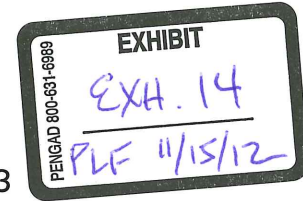


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Family Court  
(New Candidate)**



Full Name: Patricia L. Forbis  
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1. Why do you want to serve as a Family Court Judge?

I have practiced in the Family Courts of South Carolina in a variety of capacities for over seventeen years. I have had the opportunity to try cases before some of our most respected Family Court Judges. I have seen the impact a Family Court Judge has on the lives of the people and families that come before the court.

I believe a Family Court Judge needs to have the desire and ability to help solve the problems that the individuals and families brought before him or her. I want that opportunity to make the Family Court a place where these problems are dealt with in a compassionate and effective way. I would hope and believe that my experience and desire to do the best for those who come before me would make me a compassionate and effective 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? Possibly

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?

If our courts are to hold the respect of the people who come before it, the Court must maintain a fair and equitable approach to the handling of these matters. *Ex parte* communications are not a fair and equitable way to handle judicial matters. That being said there are occasions where an *ex parte* order may be issued in situations where children may be harmed or other serious events may negatively impact the parties involved. If such *ex parte* communication does occur then every effort must be made to have the matter brought before the court in an expedited manner so that all the litigants have an opportunity to be heard.

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

Again to maintain the respect of those who come before the court it is necessary to be sensitive to any possibility of bias. If any possible conflicts come before the court it is necessary to disclose those conflicts and determine if the perceived conflict will negatively impact the court's appearance neutrality and ability to effectively litigate the matter before it.

However, a call for recusal cannot automatically result in such an action being taken and the underlying motivation and impact on all litigants must be evaluated. Upon proper disclosure to the parties involved, the matter of recusal must be weighed carefully.

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?

Such a motion would have to be carefully considered in light of the motivation of the individual who requested the recusal, the impact of such an action on the other litigants, and the impact of the Judge to fairly go forward to litigate the case. Needless to say, this is a difficult situation and while the easy way out might just be to recuse one's self that may not be what is appropriate for that situation.

The closest analogy can be found for those of us who have served as Guardian ad Litem. There have been cases where one party does not like the GAL because of a perceived belief that the GAL is biased against him or her. The court is asked to replace the GAL, however that may not be in the best interests of the child. The GAL is charged with representing the child not appeasing the other parties. Similarly, a Judge is not charged with meeting all the perceived needs of the litigants but to weigh the impact of the possible bias on the Court's ability to effectively try the case.

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

An issue that involves one's spouse or close relative must be strongly considered as a reason to recuse one's self. My husband is a physician and there have been occasions, again when I have been asked to serve as a GAL but decided not to take the case because a doctor who refers to my husband's practice or has other dealings with him is involved. Would that have caused a problem? It is unknown, but why create a potential problem down the road when the going gets tough and the trial could be delayed or worse due to this potential problem?

In this situation as in others, there are degrees of involvement and with full disclosure to the parties the matter should be put to rest before a problem arises. It is better to err on the side of caution than create unnecessary difficulties.

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

If a gift is offered to me because I am a Judge of the Family Court, it would be inappropriate for me to accept it. However, if it is a gift or social hospitality from long time friends and coworkers of my family I would not think there would be a problem.

Of course the value of the gift and purpose for which it is offered should be considered. If the gift is too extravagant or given because of the recipient's position as a Family Court Judge, it should be refused.

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

We are instructed in law school that we must "rat on our enemies and tell on our friends." I would think that serving in a judicial capacity is no different. Each of us charged with maintaining the integrity of the bench and should do so. I practiced in Sumter where the late, wonderful Judge Myers set a high standard by reporting on an attorney who was inappropriate in his litigating style. That example will always guide my thoughts and decisions and duty to the bench.

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 believe that a family court judge must give clear, complete, and supported decisions based upon the facts presented at trial. At that point, as so many of our judges do, I would rely on the prevailing party to draft the order, after sharing it with opposing counsel, for my consideration and review.

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

I come from a business background where it is imperative for success to maintain a structure for review and completion of projects. Managing a judicial office would be no different. Each case would be entered into a log where it would be monitored for timely completion whether it would be the initial decision or final order. The case would be followed by me and my staff to insure that the case is completed in a timely fashion. Weekly reviews of dockets, problem cases and follow-up would be necessary to insure that orders are issued in a

timely fashion. Again we are serving a public who deserves and needs to have their cases handled in a timely manner so that they may get on with their lives.

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?

As I have been the Guardian ad Litem trainer and manual writer, I am very familiar with the requirements of the statute. The requirements are not burdensome but need to be adhered to. For example, the GAL affidavit needs to be submitted early in the case to insure the issue of conflict has been addressed.

