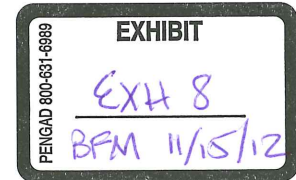


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

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



Full Name: Bernard Frank Mack  
Business Address: 110 North Main Street  
Summerville, SC 29483  
Business Telephone: (843) 285-7100

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

I have practiced in the Family Court for thirty (30) years. My practice has included work as: 1) an Assistant Public Defender; 2) an Assistant Solicitor for Family Court and Court of General Sessions; 3) Assistant Solicitor with the Department of Social Services matters; 4) representation of clients in all facets of domestic litigation; 5) representation of juvenile criminal defendants; 6) service as Guardian *ad Litem*; 7) attorney for Guardian *ad Litem*s and 8) Family Court mediator. My desire to serve as a Family Court judge is the culmination of a professional life of work in the Family Court and my hope to contribute to my community in diligent service 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?

*Ex Parte* communication is strictly avoided. *Ex Parte* Orders are very rarely issued by the Court in emergency situations that may effect the safety of a child.

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

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?

The appearance of bias requires the granting of a request for recusal. Information acquired in a judicial proceeding may not require recusal.

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

This situation requires recusal.

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

A judge should not accept gifts. Social hospitality offered by attorneys or litigants cannot be accepted.

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

Misconduct requires reporting to the appropriate authority.

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?

Orders are drafted by an attorney in the case subject to the approval of the opposing attorney as to form and content.

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

This requires creation of computer and hard copy docketing lists to ensure the meeting of deadlines.

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 the Guardian *ad Litem* in all appropriate proceedings must be protected and promoted by strict judicial adherence to the relevant statutes.

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

Judges should not have a role in setting or promoting public policy. Policy is a legislative function.

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?

Involvement with speaking requests as to these issues. Participation in Drug Court and DSS mediation.

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 have a strong marriage of thirty-three (33) years with three grown children. My two youngest children are in college, my son is completing his second year in law school and my youngest daughter is in her second year in college. This leaves me with greater freedom to devote to my judicial service.

19. Would you give any special considerations to a *pro se* litigant in family court?  
*Pro se* litigants must be treated with respect by the Court but are required to be held to the rules and standards of all litigants.
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? No
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: 40%
  - b. Child custody: 30%
  - c. Adoption: 10%
  - d. Abuse and neglect: 10%
  - e. Juvenile cases: 10%
25. What do you feel is the appropriate demeanor for a judge?  
Judicial demeanor requires impartiality, good listening, and fairness to all parties involved.
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?  
These should be applied at all 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 not an appropriate response for a judge with a litigant or criminal defendant. A judge can express the collective sense of the community as to the inappropriateness of criminal conduct.
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?
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

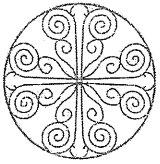
I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Bernard Frank Mack

Sworn to before me this 7 day of August, 2012.

Notary Public for South Carolina

My commission expires: 10/04/20



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BEN F. MACK  
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Family Court Mediator  
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November 8, 2012

Steve Davidson  
Judicial Merit Selection Commission  
P.O. Box 142  
Columbia, SC 29202

RE: Candidacy for Family Court at-Large Seat 5

Dear Mr. Davison:

I would like to amend my response to question 9 of my Sworn Statement to be included in the Transcript of Public Hearing.

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

Answer: A judge should not accept gifts from attorneys, litigants or any possible party associated with his or her judicial function.

A judge may be involved in normal social engagements with members of the bar and general public so long as engagements do not involve the appearance of impropriety, conflict of interest, or endorsement of a political position or cause.

I am also attaching my amended Confidential Financial Statement for inclusion in my filing.

Sincerely,

Ben F. Mack  
Attorney at Law

BFM/kdj