



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

Family Court
(New Candidate)

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

I aspire to serve as a Family Court Judge because it offers me the most meaningful and effective opportunity and venue from which to apply my legal training and experience to serve and assist children and families in crisis.

I am particularly sensitive to the plight of children who find themselves within the Family Court. They are often disoriented and caught in the middle of a tempestuous situation which is no fault of their own. While the adults appearing in Family Court have contributed to the reason for their presence there, the children have not. I have served on the Board of the Child Abuse Prevention Association and witnessed the fear and apprehension in the eyes of children caught in the middle of domestic turmoil as a reserve law enforcement officer. I seek the opportunity to make decisions which will positively impact those children's lives and well-being and protect their well-being when the adults upon whom they rely on are unable.

Likewise, I strive to help adults find peace during and after perhaps the most intense period of their lives. A Family Court Judge plays a vital role in providing decisiveness and finality to a dispute which is especially necessary when the adults are unable to agree or to envision a path to closure clearly on their own. The Family Court can provide guidance, stability, firmness and fairness in the most tumultuous of times and situations and can impose and enforce the rules of civilized society when litigants are incapable of conforming their behavior themselves, for whatever reason.

In my opinion, a Family Court Judge must bring to bear empathy, compassion, experience, wisdom, firmness and fairness to a chaotic environment. I believe my training and experience as a Marine Officer, as well as my 29 years as a Family Court practitioner, and my experience as a Family Court mediator and Magistrate Judge have developed these characteristics in me and I wish to use them to serve my community.

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?

Canon 3(B)(7) and its subparts govern a judge's conduct regarding *ex parte* communications, generally prohibiting any discussion outside the presence of all parties on a pending or impending proceeding. To do otherwise compromises the trust and confidence of the parties and gives the appearance of impropriety. Exceptions exist for scheduling, administrative purposes, emergencies, consultations with disinterested experts, court personnel, or settlement discussions with consent, provided no party gains a procedural or tactical advantage and all parties are promptly notified. My philosophy is to adhere strictly to these rules, avoiding *ex parte* communications except when circumstances clearly fall within the allowable exceptions such as where the safety or welfare of a minor child is at risk, or where there is domestic abuse or child abuse, as occasionally arises in Family Court requiring emergency *ex parte* intervention. Even in those limited circumstances, this relief should be non-prejudicial and only be ordered subject to an additional hearing where all litigants and interested parties may be heard. I have found as a part-time

Magistrate Judge that with diligent oversight and strict procedures in place, *ex parte* communication can be avoided.

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?

A judge has a duty to avoid both actual bias and the appearance of bias, as required by Canon 3. If a party raised a concern about my impartiality and requested my recusal, I would give great deference to that request. While not every case gives grounds for automatic recusal, the perception of the appearance of bias resides within the minds of the parties and attorneys involved and not the judge. The appearance and perception of bias is to be assiduously avoided. In practice as a part-time Magistrate Judge, I find that the simplest solution is to seek reassignment of the case to another Magistrate Judge. I would continue this practice if elected to the Family Court. Ultimately, maintaining public trust in the integrity and impartiality of the judiciary is paramount.

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

I would disclose the circumstances prior to the proceeding and recuse myself from hearing the matter. A judge should not preside over a case where their decision could directly or indirectly impact the financial or social interests of a spouse or close relative. Canon 3(E)(1) supports this position. To uphold these standards, I would exercise due diligence and make reasonable inquiries to remain informed about the economic and social interests of my spouse and close family members, ensuring impartiality and public confidence in the judiciary.

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

Canon 4(D)(5) provides that a judge shall not accept gifts, with only narrow exceptions such as ordinary social hospitality, or personal gifts from relatives and close friends on special occasions, so long as the gifts are reasonable and appropriate to the relationship and occasion. The commentary cautions that excessive gifts could raise questions about a judge's impartiality and integrity, potentially requiring disqualification. While judges are encouraged not to isolate themselves from their community or close relationships, acceptance

of gifts must remain strictly within the limits set by the Canons. With this in mind, I would not accept gifts or social hospitality except as specifically permitted, and I would exercise caution to avoid even the perception that my impartiality could be compromised or that my position as a judge was being exploited.

