

17
JACOBSON
1/18/25

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

Family Court
(New Candidate)

Full Name: Marissa K. Jacobson

Business Address: 1643 B Savannah Highway, Charleston, South Carolina 29414

Business Telephone: 843-860-7959

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

It has been my professional goal since college to practice law in the Family Court and to one day become a Family Court Judge. During my last year at Wofford College in Spartanburg, South Carolina, during an interim period, I interned with the Honorable Judy L. McMahon." This opportunity allowed me to sit with her while she was presiding, to observe in chambers conferences with attorneys and to ask her questions about the many interesting fact patterns that were being presented to the court. I admired her pleasant demeanor and her ability to be fair and impartial, making decisions for people that affected their lives. I have always enjoyed helping people and am naturally an empathetic and sympathetic person. Being a family court judge required this skill set and I wanted to learn more.

In law school, I took as many classes that were available to learn about Family Law. I took "Domestic Relations" and "Parents, Children and the Law", and participated in legal clinics and pro bono programs, both furthering my interest in family law and public service. These courses and clinics gave me the perspective of the significant role family court judges have in the judicial system. A role that is to be taken seriously, exercising integrity, fairness, impartiality, and grace.

I have practiced in Family Court since being admitted to the Bar in 2005. My practice has included many types of litigation, however has been predominately family law in nature. I have represented clients and served as a guardian ad litem, in nearly every aspect of family law.

This practice has allowed me to pursue both my attraction to family law and public service. I have served indigent clients in multiple capacities throughout the years. My solo practice has also afforded me the opportunity to take on particularly complex litigated matters that interest me. On any given day, I may be working on alimony calculations, discovery and equitable distribution for one

client and then several hours later appear in court at a Department of Social Services docket, where I may be representing four clients with issues ranging from termination of parental rights to a probable cause hearing. Running a solo practice has required high levels of organization, efficiency and attention to detail.

In 2021, I became a certified family court mediator. Since that time, I regularly mediate family court matters in both Berkeley County and in Charleston County. I find mediation to be rewarding. I enjoy helping people settle their cases. The relief that parties' feel when a settlement is reached is palpable.

I have been fortunate to witness family court judges who exemplify the attributes that I aspire to put into practice should I be honored with the opportunity to serve. Their dignity, application of the law, respect to court staff, attorneys, litigants and ability to move cases through the system in an organized and efficient manner all while protecting litigants constitutional rights and protecting the best interests of children is a challenging role, but one that I would be honored to have.

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?

The Canons state that a judge shall not initiate, permit or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding, unless the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication. These canons exist to ensure that judiciary remains impartial and fair.

Certain *ex parte* communications are authorized by law, such as the issuance of temporary restraining orders and requests for emergency hearings. However, the issuance of those orders will almost always require another hearing to ensure that the other side has a chance to be properly heard. Scheduling and the administration of a case, that does not include consideration of the substantive facts of the case, are also examples whereby a judge may be allowed to entertain *ex parte* communication. A judge would engage in such scheduling and administration, only if the Judge did not believe that a party would gain an advantage, the

communication is disclosed in a prompt manner and the other party or parties are granted the chance to respond.

This rule speaks to maintaining the trust and confidence of the public.

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 there is an appearance of bias, I believe recusing myself would be required. Family Court judges are vested with the obligation to maintain public trust and confidence. Fairness and impartiality are to be upheld at all times and remaining on a case, where my ability to be fair and impartial due to the appearance of bias, regardless of whether actual prejudice existed, would be improper. With this being said, a judge must also be conscious of judge shopping.

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

As stated above, recusal would be appropriate. There is no reason to undermine the public trust to cross one more case off of the docket.

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

The Judicial Canons mandate that there should be no accepting or allowing members of my family to accept gifts, awards or benefits that could be reasonably perceived as intending to influence the judge. Accepting gifts would be improper and create the appearance of bias. Judges are allowed to received ordinary social hospitality and continue to receive gifts from their families and friends, so long as the gifts reasonably correspond to the occasion and relationship.

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?

