

JUDICIAL MERIT SELECTION COMMISSION

**Family Court
(New Candidate)**

Full Name: Erika Lanette McJimpsey
Business Address: 145 West Broad St
Spartanburg, SC 29304
Business Telephone: (864) 596-2038

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

I think that one who serves on the Family Court Bench should possess the requisite legal skill and knowledge. I believe it is also important to have individuals who possess a diversity of life experiences as well as a commitment to service. I have dedicated my life, personal and professional, to public service. Much of my professional expertise has been related to domestic issues. Initially, as the first full-time domestic violence prosecutor for Spartanburg County and my subsequent duties as a juvenile court prosecutor and an assistant legal counsel for the Department of Juvenile Justice. Additionally, I have done volunteer work with Big Brothers and Big Sisters and other non-profits that provide services to the youth and their families. I am both a therapeutic foster parent and an adoptive parent who has worked closely with Department of Social Services. I have gained a reputation among my colleagues as having a strong work ethic as well as being a fair and compassionate member of the legal community.

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

Yes, I plan to serve my full term if elected.

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

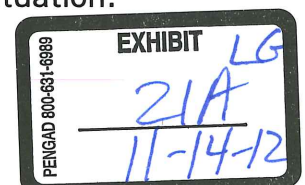
No, I do not have any plans to work in private practice.

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

Yes, I meet all the statutory requirements for this position regarding age, residency, and years of practice.

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

Ex parte communications should be avoided and all parties and their lawyers should be included in all communications. However, with the consent of all parties a judge may engage in an *ex parte* communication. Additionally, it may be permissible when the judge is dealing with a scheduling, administrative, or emergency situation.



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 has an obligation to proceed with integrity and impartiality. Presiding over matters in the above scenario could potentially be impermissible if my impartiality might reasonably be questioned by the parties involved as well as the public. Recusal is not mandatory, but I would proceed in a manner to ensure the administration of justice is not impugned. Not only should a judge be concerned about actual conflicts, but any action that would call the integrity of the court into question.

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 definitely allow the motion to be heard. It is important that each side is given the opportunity to respond to this issue. I would rule only after hearing from all parties.

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 recuse myself from hearing the case. It is imperative to preserve the integrity and independence of the judiciary.

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

It is permissible to accept token or items with little intrinsic value as long as it does not compromise my integrity and judicial independence. I will proceed with extreme caution to assure myself that acceptance would be consistent with my judicial independence and integrity.

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

I would report it to the Office of Disciplinary Counsel if the conduct raises a substantial question as to their honesty, trustworthiness, or fitness to serve.

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

No, I am not a member of any political parties, boards or commission that I would need to evaluate if elected.

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

No, I do not have any business activities that I would be involved with if elected to the bench.

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

I will draft my orders independently. It is important that I take responsibility for drafting orders for several reasons: to make sure that they are written accurately, to avoid delays in drafting, and to make sure rulings are issued in a timely manner.

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

It is very important to closely supervise staff as a judge. A judge is responsible for ensuring that the conduct and actions of his/her subordinates are consistent with expectations of timeliness and competency. In the past, I have found it very helpful to set deadlines using the shared calendar on a Microsoft Word. Also, unless a case merits an unusual amount of research it is reasonable to believe that most orders should be issued without unreasonable delay (within 30 days).

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?

South Carolina statutory law allows, but does not require, a family court judge to appoint a guardian when custody or visitation of a minor child is an issue before the court in a private action. South Carolina statutory law requires appointment of a guardian for a child in all abuse and neglect proceedings and in all termination of parental rights cases in family court.

As I judge, I would work closely with the Clerk of Court and the Guardian ad Litem to ensure that only individuals with the requisite qualification and training are appointed.

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

I strongly disfavor judicial activism. As a judge, my role is to interpret the law and not to make decisions that are inconsistent with the rule of law.

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 believe that it is important that members of the legal community make an effort to participate in events and support efforts to give the public at-large more information about the legal system.

I currently speak to schools, churches, and other non-profit organizations and lecture on various aspects of the law. I also serve as a mentor to girls and women in my church as well as my community. Equally, a judge is responsible for making sure that his or her conduct

serves as a positive reflection on the legal community, the judiciary, and his or her family.

