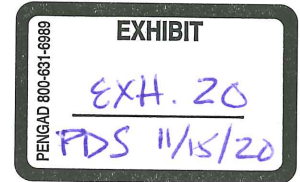


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: Paul D. Schwartz
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1. Why do you want to serve as a Family Court Judge?
I have been practicing law for nearly thirty (30) years, during which time I have served many years and times as a Guardian Ad Litem. In that role, I have seen the damage that occurs to children in Family Court litigation, and I believe I am uniquely qualified to help the citizens of South Carolina 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?
When I leave the bench I would assume that I would so return.
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?
I see no circumstances where *ex parte* communications would be tolerated.
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 a judge should always err on the side of recusal if the questions is raised as in this 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 more likely than not recuse myself. I would grant the motion, because it would go beyond my view of my impartiality.
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.

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

I would not accept either, and that would be a basis for a recusal.

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 and depending on the misconduct report to the Bar.

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?

I have an interest in a business called Half Rubber, a stick ball game involving bats and ½ rubber balls. Unless allowed, I would not remain involved if elected to the bench.

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

I would take copious notes and have attorneys appearing draft the Orders as has been the practice in the Tri County area.

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

We would keep a calendar and enter deadlines thereon with follow through.

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 make sure the Guardian Ad Litem order was thorough and clear, and would more likely than not require review hearings to verify the Guardian Ad Litem investigation was proceeding as Ordered and as provided by the statute.

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

I do not believe judges should be setting or promoting public policy. Our role, especially as a Family Court judge is to resolve the disputes brought before us.

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 encourage the local bar to engage in continuing legal education for Guardian Ad Litems and practicing attorneys, as to procedures and programs to expedite the process and ensure the resolution of cases, especially those involving the welfare of children quickly.

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. I would simply explain that what occurs on the bench is confidential and not any slight as to them.

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

I would show them the same courtesy as any other litigant, no more and no less.

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, and certainly not knowingly.

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: 50%

b. Child custody: 50%

c. Adoption: 50%

d. Abuse and neglect: 50%

e. Juvenile cases: 50%

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

To be calm and respectful, but in charge of the courtroom. I do not believe a judge should raise his or her voice, as he or she is already in charge. Treat the litigants as you would like to be treated.

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?

7 days a week, 24 hours a day.

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.

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? 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? No, but I am aware now.

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

Paul D. Schwartz

Sworn to before me this 8th day of August, 2012.

Notary Public for South Carolina

My commission expires: 02/08/17