



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

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

Full Name: Debra A. Matthews

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

I have a passion for family law and the people who are experiencing family problems. As a lawyer and a mother, I have a deep desire to do all that I can to help families resolve their differences. I take great joy helping families and seeing them progress towards healthy relationships. It would be an honor to serve 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?

Not if I am elected.

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 would adhere and perform my duties in accordance to the Canons of judicial conduct. The Canons prohibit a judge from initiating, permitting, or considering *ex parte* communications, or to consider other communications outside the presence of the parties concerning a pending or impending proceeding. However, under some circumstances, *ex parte* communications are permitted for scheduling; administrative purposes or emergencies that do not deal with substantive matters or issues on the merits. As long as no party gains a procedural or tactical advantage, and there is prompt notification to

all parties of the substance of the communication and parties have the opportunity to respond. There are other situations when *ex parte* communications are needed, such as the granting of an emergency or expedited hearing involving children. *Ex Parte* relief is also permitted in adult protective cases. Judges may also obtain the advice of a disinterested expert on the law on a proceeding before the judge, such as inviting the expert to file amicus curiae with notice to the parties for the opportunity to respond. A judge may confer separately with the parties and their lawyers in an effort to mediate or settle the case, with their consent. Also, a judge may consult with court personnel if it aids the judge in carrying out adjudicative responsibilities. A judge may initiate or consider *ex parte* communications when expressly authorized by law.

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 would adhere and perform my duties in accordance to the Canons of Judicial Conduct and disclose information on the record if my impartiality might reasonably be questioned, even if I believe there is no real basis for disqualification. I would disclose on the record and recuse myself if a former associate was to appear before me. In situations where lawyer-legislators are to appear before me I shall rule in accordance to the rule of law and the Constitution. I do not believe I would be required to recuse myself only because a lawyer is also a legislator. My philosophy is to err on the side of caution regarding recusal.

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?

If I disclosed something that had the appearance of bias I would give great deference to the party requesting my recusal, especially since it only need be an appearance of bias and not necessarily an actual prejudice or impartiality. I would listen to the party motioning my recusal, consider the facts and most likely recuse myself.

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 if there was an appearance of impropriety because of financial or social involvement of my spouse or a close relative. The Canons require a judge to conduct extrajudicial activities so that they do not cast doubt on his/her capacity to act impartially as

a judge. The Canons specifically state that a judge shall not engage in financial and business dealings that may reasonably be perceived to exploit the judge's judicial position or involve the judge in frequent transactions or continuing business relations with lawyers or other persons likely to come before the court on which the judge serves.

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

Canon 4 specifically addresses gifts, and states a judge shall not accept, and shall urge members of the judge's family who reside in the same household not to accept a gift, bequest, favor or loan from anyone except for a gift incident to a public testimonial, books, tapes and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the judge and the judge's spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice. A judge may accept a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member residing in the household, provided it could not be perceived as intended to influence the judge in the performance of his/her duties. Ordinary social hospitality or a gift from a relative or friend for a special occasion, commensurate with the occasion or relationship is permitted.

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

I would be required to report the misconduct or appearance of infirmity to the appropriate disciplinary authority.

11. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No

12. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

No

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

I would have a conflict with prior or current tenants in our rental business.

14. Since family court judges do not have law clerks, how would you handle the drafting of orders?  
As a private practitioner, I currently prepare all of the orders in my cases and would continue to do so if I am elected to the bench. Typically, one of the attorneys drafts the order from a hearing or trial, however if I need to prepare an order, I will.
15. If elected, what method would you use to ensure that you and your staff meet deadlines?  
I am a stickler for keeping a current calendar. We would use a computer and hard copy calendaring system for deadlines. My staff and I would both keep track of deadlines on the computer and hard copy calendaring system. My assistant and I review the calendar on a daily basis and constantly discuss deadlines, and I would continue to do so if I am elected.
16. 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?  
Unless a Judge retained jurisdiction in a case, it would be difficult to follow any given case. However, I would require guardians to file their affidavit regarding their qualifications. I would ensure that guardians attend hearings and file their written reports in a timely manner, without making a recommendation to the Court. I will be sure that the parties are given the opportunity to question the guardian at the hearing.
17. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I do not believe in "judicial activism" and believe that judges should apply the law to the facts of the case. I would rule in accordance to the rule of law and the Constitution. Judges should adhere to the public policy of the State.
18. 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 like to see a juvenile drug and school delinquency court in our Circuit. I could serve on committees as needed such as the Family Court Bench Bar Committee or assist with the Commission on CLE for family court.

19. 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 serving as a judge would strain any of my personal relationships with family or friends. All of our free time is spent with our family, close friends and church. Our family spends a lot of time together, including regular sit down suppers.
20. Would you give any special considerations to a *pro se* litigant in family court?  
No, I believe a *pro se* litigant should be held to the same standard as attorneys and are bound by the same rules.
21. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No
22. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
No
23. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.  
No
24. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?  
Yes
25. What do you feel is the appropriate demeanor for a judge and when do these rules apply?  
The appropriate demeanor for a judge should be calm, cool and collected at all times, whether in or out of the courtroom. A judge must be courteous to the attorneys, parties and court personnel, and at the same time require the same respect in return. A judge should maintain control of the courtroom without showing any disrespect. Emotions run high in family court and a judge should be sensitive and understanding. Judges should always be fair and impartial, and maintain dignity of the legal system.
26. 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, it is never appropriate to be angry with a member of the public, criminal defendant, an attorney or a *pro se* litigant who would appear before me.

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

\_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print name)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_