference in the lives of the people that I have represented. I would like to continue my career from the bench. I believe that I would make good decisions that would be in the best interest of the children and fair to the litigants who appeared before me. A Family Court Judgeship would be the honor of a lifetime.

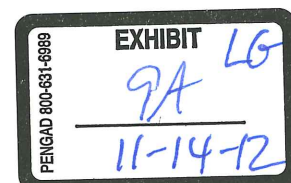
2. Do you plan to serve your full term if elected? Yes.

3. Do you have any plans to return to private practice one day?

I do not know. I have not ruled out returning to private practice. Whether or not I return to private practice would depend on whether or not I serve more than one term as a Family Court Judge. At present, I am 46 years old. At the end of my first term, I would be approximately 53 years old. I would not envision retiring from the legal world entirely at age 53.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes. I am 46 years old. I have lived in South Carolina my entire life. I have practiced law since 1991.



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

Unless certain specific exceptions exist by law, Judges shall not initiate, permit or consider *ex parte* communications. To the extent that it is reasonably possible, all parties or their attorneys shall be included all communications with a Judge. *Ex parte* communications regarding scheduling and non-substantive matters are permitted by the rules. However, I believe that with today's technology, it is relatively easy to avoid *ex parte* communications as to scheduling and non-substantive matters, with group emails and conference calls. *Ex parte* motions are appropriate in limited circumstances provided for by law, such as DSS motions for *Ex Parte* custody-emergency removal orders and certain restraining orders. Such limited circumstances are listed in the South Carolina Code. In any event, an *ex parte* motion should be followed up immediately with an emergency hearing. *Ex parte* communications, such as phone calls or emails about cases, between lawyers and judges or individuals and judges that do not include a motion and are not copied to all parties are never appropriate. Judges should discourage *ex parte* communications. *Ex parte* communications undermine the public's confidence in a fair and impartial judiciary and should be avoided.

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 shall disqualify herself in a proceeding in which her impartiality might reasonably be questioned. I believe that recusal is appropriate whenever a party has a legitimate basis for believing that a Judge has the appearance of bias. For example, I would not hear cases involving my current law partner. I would wait an appropriate period of time before hearing cases involving the Department of Social Services. I would not hear cases involving my former clients.

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 believe I would grant such a motion in order to preserve the integrity of the judicial system. If I did not grant the motion, my ruling, no matter what it was, would be forever tainted and questioned in the minds of the litigants. Our legal system is based on the principle that independent, fair and competent Judges interpret and apply the laws that govern all of us. The integrity of the judicial system is crucial to our system 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?

I would disclose the relationship and allow the parties to make any motions they desired regarding my recusal. I would be likely to grant a motion if a party had a concern about my impartiality.

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

I would accept gifts for special occasions from relatives and close friends. I would accept reasonable offers of social hospitality, such as attending social events where other lawyers are present. In no circumstance would nominal gifts or social hospitality affect my rulings. I would not accept gifts or hospitality that might reasonably be perceived as an attempt to influence my rulings.

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

I would approach the lawyer or fellow judge first and advise him/her that he/she needed to self-report the matter. If the lawyer or fellow judge failed to do so, then I would report the matter. Reporting misconduct is a responsibility of all members of the bar, including judges.

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

I am a board member of the Carolina Marsh Tacky Association. I do not believe that this needs to be evaluated or holds any conflict of interest for the Family Court bench. This organization seeks to protect and preserve the critically endangered Carolina Marsh Tacky horse, which is the South Carolina State Heritage Horse. This organization does not have any Family Court interests.

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 issue instructions to one of the lawyers in the matter and have that lawyer write the order and copy the opposing party, whether represented or pro se, prior to presenting the order to me. In some cases, I may draft the order myself if I want to be very specific regarding some details.

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

I would use a calendar system similar to the one I use in private practice, with reminders at set intervals, such as 20 days left, 10 days left, etc. This system of "ticklers" provides warning and does not allow deadlines to creep up unnoticed.

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 have served as a Guardian Ad Litem in over 1000 matters during my career. I have lectured three times at the annual Guardian Ad Litem CLE. I would make my orders very specific as to what is expected of the GAL, in accordance with the statute. As a general rule, I would not ask for recommendations from a Guardian ad Litem.

