



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

Family Court
(New Candidate)

Full Name: Meredith Brooks Moss

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

I aspire to serve as Family Court judge for the Seventh Judicial Circuit based on my desire to serve the people of South Carolina. I have practiced in every area of Family Court in some form. I have structured my practice to benefit children and litigants. I have served on numerous committees and boards to fulfill my desire to serve the public. Serving as a judge would allow me to continue to provide a public service and continue to work to protect children. To me, becoming a judge is one of the highest honors that can be bestowed upon someone in my profession. I recognize that it is not a position of power, but a position of service, as many individuals enter the courtroom every day seeking resolution in accordance with the law.

2. Do you plan to serve your full term if elected?

Yes, I plan to serve a full term and would like to continue to serve thereafter should the commission and legislature find me fit to do so. I do not desire to transition to another court. My desire is to remain at the Family Court level.

3. Do you have any plans to return to private practice one day?

I doubt that I would return to private practice, as my intention would be to enter retirement after completing my terms of service. However, I would possibly consider returning to teach legal based classes or to mediate cases.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

I meet the statutory requirements for the position as I am over the age of thirty-two, am a citizen and a resident of the state of South Carolina and have resided in the Seventh Judicial Circuit for a period greater than five years. I have practiced law for greater than eight years.

I am forty-five years of age. I have resided at the same address for eighteen years in Cowpens, South Carolina and will have been practicing law for twenty years as of November 13, 2020.

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 should never be initiated, permitted or considered by a judge unless allowed by law or required by circumstance. There are instances where *ex parte* communications can occur, such as when temporary restraining orders or emergency motions are filed seeking an *ex parte* order. Only the information provided should be considered and a judge may not investigate the matter personally nor request additional information. An *ex parte* order is a temporary order and a hearing must be scheduled as quickly as possible.

Additionally, *ex parte* communications may occur for purposes of scheduling or administrative purposes. At no time should the *ex parte* communication deal with substantive matters or provide a procedural or tactical advantage. When an *ex parte* communication occurs, all other parties must be notified and given the opportunity to respond based upon the communication.

6. 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?

A judge must disclose on the record information that the parties and their lawyers might consider disqualifying. Despite personal belief as to impartiality, if the parties or clients feel a reason for disqualification exists, then recusal should occur.

If the issue requires immediate action by the court, the judge must put the reason for possible disqualification on the record and make reasonable efforts to transfer the matter to another judge as quickly as practicable.

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

A judge has a duty to avoid all impropriety or appearance of impropriety, both professionally and personally. If the financial or social involvement would create in a reasonable mind a perception of inability to fulfill judicial responsibility, lack of integrity, partiality, or incompetence, then a recusal would be proper. I would disclose the basis for disqualification and request that the parties and their attorneys discuss the social or financial involvement to determine if a waiver of disqualification is appropriate. Should they waive such possible disqualification, after discussing outside my presence, then basis of disqualification and the waiver would be placed on the record. Should the parties or their attorneys not agree to waive such possible disqualification based upon the appearance of impropriety, then I would recuse myself from the matter and transfer the matter to another judge in a timely manner.

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

I would accept gifts from close friends for special occasions, as long as the value is appropriate for the special occasion.

However, if the gift is offered from an individual or the individual's interest is likely to come before the Court, then the gift would not be accepted. If the gift would raise any question of impartiality or doubt as to the integrity of the office, then such gift cannot be accepted or would require recusal in any matter appearing before the Court.

Gifts for public testimonials are acceptable, as long as such gift does not exceed what is offered to other individuals not holding an office.

No gift may be accepted that can be perceived as intending to influence a judge in performance of judicial duties.

In regard to social events, bar related activities are acceptable. An invitation to a judge and spouse is acceptable if it is a bar-related function, or activity devoted to the law, legal system, or administration of justice.

Ordinary social hospitality is usually acceptable. If the party or organization offering an invitation is likely to come before the Court, then the invitation cannot be accepted. If attendance would raise any question of impartiality or the integrity of the office, then such invitation cannot be accepted or would require recusal in any matter appearing before the Court. Any invitation that is accompanied by something of value, such as lodging, or gift of \$150.00 or more would be reported to the Office of Court Administration through the annual report required to be filed.

9. 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?

In accordance with the Canons of Ethics and the Rules of Professional Conduct, if I have knowledge that another judge has committed a violation that raises substantial question as to the other judge's fitness for office, or that an attorney has committed a violation that raises a substantial question as to his or her honesty, trustworthiness, or fitness as a lawyer, then I am obligated to notify the proper authority.

