



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

**Family Court  
(Incumbent)**

Full Name: Michèle Patrão Forsythe

Business Address: Charleston County Judicial Center  
100 Broad Street  
Suite 256  
Charleston, South Carolina 29412

Business Telephone: 843.958.4439

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

Serving on the Family Court is one of the most rewarding experiences of my life. I continue to have a strong desire and commitment to serve the State of South Carolina. The inherent public trust placed on an individual judge in the Family Court is sacred. The Family Court's impact touches so many areas of society. The work of the Family Court continues to show me how much good we can do for families in South Carolina, and most importantly, for the children in South Carolina.

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

The Code of Judicial Conduct is clear that *ex parte* communications should be discouraged. Even the appearance of impropriety or impartiality taints communications. It is best to limit *ex parte* communications. Over time, I have come to learn that there are moments when *ex parte* communications are inevitable and unavoidable. For example, if an emergency arises, and a lawyer is unavailable to attend a proceeding, it is not a surprise of the lawyer contacts the judge's office. A Family Court judge should reveal the content of those communications to opposing counsel immediately, in accordance with the Code of Judicial Conduct.

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?

Canon 3E (1) of the Code of Judicial Conduct makes clear that a judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. A judge should give a party requesting recusal considerable deference, and consider all of the aspects of the case. Some litigants may attempt to gain advantage by asking the judge to recuse. A judge must weigh all of the considerations, and place the analysis on the record, to protect the integrity of the judicial proceedings. More often than not, the request for recusal is reasonable, and the judge should recuse.

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

The Code of Judicial Conduct applies to immediate family members as well as judges. The financial or social involvement of my spouse or child would preclude my ability to hear a matter. If there is a reasonable appearance of impropriety or impartiality, it would be best to assign the case to another judge as quickly as possible.

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

It is best to limit social hospitality and gifts to avoid 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?

Code of Judicial Conduct Canon 3D considers situations when a judge must report misconduct, or when it is appropriate to use personal judgment to determine reporting of an attorney or colleague. Judges may consider using "appropriate action," which includes having a direct communication with the attorney or judge about the concern. I would consider whether the situation required a report, or whether a conversation could suffice as intervention.

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

No.

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

I have an interest in a limited liability company known as Cutters, LLC which controls real estate. I have no decision making authority and have an arms-length relationship with the company.

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

Family Court judges generally issue instructions regarding the preparation of orders to counsel of record. There are times when I prepare my own orders. For example, I draft my own orders for self-represented litigants, particularly, Final Orders and Decrees of Divorce and Orders for Name Change. I also keep track of my own orders and those I have ordered counsel to prepare for deadline purposes.

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

My Administrative Assistant and I meet regularly to track our deadlines.

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 routinely question the guardian *ad litem* regarding the outcome of his or her duties, which are delineated in the statutes. I review guardian *ad litem* reports in institutional cases and private actions. Before the start of every DSS case, I review the guardian *ad litem* report, so I can ask any questions necessary during the course of the Hearing or Trial. Likewise, in private custody cases, I also review the interim and final reports of the guardian *ad litem*.

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

Members of the judiciary must remain impartial and support the system of justice. Each branch of government has its separate functions. Each branch also must work on its special duties regarding the administration of law. Judges enforce the law as it has been written by the Constitution of the United States, the Constitution of the State of South Carolina, and the General Assembly of South Carolina.

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?

In the Family Court, judges can facilitate improving court and system responses to child abuse and neglect, and juvenile delinquency. Judges can also work within the community and judicial system to promote the role of the courts in civil society. I engage with stakeholders and system entities to work on juvenile delinquency

issues and to keep up with developments in all areas of family law. I work hard to establish a collaborative problem-solving environment within the court system so that institutional cases do not fall through the cracks, but get the justice and due process they deserve. I continue to work on issues regarding human trafficking in our state.

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 Code of Judicial Conduct reminds judges that we are always representing the courts in which we preside. My family and friends are supportive and understanding of my role. However, the Code also makes clear that judges cannot live in a bubble. We are human, and must maintain healthy relationships in order to perform our duties well. As long as a judge is balanced and grounded, the pressures can be managed.

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

No.

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

No.

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.

No.

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

Yes.

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

A judge should be respectful, engaging, compassionate, and humble. The rules always apply. As a judge we swear an oath, which does not suspend at the end of the work day. These are standards we must live by and uphold.

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?

It is never appropriate to be angry when dealing with attorneys or self-represented litigants. All litigants and lawyers are entitled to fair and impartial proceedings. Judges are human, and there are times when we will become angry. It is best to take a moment before continuing with a proceeding to remember that humility, grace, and patience are required.

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

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

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

Notary Public for South Carolina

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