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

I believe that a judge's job is to apply the existing law to the facts and evidence that are properly before the Court. I do not believe that "judicial activism" is appropriate. Judges should not set or promote public policy.

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 make appropriate suggestions to the SC Bar if I saw a need for a particular statute to be amended. I would participate in CLEs and seminars to help circulate new ideas and improve education among lawyers and judges. I enjoy speaking at CLEs and would welcome the opportunity to do so.

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 feel that the pressure of serving as a judge would strain any personal relationships. My family and friends are very supportive of my efforts to become a Family Court Judge.

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

No. I believe that the self-represented litigant packet is self explanatory and provides good instruction for *pro se* litigants in uncontested matters. In contested matters, I would encourage all parties to retain counsel. Understanding that this is not possible, I would provide some limited guidance to the *pro se* litigants, such as advising that cross examination is a time to ask questions, not to testify. I would not give an advantage or disadvantage to a *pro se* litigant.

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?

"De minimis" financial interests are insignificant and could not raise a reasonable question as to a Judge's impartiality. Therefore, I would most likely hear such a case.

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: 20%
 - b. Child custody: 50%
 - c. Adoption: 5%
 - d. Abuse and neglect: 20%
 - e. Juvenile cases: 5%

The above percentages are approximations of the types of family court cases I have handled over the past 20 years. I have also handled other kinds of cases (criminal defense, civil work, probate work) that are not included in those percentages.

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

A judge should be fair, open-minded, willing to listen, dignified, honorable, honest, compliant with rules, kind, independent, moral, very patient and good hearted. A judge must knowledgeable, inquisitive and smart. A judge must have a good sense of humor and a great deal of common sense. A judge must realize that virtually every litigant that appears before her is in distress and that the judge is about to make a decision that will affect many lives, not just those of the litigants that are before her.

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 expressed in my previous answer would apply seven days a week; twenty-four hours a day. A Judge must always comport herself in a manner that brings respect to the judiciary.

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 dangerous emotion. Words spoken in anger are those most likely to cause problems. If I found myself becoming angry, I would take a recess and gather control of myself. I would not let

anger influence my ruling. I do think it is important to distinguish anger from the stern demeanor that is sometimes necessary to maintain control of the courtroom. There are times when a hearing is becoming particularly heated and a stern demeanor on the part of the Judge is necessary to stay on track and keep the respect of the Court. A judge can be firm without appearing to be angry.

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 money on my campaign.

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. I am not a sitting judge.

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. 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.

Mary Jane Goodwin

Sworn to before me this 27 day of July, 2012.

Notary Public for South Carolina

My commission expires: 11/17/21

STATEMENT OF MARY JANE GOODWIN

During both my Citizen Committee interview and my Judicial Qualifications Committee interview, I was questioned about my "work ethic." During both interviews, I expressed my surprise that I would be characterized by anyone who knows me as not having a "good work ethic." I want to clarify this as I believe "work ethic" is an important issue in seeking a judicial post. I continue to be baffled by the allegation.

First I think it is important to define "work ethic." Merriam-Webster defines "work ethic" as "a belief in work as a moral good." While I do believe that there is an inherent improvement in life as a result of work, I do not believe this is the definition that either committee had in mind when I was questioned on this issue. Rather, what I gleaned from the questions, based on their phrasing, was that someone in this anonymous allegation process had stated their opinion that I do not work hard enough or insinuated that I am lazy. I take issue with both claims.

My definition of a "good work ethic" is taking personal responsibility for the tasks I take on as an attorney. That means acting promptly, courteously, diligently, without unnecessary delay, with the requisite knowledge and with the requisite preparation for meetings, mediations, appointments and hearings. It means getting orders back to the Court in a timely manner. Having a good work ethic means getting the job done in a timely, professional manner, with the best result possible for the client.

I think it is also important to define a negative or bad "work ethic." One online resource cites: "The most obvious sign of a negative work ethic is a lack of productivity. CNN cites procrastination at the top of its list of bad work habits; an employee who rushes through assignments or waits until the last minute to complete them often turns in lower quality work, as well as running the risk of missing a deadline." (Houston Chronicle, Small Business Section).

During my twenty-one (21) year career, there have been only a handful of times when I was out of my office for more than a few days. These times included the birth of my son in 1999, a major surgery in 2008 and the sudden stroke and death of my mother in late 2011. As the first two incidents were planned and scheduled in advance, I will not address them. I will, however, address my absence from my office in November and December 2011.

