



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

**Family Court
(New Candidate)**

Full Name: Catherine S. Hendrix

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

My career in the law began as a domestic/criminal trial paralegal. This whet my appetite and I decided to attend law school. I was 37 years old. After I completed law school, I managed a law office in Winnsboro, South Carolina, which was a general practice. Over the years, my interest and my strengths converged within the family law arena. Many times the Family Court is the first experience with the legal system for most people. Emotions run the gamut, and the decisions made within those walls impact people for the rest of their lives. I do not say this glibly. As part of my law school experience, I worked on some capital murder cases. Many of those inmates were before the family court several times for a litany of different reasons. Judges in the Family Court must take the work they do seriously and conscientiously. I have been in private practice for 16 years as a successful litigator. I am an experienced Guardian *ad litem*.

I have a mediation portion of my practice which has built over the years and become an area of my practice that brings me great satisfaction. As a litigator and even as a Guardian, one is limited to asserting only one side of an argument. In my mediations, I am able to weigh arguments, listen to litigants and apply the law to those facts, to help them reach an Agreement. This view from the other side is both rewarding and challenging. I now feel it's time to apply my knowledge of Family Law to the decisions made from the Bench affecting the citizens of my community and our state.

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 communications are unprofessional and serve to undermine the very nature of our system. I am aware from my practice of family law that ex parte communications would come before me in abuse and neglect cases, or in the event of a petition for an emergency hearing or request for an ex parte restraining order. In private cases ex parte orders should be limited in scope and last only until a temporary hearing can be held to allow the Court to consider the entirety of the circumstances.

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 recuse myself from hearing any cases in which my partner or former associate appear. I do not believe it would be necessary to recuse myself from hearing a case in which a member of the legislature appeared unless the circumstances were such that I may have a conflict on other grounds. As a Judge, it is my duty and my obligation to hear the cases which are assigned to me.

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?

Perhaps. It is important that the appearance of impropriety be avoided however, one does not come to the Bench other than to serve the community. Each request would have to be thoroughly reviewed and decided on a case by case basis. One must weigh the basis of the motion against preserving the integrity of the legal system from the litigant's vantage point. My instinct over the years in matters of ethics is to err on the side of caution.

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 any hearing or other proceeding in which any member of my spouse's family or in which any member of my family was involved.

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

I do not believe the acceptance of any gifts to be appropriate, again due to appearances. A social hospitality would depend on the type of the offer but I believe I would be overly cautious in ever accepting any offering.

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 ethically required to report it.

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? **No**

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

In my experience the attorney who prevails in the courtroom is normally asked to draft the order and allow the other side language review prior to submission. If able, I would follow that practice. My years and experience in private practice will enable me to feel comfortable drafting any order needed if it became necessary. I

believe it is important to issue decisions as promptly as possible due to the unique nature of family law. As a trial paralegal, I developed my own "shorthand" which allows me to virtually make note of everything said in the courtroom and by whom. That talent will remain with me so that I may provide thorough review to orders drafted to reflect rulings.

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

Methods very similar to what I have established in my private practice. An electronic calendaring system with weekly or bi-weekly meetings has always been very successful. This allows for the calendaring of deadlines with weekly notifications and reminders for both myself and my staff.

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?

I have served as a Guardian in many contested custody cases. At the initial temporary hearing, if a custody or visitation issue appears to be contested, both litigants should be required to pay a deposit to a Guardian that will test the level of their personal commitment. As a presiding Judge, I would review the financial capability of the litigants and set an initial deposit that will allow the Guardian to really get started, as well as send a message to the litigants that contested custody is a serious matter that will be taken seriously. Appointment Orders will contain language regarding timely billing and timely payment. I believe, as a Judge, part of my responsibility will be to require that Guardians are governed by the same rules that govern the litigants. Guardians must comply with the Guardian statute and provide feedback to the litigants and counsel in a timely manner. Subpoenas served on Guardians must not be ignored. In my practice the Guardian's reports have many times been late or not submitted at all. As a Judge I would highlight submission of the report as part of a standard pre-trial order. Guardians must also have absolute knowledge that a Judge will ensure timely payment of Guardian fees. Guardians provide an extremely valuable insight to the court and their fees must be timely paid.

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

It is not a Judge's place to attempt to influence the law. My role as a Judge is to interpret the law that the legislators pass.

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?

As a Judge, I would like to be an active participant of my local bar. Regularly scheduled meetings can allow me to hear from those members regarding ways they believe our Family Court could improve. Smaller counties may not have some of the needs that larger counties have. One thing I believe could help regardless of the size of the county, is to work with the docketing clerk to allow Motions to Compel to be heard expeditiously. With the 365 day rule to move cases through the system, failures in responding to discovery have become a problem such that at times, these failures are actually rewarded by forcing one into a trial without sufficient information. A simple enforcement of the existing SCRPC with prompt scheduling of Motions to Compel would cure the problem and allow the docket to continue on a forward motion. Informing the local bar on an ongoing basis when lengthy contested cases reach settlement can thereby open the docket so that other Agreements can be added for approval on a last minute basis which could clear dockets.

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 it will. I have been in a very successful firm with offices in three separate locations around this state. I practice all over South Carolina and have for the entirety of my career. I have learned to manage stress, and believe the requirements of the Bench may be handled in the same way. I take vacation time. I eat well and try to exercise. Over the years I have learned to unplug from my computers and phone and enjoy time outside and with my family and friends.

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

A *pro se* litigant cannot be given any special favor or consideration. It is assumed that if one chooses to represent herself, she be held to the same standard as opposing counsel. As a Judge, my demeanor and comments will be respectful and pleasant. I will not be able to offer any assistance, although at times, explanation or definition may be necessary.

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?

Again, I will recuse myself from any action in which a family member may appear.

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?

Any member of the Judiciary should realize that whether in the courtroom or in public, one has a responsibility to uphold the integrity of the Robe. A Judge should be calm and thoughtful on the bench. She should be free from favoritism or from opinion. A Judge must retain control of the courtroom which is achieved by showing respect to the members of the Bar and of the public while commanding respect through being knowledgeable; forthright and even tempered.

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?

Anger from the Bench is never appropriate.

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: _____