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?

Canons 3(D)(1) and (2) require a judge to take appropriate action when receiving information indicating a substantial likelihood that another judge has violated the Canons or that a lawyer has violated the Rules of Professional Conduct, and to report to the appropriate authority when they have actual knowledge of a violation that raises questions about a judge's fitness for office or a lawyer's honesty, trustworthiness, or fitness to practice. Canon 3(G) further addresses situations involving potential infirmity, requiring action if a judge reasonably believes another judge or lawyer's performance is impaired, with options ranging from private discussion and referral to assistance programs, to reporting if the circumstances warrant. In practice, I would first consider the facts under Canon 3(D) and 3(G), as well as Rule 8.3 of the South Carolina Rules of Professional Conduct. If appropriate, I would begin with a private conversation, encouraging self-reporting or referral to resources such as the Bar's Lawyers Helping Lawyers program. However, if I had knowledge of misconduct or if the circumstances raised substantial concerns about fitness, integrity, or impartiality, I would fulfill my duty to report the matter directly to the Office of Disciplinary Counsel or the Commission on Judicial Conduct. This approach balances compassion for the individual with the responsibility to protect the integrity of the profession and public confidence in the judiciary.

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.

Canon 2(C) provides that a judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin. The Commentary states that an organization which is a fraternal, alumni, or other college, university or school related organization, is not considered to discriminate invidiously if it does not stigmatize any excluded persons as inferior

and therefore unworthy of membership. I am a member of the alumni corporation of my college fraternity as are all living alumni of my college fraternity. We do not practice invidious discrimination.

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. My private law practice would cease. The engineering/construction business I own will be either assumed by my wife and/or children, sold to an outside party, or closed.

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

The commentary to Canon 3(B)(7) permits a judge to request that a party submit a proposed order, provided the other party has an opportunity to review and respond, and Canon 3(B)(8) further requires that all matters be resolved promptly, efficiently, and fairly. In practice, I would employ a variety of methods depending on the nature, length, and complexity of the matter. For straightforward issues, I may issue a bench ruling with a Form 4 Judgment prepared by the Court, while for more involved cases, I would be inclined to direct one attorney to draft a proposed order, circulate it to opposing counsel for review, and then carefully review and edit before signing. In certain circumstances, I may request both sides to submit proposed orders, or even prepare my own order after conducting additional research or briefing if warranted. While I have confidence in the Bar's ability to draft clear and accurate orders, I recognize that all orders must faithfully reflect the Court's findings of fact and conclusions of law. To ensure timeliness, I would maintain a dual-calendar system with my staff so that, absent exceptional circumstances, all orders are finalized and signed within thirty days. This approach not only ensures fairness and accuracy but also preserves litigants' confidence in the integrity and efficiency of the Court.

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

Throughout my 29 years in Family Court practice, I have relied on a two-person calendar and checklist system in partnership with my paralegal to ensure that all deadlines are consistently calendared and met. This method has proven highly effective, and I would continue to use it in my judicial role. At the same time, I would seek input from experienced Family Court Judges and, just as importantly, their Administrative Assistants, in order to learn about their systems and incorporate the practices that I find most effective into my own approach.

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?

Having been appointed as a Guardian *ad litem* many times over the years, I believe Guardians *ad litem* (GALs) play a critical role in Family Court. It is essential that their appointment, qualifications, and performance strictly comply with the governing statutes, including the South Carolina Private Guardian ad Litem Reform Act. In appointing a GAL, I would ensure the candidate has the proper training, experience, and commitment to effectively represent the best interests of the child or children, and I would clearly set forth their authority and duties in the order of appointment. In cases where a GAL has already been appointed, I would review the file in detail before each hearing to confirm that the GAL is fulfilling their statutory responsibilities, progressing the case, and has the resources necessary to complete their investigation, including discovery, evaluations, home inspections, and proper financial support. I would not consider custody recommendations made during the pendency of litigation, and I would confirm that all parties receive the GAL's final report at least 20 days prior to the final hearing so litigants have adequate time to prepare. Depending on the case, I may also hold status conferences to monitor the GAL's progress and issue further orders if needed to ensure compliance with statutory requirements. Ultimately, I view GALs as a vital but sometimes undervalued component of the Family Court system, and I would work to ensure their role is carried out effectively, fairly, and in accordance with the law.

