



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

Family Court
(New Candidate)

Full Name: Honorable Elizabeth Biggerstaff York

Business Address: 139 Cashua Street, Darlington, SC. 29532

Business Telephone: 843-968-0246

1. Why do you want to serve as a Family Court Judge?
As a person who has practiced primarily in the Family Court, I see how frightening the court system can be for litigants. For many people, the Family Court is their only contact with the judicial system. I believe that my personality and experience will lend itself to being a proper referee striving to allow each litigant to believe that he or she was given a fair day in court. Being a Family Court Judge would allow me to use my education and experiences to help adults, children, and hopefully the State as a whole.
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.
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 would abide by the Judicial Canons and refrain from engaging in ex parte communications except as allowed, such as for emergencies and scheduling.

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?
If, after making a disclosure as indicated, any attorney or party had a continuing objection, I would recuse myself to avoid any appearance of impropriety.
7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
If, after an objection was raised or was continuing, I would recuse myself to avoid the appearance of impropriety.
8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would not accept any gifts or offers of social hospitality that might be viewed as an attempt to influence my judicial decisions. Professional gifts and invitations, ordinary social hospitality, and gifts from family and friends are exceptions under the Canons. I would reject any gift or hospitality that would give 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?
I would discuss the matter with the attorney or judge and make a report 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.
Prior to my serving as a Municipal Judge, I would participate in occasional fund-raising efforts at my children's school, for the Florence Junior League, at church, for the American Heart Association, and for Cooks for Christ.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
No.
13. Since Family Court judges do not have law clerks, how would you handle the drafting of orders?
I would request that an attorney participating draft the order, circulate it with counsel, and then present it to me after the attorneys reached an agreement as to the order. At times, I may draft orders personally.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
A judge has a duty to diligently discharge administrative duties and to make sure that her staff does the same. I would utilize clear communication with attorneys, staff, litigants, and court personnel. I would include a tracking and calendaring system.
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?
When needed in a case, I will appoint guardians ad litem in a timely manner. The guardians will be qualified and properly trained. The guardians are to be provided all pleadings and other filings. An order will be issued to allow the guardian access to records regarding his or her ward.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
If the statutory, constitutional, or case law is clear, then the judge is to apply the law as written. It is not the trial judge's place to implement new procedures or rules.
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 continue to speak at Continuing Legal Education seminars when asked. I would welcome appropriate activities to further the law, legal system, and administration of justice.

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 believe there would be a strain on my personal relationships. My family and friends, including my ex-husband, are supportive of this decision.
19. Would you give any special considerations to a pro se litigant in family court?
I would inform the litigant that he is to be held to the same standard as an attorney prior to going forward in any hearing. I would question him about whether he has sought the advice of an attorney and whether he wishes to have counsel. In abuse and neglect cases, I would ask the defendant about the application for the appointment of counsel. I would make certain that the litigant is making an informed decision about proceeding without counsel.
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?
If I or a family member had a small interest that should not raise an issue of impartiality, I would inform all parties and counsel and consider recusing myself if requested.
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 be fair and firm while being patient, polite, and courteous. It is important for a judge to continue to promote integrity and impartiality. I have been in the Family Court as a litigant and as an attorney. It is important that the judge remember that the person appearing is typically afraid, nervous, and experiencing a stressful time.

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?

It is not appropriate. If I found myself getting frustrated, I would call a recess to compose myself. Outbursts by the judge are not appropriate and do not promote confidence in the system.

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

EB York

Sworn to before me this 19th day of July, 2021.

Barbara Davis
(Signature)

Barbara Davis
(Print name)

Notary Public for South Carolina

My commission expires: 9/26/24

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