10. 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.

I am not a member of any organization or association that limits its membership on the basis of race, sex, religion, or national origin.

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

I currently serve on the Parents Club for Oakbrook Preparatory School as Treasurer. I have assisted in fund raising events for the benefit of the teachers and students of the school.

I currently serve on the Cherokee County Crime Stoppers Board and have since 2012, as a board member. I have assisted in fund raising events for the benefit of the organization.

I served on the Gaffney Little Theatre Board from 2013-2018 as a board member and By-Laws Committee Chair. As a board member, I assisted in obtaining sponsorships from businesses to defray the costs of productions.

I served on the Cherokee County Recreation Department Soccer Board from 2014-2019. I also was a coach from 2010-2018. I assisted in obtaining team sponsorships.

I served on the Cherokee County Performing Arts Fundraising Committee from 2014-2016. I did not personally seek funding but was listed in the correspondence seeking funding.

I served as an assistant coach for the YMCA Little League Winter Basketball from 2013-2017. I assisted in obtaining team sponsorships.

I served on the South Carolina Peach Festival Board from 2009-2014. I served as the Sponsorship Chairman and the Liability Chairman every year. In my role, I raised funds from businesses to support the festival. I created sponsorship packages based upon a level of giving, which was approved by the board. I ensured that the benefits of the giving level were provided to the business, which could include radio and print recognition, signage, logo placement, tickets to events, parking permits, and souvenirs.

I served on the Cherokee County Chamber of Commerce from 2008-2012, as vice-president, president and past president. The chamber held two major events per year, the annual awards banquet and the retreat. As a board member and as an officer, I assisted in obtaining sponsorship for these events. I also assisted in the creation of the Youth of the Year Award and secured Charter Communications to sponsor that award for a period of several years.

I served on the Village School of Gaffney Board as a board member and one term as Vice-President from 2006-2009. I assisted in fund raising promotions for the benefit of the school.

I served on the Communities in Schools Board in Cherokee County as a board member and one term as Treasurer from 2006-2008. I assisted in obtaining sponsorships from businesses to defray the costs of running the program.

I worked with the youth group at Buford Street United Methodist Church from 2005-2012. I assisted in obtaining sponsorships from individuals in the church to defray the costs of events and sponsorship of children who needed additional assistance.

I served on the Cherokee Department of Disabilities and Special Needs Board as a board member and one term as Secretary from 2002-2008. I assisted in obtaining sponsorships from businesses to help in the expansion of the work facility and cosmetic renovations to the homes in which the clients reside.

I have purchased tickets, attended events, participated in auctions and provided sponsorships numerous times for the benefit of different organizations including but not limited to Meals on Wheels, Cherokee Children's Home, Fostering Hope, Hope Center for Children, Buford Street United Methodist Church, Know2, Habitat for Humanity, Winshape, Cherokee County Law Enforcement Drug Prevention Program, public school programs and sports, Oakbrook Preparatory, Cherokee County Recreational Leagues, and Gaffney Little Theatre.

I have attended fund-raising events for political figures but have not attended any political functions in over five years.

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

I would remain an owner of Aloft Aviation Services, LLC, which is an aviation services corporation. My husband, Michael Leighton, handles all operations. I do not participate in the business or management. I am a silent partner. Should a relationship evolve that gives the appearance of impropriety or bias, I would sign my shares of the stock to my husband and recuse myself from any matters that have a basis for disqualification.

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

Status orders and form orders would be completed personally. Other orders, including motions, pendente lite, final orders and decrees would be assigned to the attorney involved in the case, which represents the moving party or if the moving party is unrepresented, then to the attorney.

If two or more attorneys are involved and agree as to the drafter, the attorneys can notify the court prior to leaving the courtroom, which attorney is drafting the order.

In all situations, verification of approval of the order, attempt to obtain approval of the order, or a statement of disagreed matters would be required prior to signing the order.

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

I would run the judicial office as I do my current law practice in certain aspects. My office regularly staffs every case to schedule and ensure completion of requirements and goals. A master list of outstanding orders would be maintained. Attorneys would be notified by fax or by telephone five (5) days prior to an order being due to assist in efficiency. A master list of cases in which rulings have been taken under advisement would be maintained with a deadline for issuing the ruling.

Deadlines would be posted in a calendar system, with the expected completion to fall prior to the deadline. Any personal time would be rearranged to ensure my availability to complete the tasks.

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?