It would depend on the circumstances that present themselves. I believe that judges have an obligation to first speak to the lawyer or fellow judge in a private and appropriate setting to determine whether the person is able to remedy their behavior and/or needs a referral to a program such as, the South Carolina Bar Lawyers Helping Lawyers. If the misconduct or appearance of infirmity of a lawyer or fellow judge raised questions as to the person's honesty, trustworthiness or practice, Rule 407, 8.4 require that I report the lawyer or judge to the office of disciplinary counsel.

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? No

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

During the proceeding, I would take notes so I could refresh my memory when the order is received that the order reflects my ruling and/or instructions.

As a sole practitioner, I draft the majority of my orders. I am capable to do so in a timely manner. However, it is customary in family court that the prevailing party drafts the order, in accordance with South Carolina Rules of Civil Procedure, Rule 5(B)(3). If there were a pro se litigant, I could quickly and easily draft the order. Further, the South Carolina Judicial Department, provides templates for form orders on their website.

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

As a sole practitioner, I am capable and familiar with methods of organization to meet deadlines and other obligations. I would mark events and deadlines on my paper calendar and my computer calendar and similarly, have my administrative assistant do the same. I would also keep a list of each docket and have my administrative assistant ask about the status of orders with the attorney responsible for the order if it has not been received within a reasonable period of time from the date of the hearing.

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 review the file and the guardian ad litem affidavit to confirm that it is in accordance with the statute and the rules of civil procedure. Having served as a

guardian ad litem and cross-examined a guardian ad litem countless times, I am familiar with the statute. I would review the report provided by the guardian ad litem to make sure that it is in accordance with the statute and the rules of civil procedure. I would question the parties to establish as to whether they believe the guardian ad litem has complied with the statute. guardian ad litem have a great responsibility as the “eyes of the court”, to protect the best interest of minor children and to perform an independent investigation.

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

The legislature is assigned the responsibility to approve, set or establish the law, the statutes and public policy. A judge should not engage in creating or destroying the laws. A judge’s role is to apply the laws.

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 attend continuing legal education seminars or programs that further the administration of justice. I would participate in judicial conferences. I would continue to volunteer for the South Carolina Bar Mock Trial Program.

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 am fortunate to have a supportive, loving and understanding family. As a third generation attorney, and being married to a former family court judge, I am both aware of the demands that the practice of law and the responsibilities associated with being a judge require. Similarly, my friends who are attorneys understand this as well.

19. **Would you give any special considerations to a pro se litigant in family court?**

Pro se litigants are to be held to the same standards that apply to an attorney. However, because they are not familiar with the law, I believe that a judge must inform them that they have the right to hire an attorney. In a situation, if the statute allows for it, I would educate them that they are entitled to court appointed counsel if they are unable to afford hiring a private attorney. The rules of civil procedure and evidence exist so that the playing ground for self-representation is

level. Pro se litigants and litigants are all subject to the same rules of court. The purpose of the rules is to provide a level playing field. If asked for legal advice, I would inform them that I am not allowed to do that.

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?

No, it would be inappropriate to hear a case where either a family member or I held a *de minimis* financial interest in a party involved because there could be an appearance of bias or impartiality, despite there being no prohibition from doing so in the Judicial Canons.

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. The appropriate demeanor for a judge is to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity. A judge should similarly require that conduct of lawyers, staff, court officials follow suit. These rules apply at all times. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and the impartiality of the judiciary.

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?

a. It is never appropriate to be angry with a member of the public who would appear before me. It is not proper to become angry when dealing with attorneys or pro se litigants. It is however, necessary to maintain order in the courtroom to promote public confidence in the integrity of the judiciary.

b. Judges are not infallible and it is natural to feel irritated or frustrated at times, particularly with the subject matter reviewed by a family court judge. However, it is not appropriate to act in anger because it could cloud

one's judgement. The ideal balance to maintain courtroom decorum is to be firm, yet patient and compassionate.

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

Unainna Jacobson

Sworn to before me this 25th day of July, 2025.

M. R. L.
(Signature)

Jane A. Landis

(Print name)

Notary Public for South Carolina

My commission expires: 7/31/33