



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

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

Full Name:

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

I was first exposed to the Family Court during my first year of practice in 1998. Over the past 22 years of my career I have had the opportunity to practice many different areas of law and in many different courts. No area of law gives me more personal satisfaction than what I have accomplished in the Family Court. I grew up in a household where family was very important and family means a lot to me. I have been fortunate enough to go to college and on to law school and return to my hometown to develop a very successful family law practice. There is nothing more satisfying to me than assisting someone in a positive way during what is one of the most chaotic and terrifying situations in their life. A divorce is a situation wherein one is faced with losing their spouse, their children, their retirement, their home and many other things that they love and cherish. I have been told by many clients that my calm demeanor relaxed them in their time of crises and the feeling I gave them that I really cared put them at ease. I truly believe that my demeanor, my desire to do good in people's lives, my desire to make everyone from the lawyers to the litigants feel at ease, and my overall desire to simply do what is best for people will make me an outstanding Family Court Judge. When Judge Sinclair's seat became available, I knew that seat was where I wanted to spend the remainder of my legal career.

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, my desire is to finish my legal career as a Resident Family Court Judge in the Seventh Judicial Circuit.

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?

This situation is addressed in Canon 3 B (7) of the Code of Judicial Conduct. *Ex parte* communications are always to avoid avoided except in certain specific circumstances. Circumstances may require *ex parte* communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits. This is only appropriate where I reasonably believe no party will gain an advantage and I would promptly notify all other parties of the substance of the *ex parte* communication and allow them an opportunity to respond.

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?

I would allow the parties and their attorneys to discuss the disclosure outside of my presence. If a party requested that I recuse myself from a case, I would have no problem doing so, even if I did not believe that what I disclosed would hinder my impartiality.

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

Canon 3 E of the Code of Judicial Conduct would require me to disqualify myself.

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

Canon 4 D (5) of the Code of Judicial Conduct states that a judge shall not accept, and shall urge members of the judge's family residing in the judge's household, not to accept, a gift, bequest, favor or loan from anyone except in very specific instances. I would follow this Canon strictly. Canon 4 D (5) (c) allows judges to engage in ordinary social hospitality. In my opinion, a judge should not attend a social gathering at the invitation of a person who is actively involved in a Family Court case in that judge's circuit or where that judge is currently hearing cases.

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?

Canon 3 D of the Code of Judicial Conduct addresses this situation. The Code would require me to take “appropriate action” if I receive information indicating a substantial likelihood that another judge has committed a violation of the Code. I would like to first address it with the judge then make a decision from there. If I have actual knowledge that another judge has committed a violation of the Code that raises a substantial question as to the judge’s fitness for office I would be required to notify the appropriate authority.

If I receive information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct I would take the appropriate action required by the Code. If I have actual knowledge of a lawyer’s actions that violate the Rules of Professional Conduct that raises a substantial question as to the lawyer’s honesty, trustworthiness or fitness as a lawyer I would report the lawyer to the appropriate 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.

No

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

No

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

I currently own The Firm Fitness Center, LLC in Spartanburg, SC. I have been active in a healthy lifestyle since I was a child playing sports and lifting weights. Weight training and being active with cardio is good for individuals mentally and physically. Giving the community a place to go to improve their mental and physical wellbeing is good for the overall community. I opened the gym two years ago because I felt like Spartanburg needed a different type of gym than those available at that time. I do not believe the gym would conflict in any way with my duties as a judge; however, I currently have a gentleman wanting to purchase it from me and I am seriously considering selling it to him. I did not open it for the income; rather, I opened it because the community needed it.

Canon 4 D of the Code of Judicial Conduct controls financial activities of a judge. I understand that I would not be allowed to engage in frequent transactions or

continuing business relationships with those lawyers or other persons likely to come before me as a judge. In that regard, quite honestly, I have no problem selling the gym; however, I would seek the advice and counsel of the Supreme Court and Attorney John Nichols, Chief Disciplinary Counsel for the South Carolina Bar.

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

I appear in Family Court very often. All of the judges I appear in front of request that one of the attorneys in the case draft the order and allow the other attorney to review it prior to submitting it. That is what I would do.

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

My current system of meeting deadlines is that my paralegal and I have both a paper calendar and a computer calendar where we track deadlines. We monitor those two calendars closely and fortunately it has worked great. I would continue with the same system I have used for 22 years.

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 require the guardian ad litem that is agreed upon by parties (or chosen by me if the parties could not agree on one) to submit a sworn affidavit stating that they have read the entire guardian ad litem statute and have satisfied all requirements set forth therein. This would go beyond the initial affidavit that is required by S.C. Code Section 63-3-820 (D).

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

Judicial activism occurs when a judge goes beyond the words of the constitution or a statute to consider broader societal implications. At the Family Court level, in my opinion, the judge's role is to apply the law to the facts as presented. If there is a clear cut answer as to what the outcome should be then that is how the judge should rule. However, in Family Court, there is often a gray area. When there is a gray area of the law when compared to the facts presented, a Family Court judge should take that opportunity to promote good 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?

One of the most important ways a judge can improve the system is to earn people's faith and trust in the legal system. The attorneys and the litigants that appear in Family Court need to know they will be treated fairly, with respect and with compassion by the judge. I would take every opportunity when on the bench to use that platform to inform those I encounter that I am there to find some way to help their situation, even if presented with a situation where I am removing their children from them. I would find some way to show them I am not there to destroy them and their family; rather, I am there to protect their most valuable possession (their child) and help them get better for the sake of their child. I would try to give hope to a person who lost custody of their child due to drugs by giving them an opportunity to get off of drugs and prove they are off drugs so they can come back later and have a normal healthy parent / child relationship.

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 Family Court judge would pose any strain on my personal relationships.

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

There are rules that must be followed in the courtroom whether one is a trained attorney or a pro se litigant. In my opinion, rules of evidence must be followed by everyone. Special consideration should not be given to a pro se litigant because that could be seen as giving them an advantage or showing favoritism. There are certain procedures to get evidence into the record and those procedures would be required of an attorney and if the attorney fails to properly introduce the evidence it should not come in. Likewise, a pro se litigant should not be given special consideration because they do not know how to get evidence in. Everyone has an opportunity to obtain legal counsel and if they choose not to do so they should not receive help from the judge. The role of the Family Court judge is to remain impartial and serve as the decision maker, not to coach a litigant or be an advocate for a litigant throughout their case.

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?

Canon 3 E (1) (d) (iii) of the Code of Judicial Conduct addresses this question. Although the Canon states the judge should disqualify himself or herself if he or she or a member of their family has "more than" a *de minimis* interested that

could be substantially affected by the proceeding. If only a de minimis interest is involved in the particular case and not more than a de minimis interest I would disclose it to the parties and let them discuss outside of my presence because the term "de minimis" is quite vague. If there is any doubt, I would simply disqualify myself to be safe.

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

Yes

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

A judge should always remain dignified, calm, courteous and in control of their courtroom. At the same, however, a judge should be stern and confident in their actions and words.

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?

Anger is an emotion and I believe that a sitting judge should keep his or her emotions under control at all times and remain dignified. Certainly, there will be times when a judge needs to be stern and direct when speaking to a litigant and he or she should do so with a calm, direct and confident demeanor.

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

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Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

Notary Public for South Carolina

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