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 that serving as a family court judge would create a strain on my personal relationships. I have a very supportive family network, and I will continue to effectively manage and balance my personal and professional duties.

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

I strongly support the efforts to make the family court more accessible to *pro se* litigants and I believe that the public's access to the courts should not be limited or impaired because they cannot hire a lawyer. I would ensure that *pro se* litigants receive a fair and impartial hearing and would provide assistance to the extent that it does not give either side an unfair advantage or create an appearance of partiality.

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

No, I do not have any active investments that would impair my ability to rule and judge impartiality.

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, I would not because this might, to a reasonable person, create an appearance of bias or impartiality.

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

No, I am not a member of any organizations that discriminate based on race, religion, or gender.

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

Yes, I have met the minimum hours required for continuing legal education courses.

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: I have limited experience in the areas of divorce and equitable distribution. I have taught courses related to domestic law: Family Law and Criminal Domestic at Spartanburg Methodist College. In addition, I have provided legal advice in regard to separation agreements and non support issues involving soldiers based on AR 608-99. Army Regulation 608-99

explains the Army's policy, guidance, and procedures concerning nonsupport of family members and paternity claims. As a Judge Advocate General in the Army Reserves for eleven years, I have consulted with hundreds of soldiers in regard to their financial obligations to their family members. This was a predominate part of my responsibilities for a numbers of years due to the increase of marital dissolutions based on military obligations and strains. Knowing that this is an area where I have less direct experience, in the civilian court, I have attempted to familiarize myself with statutory and case law of this State. I will continue to work diligently to enhance my knowledge and skills through advance preparation, training, and research.

b. Child custody: I have yet to gain direct experience in this area, but I have worked and am working diligently to familiarize myself with the statutory and case law concerning this area. I will diligently apply myself in this area.

c. Adoption: I do not have direct experience practicing in this area, with the exception of legal advice I have provided during my military service. In addition, I have worked to familiarize myself with the statutory and case law concerning adoption. As an adoptive parent, I am an adoptive parent and have first-hand knowledge of the adoption process. I am very sensitive to the importance these proceedings have in ensuring that as many children as possible have "forever families". I believe this increases the likelihood that they will be well-rounded and productive members of society. I have and will continue to diligently apply myself in this area.

d. Abuse and neglect: I have not directly represented parties in an abuse and neglect proceedings in Family Court. However, as an Assistant Solicitor and as an Assistant Legal Counsel with the Department of Juvenile Justice I have had significant involvement with the Department of Social Services. As a prosecutor (family court), a DSS liaison was assigned to attend juvenile hearings. During this time, there was a surge in the areas of truancy/educational neglect and criminal sexual conduct cases. Many times there would be a civil and criminal proceeding involving the same parties. Furthermore, many of the domestic violence cases and other General Session level charges I prosecuted had pending domestic matters in the Family Court. I have worked very closely with DSS and I have come to understand the unique and difficult challenges these cases present.

e. Juvenile cases: I have extensive knowledge in this area of law. I served as the Chief Family Court prosecuted for over four years, in addition to serving as an assistant legal counsel for the Department of Juvenile Justice for four years. I have handled every type of juvenile case, including cases where individuals were waived to the

Court of General Sessions. In addition, I have worked with the Department of Mental Health and the Department of Disabilities and Special Needs to have individuals judicially committed.

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

I believe a judge's temperament is extremely important. A judge should be courteous and respectful to all litigants and should never display intemperate behavior. Litigants whether or not they leave the courtroom with a favorable ruling should always be treated with respect and allowed adequate time to express their views. A judge who is compassionate and sensitive to the delicate issues addressed in family court is critical in ensuring that this takes place.

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 listed above apply seven days a week, twenty-four hours a day. I hold myself to the highest standards on and off duty. I live my life by the "Golden Rule". I endeavor to treat others, not as they treat me, but as I would want to be treated. I was taught this by my parents and I strive to consistently live by this principle.

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?

Any display of anger toward any party is inappropriate. A judge must possess the ability to restrain his or her emotions.

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 spent \$34.85 for postage and letters sent announcing my intent to run for this judicial seat.

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

No, I have not used judicial letterhead, or the services of any staff.

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

No, I have not sought or received the pledge of any legislator.

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

No, I have not sought or been offered a conditional pledge of support by any legislator.

