



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

**Family Court
(Incumbent)**

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

When I initially made the decision to offer my candidacy for the Family Court Bench, I took stock in both my professional and personal experience. A review of my resume quickly reveals that my professional career has always included some element of public service, as well as significant connections to the Family Court system. In addition, I believe my role as a son, brother, husband and father has significantly contributed to the foundation preparing me for this role.

While joining the Family Court bench in the midst of the pandemic has been challenging, it has also provided a wonderful opportunity to hone my skills while learning from amazingly gifted, dedicated and gracious fellow judges, practitioners, clerks and agency staff. I also immediately leaned on my training and experience as a litigator, guardian ad litem, Family Court mediator, Magistrate judge, Family Court prosecutor and public defender. I cannot conceive of a position that would have more fully utilized the skills and passion I have developed over the past twenty-seven (27) years of practice.

I have enjoyed every minute of my service on the Family Court Bench, and I am excited by the prospect of what small contribution I might have to offer in the future. I appreciate the opportunity to date, and relish the challenges and opportunities that lie ahead.

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?

I would like to serve in this capacity for as long as I am afforded the opportunity. I certainly could see myself returning to some element of the Family Court arena after I reach the age of mandatory retirement.

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?

I believe *ex parte* communications are inappropriate and ultimately call into question the impartiality of the Court. I have always worked very diligently in my previous service as a Magistrate and now as a Family Court Judge to ensure they do not take place. I also have always worked hard to safeguard against even the appearance of such a communication. Finally, although the rules provide for certain limited circumstances in which *ex parte* communications are permitted (i.e., scheduling, administrative, or emergency scenarios), I have found that with a careful eye that most of these situations can be avoided by including all relevant parties in the administration of judiciary functions.

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 seriously consider any request by a party that I recuse myself from a case. I also feel I have a responsibility to enlist the input of all interested parties in a case where I personally have noted a concern, and then make a decision as to recusal. In addition, it has been my practice both on the Magistrate Bench and Family Court Bench to carry that philosophy a bit further in that whenever there could be a chance of even the 'appearance' of any factor that may call into question my impartiality or the integrity of the Court, I have always attempted to fully disclose my concerns on the record and sought input from the interested parties, and/or requested the reassignment of the particular case to another judge.

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

I believe I have a duty in such a scenario to disqualify myself from presiding over the case in question.

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

While the Judicial Canons provide for narrowly defined private offers of hospitality, personal gifts, or even professional 'gifts' within certain defined allowances, I have always been very sensitive to anything that could possibly be perceived as impugning the impartiality of the Bench, and/or in some way exploiting a judge's official position. With that in mind, I believe the safest practice is to simply decline any and all gifts or offers of social hospitality. This has been and will continue to be my practice.

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?

I believe actual first-hand knowledge of such information regarding misconduct requires immediate disclosure to the appropriate authority in order to protect clients / litigants, the Court system, and the lawyer or judge themselves. In the case of a noted infirmity, a disclosure to an appropriate outreach entity such as Lawyers Helping Lawyers through the South Carolina Bar may also be warranted.

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? No

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

I learned early in my service on the Magistrate Bench that delaying the delivery of a clear decision from the bench only serves to frustrate the litigants and at times dilute the import of the ruling. This is especially true in the highly emotional environment of Family Court. As such, I always strive to deliver rulings where appropriate in a very timely fashion.

In an environment of large caseloads and no law clerks, I typically request one of the attorneys to draft a proposed order to be circulated to opposing counsel and the guardian ad litem before delivery to the Court, and/or if it is a particularly contentious or detailed hearing, I will ask both attorneys to draft a proposed order for consideration. If the circumstance warrants or at an attorney's request, I may

request the attorney(s) to brief a particular issue for consideration. Finally, in many cases there is not an attorney involved on either side, in which case I have and will continue to undertake necessary research and prepare my own order.

Regardless of the case or circumstances, I work very hard to ensure everyone has a voice and that the ruling of the Court is delivered in way that can be understood and is delivered as expeditiously as possible.

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

A judge has a clear duty to ensure the diligent and impartial discharge of his or her duties, and this duty extends to his her or staff. I have always strived to maintain a clear and open line of communication between myself and court staff, both internally and with regard to communication with attorneys and members of the general public. We focus on creating clear expectations, and uniformly apply procedural rules and expeditious calendaring of cases. We always work hard to address cases, motions, inquiries and scheduling as quickly as possible. I try to make myself available in any given scenario to assist in moving the docket forward, covering for fellow judges and/or working with attorneys to overcome impediments to resolving cases. This approach has always served me well and I am proud of the professional reputation that my administrative assistant and I have established.

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?

As a seasoned former guardian ad litem, I have personally experienced the powerful role a guardian can contribute to a Family Court case. I firmly believe in appointing experienced and effective representatives as guardians. The most important initial decision is identifying the appropriate cases requiring the appointment of a guardian ad litem. Thereafter, certifying an identified guardian possesses proper training, relevant experience and dedication to the requirements of service. After appointment, I ensure the guardian has the necessary tools to complete their investigation in a timely fashion, file necessary reports, and deliver effective representation of the minor child(ren)'s interests via discovery, evaluations, testing, home inspections, reporting, and proper financial support.

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

I do not believe in the notion of "judicial activism", and/or setting public policy from the bench. I believe a judge promotes public policy when he or she applies the laws as passed by the legislature. Where the law is silent or ambiguous as to a specific question or controversy, I believe a judge is tasked with utilizing common sense and some degree of discretion within the confines of the original legislative intent.

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 welcomed the opportunity to engage with members of the Bar and the general public in appropriate forums to improve the legal system and the overall administration of justice. While the pandemic has certainly curtailed the opportunity to explore the implementation of such forums, I look forward to opening doors on this front in the near future.

I believe any opportunity to educate the public on the workings of the Family Court, or to engage Family Court practitioners on improving the services of the Court will provide a significant contribution to effectiveness and overall public perception of this vitally important community resource.

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?

Having many years' experience in private practice, serving in the Magistrate Court, and now on the Family Court Bench, I believe I have a firm grasp on the expectations and demands of serving as a judge. While there is little doubt service as a Family Court judge takes a toll, it is also a daily reminder of the blessings and peace found in one's own family. My family and friends have been incredibly supportive of my career and certainly keep me grounded and well-prepared for each new day on the bench.

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?

I believe the appropriate demeanor for a judge is one of temperament that encompasses compassion, impartiality, professionalism, courtesy, patience, respect, humility, decisive action, and above all else, a commitment to the equal administration of justice to all parties before the Court. Given that a Judge is the public face of the Court, I believe this temperament is required at all times and in every setting, personal and professional.

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?

I do not believe it is ever appropriate for a member of the judiciary to exhibit anger towards a member of the public, in a criminal or civil setting. Likewise, anger is never an appropriate element of a judge's interaction with an attorney or pro se litigant.

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)

Karen Patterson

(Print name)

Notary Public for South Carolina

My commission expires: June 1, 2030