



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

**Family Court**  
**(Incumbent)**

Full Name: Cely Anne Brigman

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

It has been an honor and a privilege to serve on the Family Court bench. Serving has given me the opportunity to use my education, experience and training to benefit others. I enjoy the challenges of the position and believe I have been a dutiful and even handed judge.

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

I plan to serve my full term if re-elected.

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

I do not have any plans to return to private practice as long as I hold a judicial position.

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

I meet the statutory requirements for this position.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I have abided by the Judicial Canons and refrained from engaging in *ex parte* communications in cases before me except as allowed under Judicial Canon 3(B)(7) or otherwise authorized by law. If re-elected to serve on the Family Court bench, I would continue to abide by the Judicial

Canons and refrain from engaging in *ex parte* communications except in those situations outlined in Canon 3(B)(7) which include administrative matters or emergencies that do not deal with substantive issues, situations where there will be no tactical advantage as a result of such communications and all parties are advised of the communication and allowed opportunity to respond. There are also statutory provisions which all for *ex parte* communications, such as the issuance of temporary orders related to child support and custody.

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 have abided by Judicial Canon 3(E) which addressed recusal and the avoiding any appearance of impartiality or bias. My practice has been to disclose and past relationship with counsel or litigants on the record. I strongly believe that it is important for judges to be fair and impartial and for the litigants and attorneys to have confidence in the judge hearing their case. I believe it is best to recuse yourself to avoid any appearance of impropriety.

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

Pursuant to Canon 3(E)(d), if a judge's impartiality might be reasonable questioned, a judge shall recuse himself if the judge, the judge's spouse or a person within the third degree of relationship to either of them, or the spouse of such a person is a party to the proceeding, is acting as a lawyer in the proceeding, is known by the judge to have an interest that could be affected in the proceeding, or the judge has knowledge that person might be a material witness in the proceeding.

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

I do not accept any gifts or offers of social hospitality that might be viewed as an attempt to influence my judicial decisions. I would also discourage members of my household from accepting such gifts or invitations. Pursuant to Canon 4, professional gifts and invitations, ordinary social hospitality and gifts from family and friends are excepted from the rule. However, I would reject any gift or invitation received which gave the appearance of impropriety.

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?

Pursuant to Canon 3(D), if I had knowledge that a judge committed a violation of the Code of Judicial Canons that raised a question to his fitness for office, I would have direct communication with the judge and report the violation to the appropriate authority.

If I had knowledge that a lawyer had violated the Rules of Professional Conduct that raised a question as to the lawyer's honesty, trustworthiness or fitness as a lawyer, I would have direct communication with the lawyer and report the violation to the appropriate authority.

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

I have not engaged in any fund-raising activities with any social, community, or religious organization.

11. Do you have any business activities that you have remained involved with since your election to the bench?

I do not have any business activities that I would remain involved with.

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

I request one of the attorneys prepare an order pursuant to my ruling and that a copy be provided to opposing counsel before submitting to me for signature. I give the opposing attorney the opportunity to respond to the proposed order before signing. If necessary, I prepare the order personally. I often prepare Pro Se orders. If there are specific legal issues that need to be addressed, I ask the attorneys to brief those issues and I research the issues personally.

13. What methods do you use to ensure that you and your staff meet deadlines?

A judge has a duty to diligently discharge administrative duties and to ensure that his staff does the same. I try to clearly communicate with my Administrative Assistant, court personnel, attorneys and litigants.

14. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

I try to ensure that guardians are appointed in appropriate cases in a timely manner. I expect the guardians to be qualified and properly trained. The guardians should be provided with all pleadings, notices, discovery and orders related to their ward.

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

Judges are expected to apply the laws as written. If the statutory or constitutional provisions are clear, then the judge's discretion is limited by those provisions which he should follow. In issues where there is no specific statute or law governing the matter, the judge's discretionary decisions should be limited to furthering the general principals of law governing that specific issues and the Court should not seek to formulate new rules or procedures not contemplated by the law as written. However, there are times when judges have to use discretion based on the judge's training and experience.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I have spoken at a few Continuing Legal Education Seminars and I welcome any opportunity to speak at other appropriate functions where I could have the chance to educate others about the legal system and the roles of lawyers and judges. I have participated for two years in the Judicial Observation Experience for law school students.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

The pressure of serving as a judge has not strained my personal relationships. I have two daughters who are both married and have

excellent jobs. My husband is retired and totally supports my service as a judge.

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

I am not involved in any active investments from which I derive additional income that might impair my appearance of impartiality.

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

Pursuant to Judicial Canon 3(E)(1), a judge should not hear a case in which he or a family member has more than a *de minimis* financial interest in the subject matter. If I or a family member had an interest that would not raise reasonable question as to my impartiality, I would hear the case. However, I would advise the litigants and the attorneys on the record of such interest.

20. 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 that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin.

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

I have met the mandatory minimum hours requirement for continuing legal education courses.

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

I believe that a judge should be patient, polite and courteous to both the litigants and lawyers that appear before him. Family Court judges have the ability to impact the most critical parts of a family's life and litigants are

often overwhelmed and frightened when appearing in Family Court. It is important for the judge to be patient and polite and allow the litigants the "have their day in court". I do not believe it serves the litigants, the attorneys or the judiciary for a judge to be impatient or abrupt with those appearing before him.

I believe the same standards should apply outside of the court room as well. Judges should be role models in their community and should always behave in a manner consistent with the Judicial Canons.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

There are going to be certain situations in which judges become angry with the litigants and even the attorneys who appear before him. The issues is how the judge deals with or addresses the anger. Explosive outbursts from the bench are not appropriate and do not promote confidence in the judicial system.

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 \_\_\_\_\_, 2021.

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

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

Notary Public for South Carolina

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