Foremost, the qualifications to serve as guardian ad litem as set forth in the statutes should be determined. It is crucial that the Court verify that the affidavit required for each case stating all qualifications are met is filed with the Court as well as responsive pleadings filed within forty-five days. Thereafter, verification during motion and pre-trial hearings that the requirements of an independent investigation have begun, a visit with the child has occurred and that written reports are submitted in accordance with the statutes. I would review reports submitted to verify that the statutory guidelines are met and that recommendations were not provided in accordance with the statute.

Additionally, I would allow questioning of the guardian ad litem and of the parties during the final hearing as to their satisfaction with the services of the guardian ad litem to aid in accountability of the guardian ad litem to their statutory duties.

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

A judge has a duty to base decisions on law and prior precedent. Judges should limit their intervention in policymaking. However, certain circumstances may arise that require a judge to make a broader interpretation of the law based on a particular fact situation that does not fit within the established statutory law, common law, or precedents. Such decisions should be based upon the facts presented to the Court. A judge should not allow his or her own personal opinion or bias to cloud determinations in areas that are not specifically dealt with through the current available law or precedents. Public policy changes over the course of time and varies among certain segments of the population. Without necessity based upon a particular fact scenario outside of the current law and precedents, judges should not seek to establish a public policy.

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 love the opportunity to work with members of the bar and the judiciary to update the statutory requirements for guardians ad litem to assist in providing training to guardians to ensure that they understand their role. I think that some type of uniformity in reporting requirements through the creation of forms and guidelines would be beneficial.

I would like to continue grading the Law Day Essays for the Seventh Judicial Circuit.

I would enjoy participating in programs through the school system dealing with the judicial system. I am willing to speak publicly or to a group of bar members as requested, so long as the topic is in furtherance of the legal system.

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 feel that serving as a judge would cause any strain in my personal relationships with my family or friends. I maintain a schedule and employ assistance when needed. I have always ensured that I properly allocate time to professional requirements, family obligations, personal time, and social events. I have a solid balance within these realms. I am capable of rearranging my time to meet any of the requirements, obligations and desires to ensure that no area is neglected.

19. Would you give any special considerations to a pro se litigant in Family Court?

“A pro se litigant who knowingly elects to represent h[er]self assumes full responsibility for complying with substantive and procedural requirements of the law.” State v Burton, 356 S.C. 259, 265 n. 589 S.E.2nd 6, 9 n.5 (2003). However, certain consideration must be made. A consideration that may be offered is during a temporary hearing, if no affidavit is provided by the pro se litigant, a sworn verbal statement may be accepted. A judge may not offer any legal advice or service. Great care must be taken to ensure that there is no appearance of impropriety, bias, or lack of integrity if special considerations are given.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No, I am not involved in any active investments that would impair my appearance of impartiality.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

‘De minimis’ is Latin for *not enough to be considered*. An issue that is ‘de minimis’ would not be sufficient to cause recusal, but notification of such interest must be made to all parties and counsel. A party must show some evidence of bias or prejudice and if there is no evidence of bias or prejudice then a judge may proceed in hearing the case. Proof of impartiality for a ‘de minimis’ interest can later be shown if the findings of fact are not supported by the record and thus, an appeal may follow.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes. I have maintained a continuous record of completing continuing legal education requirements.

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge should always conduct him or herself in a manner that avoids any appearance of impropriety. A professional demeanor that shows deliberation, competence, and impartiality is required. One must have patience with litigants, attorneys, and other individuals in the courtroom. Patience shall be present but not interfere with the efficiency of the Court. At all times, a judge’s behavior should be dignified and courteous. Body language, facial expression and orations are not

appropriate in that they may give an impression of bias. Private matters and personal opinions should never be voiced or cause influence on a judge's demeanor or decisions.

Your profession and character follow you in all aspects of life, whether on the job, in a social setting, or a personal setting. Appropriate demeanor and behaviors are required continuously to ensure integrity, impartiality and the sanctity of the office held is always preserved.

24. 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?

A judge is required to be patient, dignified and courteous to the litigants and attorneys. A judge is responsible for maintaining order and decorum. Feelings of anger may exist as we are human, however a display of anger must be limited by a statement of anger without actions of anger. An active display of anger would undermine the neutrality and civility of the courtroom. Anger cannot be based upon personal feelings or beliefs but only upon the actions or omissions of the parties, attorneys, court personnel or situation. Additionally, anger can only be expressed to the individuals in whom grounds exist to share the displeasure of the Court, not third parties.

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

Wendell R. Bredemeyer

Sworn to before me this 20th day of July, 2020.

M. Virginia Harman
(Signature)

M. Virginia Harman
(Print name)

Notary Public for South Carolina

My commission expires: 1/11/2029