The Order appointing the GAL should be clear as to the issues the Court wants the GAL to address. The GAL's duties, fees and payment schedule should be included in the Order so there is no confusion on the part of the attorneys or litigants.

Unfortunately, our court system does afford the opportunity for frequent contact between the court and the litigants. However, when there is occasion for the parties to come before the court, it is a chance for the court to review the activities of the GAL in accordance with the statute, to insure the home visits have happened, the parties have had access to the GAL and any problems with the GAL are discussed and addressed at that time.

While at the Children's Law Center, much of my time was spent to talking to disgruntled litigants about the GAL appointed in his or her case. Better communication and court involvement would have addressed these issues before they became the problems they did. The problems these litigants raised negatively impacted the perception of the Family Court as a place where one can receive a fair hearing. The Judge appoints the Guardian ad Litem and therefore is ultimately responsible for insuring the proper performance of the appointee.

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

A Judge's job is to hear the matter brought before the court and make rulings based on the facts of the case and the law as it applies to those facts. It is not a forum for personal beliefs or a bully pulpit to persuade others to the Judge's way of thinking. To treat the Bench in that manner would severely compromise the perception of the Court as a place where one will get a fair and reasonable hearing.

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 continue to be involved with lecturing at Continuing Education Seminars, speaking in public forum about the importance of the Family Courts in our state. I would continue my membership in the

Association of Family and Conciliation Courts in an effort to learn about new and effective ways to handle the problems that families bring before the court. I would continue to read and study new and developing literature about custody and the impact on our children.

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?

This is a serious question as the new At Large Judgeships may well require travel in excess of what our current resident judges have had to handle.

My husband and I have discussed this matter at length and we feel with proper planning we can insure our needed time together. As he is a physician we have dealt with this problem for years and realize that flexibility and planning are the keys to success. A Judge is scheduled at least six months out which gives my husband adequate time to coordinate his on call schedule with mine. I do not have children and my husband's children are grown.

Actually my husband is so excited for me about this opportunity, I think he would drive me all over the state if he could.

My greatest continuing responsibility is to my elderly parents. I recently moved them to a retirement community here in Columbia. They are now in a good safe place. They are healthy and have support systems in place to meet their needs as they arise.

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

The considerations that a *pro se* litigant in Family Court should expect are to be treated fairly and with respect and compassion. However, it is not the Judge's job to try their case for them or to perform as their lawyer. If a litigant fails to make their case or does not meet the standards for a matter to be decided then the Judge must make that clear and should advise the litigant to get an attorney. I feel that there are basic legal standards that need to be met when one comes before the judge and these are not waived because someone is not represented.

Many of us have tried cases against a *pro se* litigants and it is difficult and perceived to be unfair to a represented litigant if the other party seems to be receiving "special" treatment from the Judge. This, as in so many instances damages the credibility of the Court.

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: 35%
  - b. Child custody: 55% (Of course, a and b often overlap)
  - c. Adoption: 5%
  - d. Abuse and neglect: 3%
  - e. Juvenile cases: 2%

While my juvenile case experience is limited, I have handled some cases and worked on a project at the Children's Law Center which required observing a variety of juvenile court matters in various jurisdictions. I would continue to take the opportunity to observe all types of cases to learn the best and effective ways to handle such matters.

25. What do you feel is the appropriate demeanor for a judge?
- A judge must be appropriate in all interactions with the attorneys and litigants. A judge must demonstrate the ability to understand the matters before the court, act appropriately with courtesy and understanding towards those who appear before the court. The Judge should appear fair and reasonable to those who appear before him or 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?
- While it would be difficult to practice a judicial demeanor at all times, it does not seem unreasonable for someone who has attained this position to be expected to be cognizant of the responsibility of representing the robe and respecting the importance of it.
- I would like to think that I treat people fairly and with respect at all times, but I am sure that I do not. However, I would strive to always be cognizant of my position as a South Carolina Family Court Judge and act accordingly.
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 may not be the appropriate emotion to show towards litigants. While I am seeking a Family Court Judgeship and have never practiced in the criminal area, there are times in Family Court when a

litigant may evoke anger or loathing, but it is not the Judge's place to display those emotions. Again, the Judge should make a determination as to the dispensation of the case based on the facts.

That is not to say that a Judge may not express his or her opinion about the behavior of a litigant but I do not believe that should be done in anger. There is no doubt that there will be situations that could anger a judge but that anger should be expressed in the privacy of one's chambers if necessary.

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?

\$10.00 Name Tag

\$230.00 Professional photographer and business cards

\$91.50 Finger printing

Not reported as yet

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
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.

Patricia L Forbis

Sworn to before me this 3 day of August, 2012.

Cynthia DesChamps

Notary Public for South Carolina

My commission expires: 11/08/14