



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

Family Court
(New Candidate)

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

I have practiced in Family Court since being admitted to the Bar in 2001. Although I have handled many types of litigation, I have been drawn to Family Court practice. I enjoy helping people navigate through the emotional process of these types of cases. I have participated in cases concerning almost every aspect of practice in Family Court, and I have been fortunate to practice before some outstanding Family Court judges who handle their dockets with patience, compassion, dignity, and respect. I believe it is important to have Family Court judges who can serve competently, efficiently, courteously, and with empathy for the litigants who appear before the Court, and that's what I want to do. It is important that the Court protects the due process rights of those involved in litigation in the Family Court. When each person involved in the court room does his or her job correctly, the system serves our citizens well. Family Court judges are in a unique position to facilitate the process and move cases through the system efficiently, while protecting the best interests of the children involved. I am grateful for the opportunity to be considered for service on the Family Court bench and believe it would be a fulfillment of my career goals to be honored with the opportunity to serve.

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?

Everyone with an interest in the case is entitled to be heard. Generally, a judge should not initiate, permit, or consider *ex parte* communications, because such conduct would erode public confidence in the impartiality of the judiciary. However, certain *ex parte* communications are authorized by law (such as the issuance of temporary restraining orders and requests for emergency hearings) and are permissible in those limited circumstances, which almost always require subsequent hearings to ensure the other side has a chance to respond and present its side of the case. *Ex parte* communications concerning scheduling or administration of a case that do not deal with the merits of the action, especially in emergency situations, may be allowed if the Judge reasonably believes no party will gain an advantage and the communication is promptly disclosed to the other parties, who are then given an opportunity to respond. In all instances, a judge should be mindful of the impression the communication would make to the litigants, and a judge should seek to ensure that his or her conduct does not violate the public trust and confidence in the judiciary.

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

In a situation in which the judge's impartiality might reasonably be questioned, the judge is required disqualify himself or herself. It is best to avoid any appearance of impropriety. A judge should disclose the association or other facts on the record, even if the judge believes there is no real basis for disqualification. If the facts could lead a reasonable person to question the judge's impartiality, the judge should disqualify himself or herself.

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 grant the request for recusal. It is important that the public have confidence in the judiciary, and it is not worth undermining that public trust to move a case along the docket.

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

If my spouse or close relative was financially involved with one of the parties involved in the case, I would disclose the matter and recuse myself. Likewise, if the social involvement of a spouse or close relative was significant enough that it rose to the level of creating an appearance of impropriety, I would recuse myself from the case.

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

I would not accept, or allow my family members to accept, gifts, bequests, favors, or loans that could create an appearance of bias or impropriety. I would accept ordinary social hospitality, but would not accept any special invitations or items of value from attorneys or parties who could appear before me in court that could create an appearance of favoritism or bias. If the gift-giver is a family member or a friend, the gift is permissible if it is commensurate with the occasion and the relationship.

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?

My actions would depend upon the circumstances. If possible, I would try to speak to the lawyer or judge involved about remedying the situation, would notify the person's supervisor (if applicable), or make a referral to a program like Lawyers Helping Lawyers or the South Carolina Bar. However, if the conduct was serious enough (such as conduct that raised questions as to the person's honesty, trustworthiness, or fitness to practice), Rule 407 may require that I report the judge or lawyer 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.

As the Executive Director of the Barnwell County Chamber of Commerce, I organized fund-raising events. I also participated in fund-raising activities for the Rotary Club of Barnwell County. I also sponsor a softball team in Barnwell each year, and I have donated to our local schools. Last year I gave \$250.00 to the English I class at Guinyard-Butler Middle School to assist the class in purchasing books for their students. I regularly give to my church.

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?

I would take notes during the hearings and request the prevailing attorney draft a proposed order for my review. I would feel free to make changes to that proposed order to reflect my findings of fact and ruling. Currently, I am the sole attorney in my firm and I draft all my own proposed orders and submit them to the judges in a timely manner. I believe I would be able to handle the review of proposed orders and be able to make the appropriate changes. If necessary, I can write my own order.

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

I would keep a list of each docket and have my staff inquire regarding the status of the order with the attorney responsible for presenting the proposed order if it has not been received in my office after 21 days from the date of the hearing. I would implement a system for ensuring that any reports or deadlines I am required to meet would be observed. In my private practice, I am comfortable with deadlines and have been able to meet deadlines and operate efficiently and diligently.

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?

In each case in which there is a substantial dispute about custody and I believe that without a guardian ad litem the court would not be fully informed, I would appoint a guardian ad litem. I would require the guardian ad litem to file an affidavit of his or her qualifications as required by statute. The appointment order should list the guardian ad litem's responsibilities and should provide the guardian ad litem access to all records concerning the minor children and all necessary records concerning the parties to the action. I would set deadlines for initial reports in the appointment order. I have noticed that often parties go to court for a temporary hearing and a guardian is appointed, but the attorneys fail to notify the guardian of the appointment in a timely manner. To remedy this situation, I would require the attorney responsible for drafting the order to notify the guardian ad litem of the appointment and the contact information for the parties in writing within a certain amount of time, which would depend on the facts of the case. At a final hearing, I would inquire as to whether the guardian's final report was provided to all parties in accordance with the statutory timelines.

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

I believe the legislature should make the law and judges should apply the law to the facts. Judges should not set or promote public policy by bending the law in a way that would frustrate the intent of the legislature.

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?

If requested, I would participate in Continuing Legal Education seminars and presentations to improve the administration of justice as allowed by Canon 4. I would participate in judicial conferences and would serve as requested by the Judicial Department in any activities to improve the functioning of the court system.

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 believe serving as a judge would change some of the friendly relationships I now have with fellow attorneys. I would not be able to socialize or meet for lunch as I often do now. I realize that would be a change for me, and I believe I can handle this change. I recognize I will be required to travel, and I believe my spouse and children are prepared for that change as well. I have the support of my family and friends in this endeavor.

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

I would hold a *pro se* litigant to the same evidentiary and procedural rules as the other parties in the court, but I would make sure the litigant has been advised of his or her right to have counsel. If the litigant qualified for appointed counsel, I would make sure the litigant had the opportunity to apply for appointed counsel.

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?

If the *de minimis* financial interest in a party could reasonably give rise to a question of my impartiality, I believe the rule requires that I disqualify myself from the proceeding. I would not hear a case if I had a financial interest in a party involved in the case.

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?

I believe a judge should be calm, deliberate, thoughtful, and respectful at all times. A judge should act at all times in a way that promotes public confidence in the impartiality and integrity of the judiciary. This means that even when the judge is not on the bench, the judge should still act in a dignified manner and should respect and comply with the law at all times.

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?

I do not believe it is ever appropriate to be angry with those who appear before you in court, whether the anger is directed at an attorney or a pro se litigant. I believe that strong emotions like anger can cloud judgment, and a judge needs to consider the facts of the case and apply the law in a calm, deliberate manner. I realize at times the behavior of those in court may cause feelings of anger to arise, and when that happens, a judge should use caution to make sure that anger is not expressed toward the litigant and that those feelings do not interfere with the ability to calmly and rationally assess the facts of the case and apply the law to the facts.

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: _____