On November 1, 2011, my mother had suffered a hemorrhagic stroke and was admitted to Mary Black Hospital in Spartanburg, SC. This is approximately 80 miles from my home. I was advised that it was a mild stroke and not to be overly concerned, that my mother was feeding herself and had some speech. I was pleased with her progress and prognosis. I attended a CLE in Columbia, SC on November 4, 2011. During this time, I had driven from my farm in Anderson, SC to Spartanburg, SC and then to Columbia, SC to meet my CLE obligation. On November 5, 2011, my family was advised that my mother was doing well and would be moved to the rehab part of the hospital. I continued to visit my mother every other day and was also working. On November 8, 2011, my mother suffered a massive hemorrhagic stroke and we were advised that she would not recover.

She was moved to Hospice in Spartanburg, SC, where she died on November 23, 2011, the day before Thanksgiving. This 23 day ordeal took a tremendous toll on me and my entire family. My father is 82 years old and had been married to my mother for 48 years. My son lost the only grandmother he knows. And I lost my mother, who was also one of my best friends. The holidays were difficult for all of us. During the 15 days that it took my mother to die, I was not in my office. I make no apology for that. During the week following her death, which included the Thanksgiving holiday, I was not in my office. I make no apology for that. I worked some, but not all of December, 2011, as the holidays were hard for my family and my son. I took some of the Christmas holiday off. I make no apology for that. This is the only time in twenty-one (21) years that I have not been personally readily available for my clients and GAL cases. However, I did have my associate, Todd Pruette, in the office on a daily basis, as well as an experienced paralegal. To my knowledge, there were only two contested hearings that were rescheduled during this time.

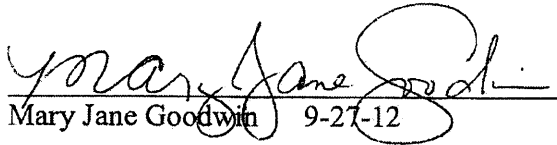
I would also add that while I am self-employed, if my position is analogized to an attorney in a larger firm or in government employment, I would very likely, with 21 years experience, be entitled to approximately four to six weeks of vacation or personal time each year. So the fact that I was out of my office from November 8 through the Thanksgiving holiday, with some additional time in December, is of little consequence over my career.

How there has come to be a perception, if one truly exists, that I am not working hard is a mystery to me. On an average week, I work 60 hours. I am in my office by 8:00am most days. I seldom leave before 5:00pm. I also work at home at night and on weekends. During that time, I see clients, answer phone calls and make sure all the daily work of the law firm gets done. I do not have Judges complain that orders are late or that I am unprepared for hearings. That is because my orders are timely and I am prepared for hearings.

I have pondered this issue extensively since first being stunned by it at the Citizen's Committee. My speculation is that the perception may have come from a disgruntled paralegal that I have since dismissed. I am now aware that she regularly commented to attorneys and others who called that I "never work." I was not aware of that when it was going on. She has since been dismissed for unrelated reasons. This, however, is only speculation and is no more credible than the anonymous allegation against me.

What is not speculation and what can be easily documented is that I work hard. And I have been very successful over my career. I currently have three positions: founding attorney of Goodwin & Pruette, Attorneys at Law, LLC; a contract as the Prosecuting Attorney for the City of Anderson (since 1996) and a contract for 19 hours of work a week with Anderson County Department of Social Services (since 2009). A person who does not have a good work ethic would not have three jobs. A person who does not have a good work ethic would have complaints by judges and others. For all three of my positions, I work both at my office and at home. I am available in person, by phone and by email.

I would ask that if this is a real concern, that it be further investigated. I would ask that the judges I regularly appear before: The Honorable Tommy B. Edwards, The Honorable Edgar H. Long and The Honorable Karen F. Ballenger be asked about my preparation and responsiveness. I would also ask that the attorneys who are familiar with my work on daily basis be questioned about my "work ethic." The great majority of my clients are very happy with how their cases are handled. I have never had a client file a grievance against me. I am sure that many of my clients would also speak on my behalf. I have an excellent reputation and my services would not be sought after and kept if I did not have a good "work ethic." I am confident that anyone who has regular contact with me will state that I work diligently and take my responsibilities very seriously


Mary Jane Goodwin 9-27-12