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

As I understand the term, judicial activism is generally understood as rulings based on a judge's personal or political views rather than

existing law, and I do not believe this is an appropriate role for the judiciary. Canon 2 requires judges to respect and comply with the law and Canon 3(B)(2) directs judges to be faithful to the law, competent in it, and unswayed by partisan interests or public opinion. In my view, the role of a judge is to interpret and apply the law as written by the legislature, guided by precedent, constitutional provisions, and court rules—not to legislate from the bench or attempt to set public policy, which is reserved to the legislative branch. Where the law is silent, a judge may exercise discretion within the framework of legislative intent, but always with impartiality, fidelity to legal principles and consideration of established public policy when relevant. Judicial activism undermines the separation of powers and risks eroding public confidence in the impartiality and integrity of the judiciary. Each case should therefore be decided on its merits, based solely on admissible evidence, applicable law, and established precedent.

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 believe judges are uniquely positioned to contribute to the improvement of the law, the legal system and the administration of justice through education of both their fellow legal professionals and the public at large. I would seek opportunities to speak and teach on legal topics, whether at judicial or continuing legal education conferences or to the public, subject to the requirements and restrictions of the Canons.

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 serving as a judge will place an undue strain on my personal relationships. As a veteran Marine family, my family and I have successfully faced significant pressures and developed the discipline, resilience, and time-management skills necessary to handle high-demand responsibilities, stressors and periods of separation. Drawing on my many years of experience in private practice in the Family Court, I believe my family and I understand the demands of the Family Court Bench and I am confident in my ability to balance those responsibilities with family and personal life. My family has been incredibly supportive, and I have long maintained healthy relationships through clear boundaries, confidentiality, quality time

with loved ones, regular exercise, and engagement in outside interests. If issues were to arise, I would address them directly with family or friends and, if necessary, seek the advice and guidance of experienced judges who have successfully balanced these responsibilities.

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

A pro se litigant is entitled to be treated with respect, dignity, and fairness, equivalent to that afforded to litigants with counsel. Such treatment, however, does not justify a departure from substantial compliance with established court rules and procedures. It is essential that judicial requirements are applied uniformly to both represented and unrepresented parties to preserve stability and integrity in the judicial process. It is my practice in Magistrate Court to attempt to alleviate some of the stress and confusion that I believe pro se litigants feel in the courtroom. At the outset of hearings involving pro se litigants, I seek to ensure that pro se litigants are aware of their rights to legal counsel and to provide guidance regarding courtroom procedures and expectations. At the same time, I strive to maintain patience, avoid prejudice to opposing parties, and to uphold the rules and fairness of the process. While reasonable accommodations may be made to assist pro se litigants in navigating procedural requirements, these accommodations must not undermine consistency, impartiality, or the integrity of the judicial system. I strive to strike a balance which ensures both fairness and efficiency in the administration of justice.

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?

The Canon terminology defines “de minimus” as an insignificant interest that could not raise reasonable question as to a judge’s impartiality. However, given the precepts of Canon 3(E)(1)(c) and (d), out of an abundance of caution, I would recuse myself.

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?

Under Canon 1, a judge is required to personally maintain the highest standards of conduct to preserve the integrity and independence of the judiciary. Canon 2 and its commentary emphasize that a judge must at all times comply with the law, and that irresponsible or improper conduct—whether professional or personal—erodes public confidence in the judicial system. Judges are expected to accept restrictions on their conduct that might otherwise appear troublesome or burdensome to ordinary citizens. Canon 3(B)(4) further requires that a judge be patient, dignified, and courteous to all litigants, jurors, witnesses, attorneys, and court staff, and to require similar conduct of those appearing before the Court. These standards are equally appropriate in a judge's personal life. In short, a judge must maintain his or her poise and bearing and comport him or herself with dignity and discipline at all times so as not to bring discredit upon the judiciary or the legal system.

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?

Anger has no place in the courtroom as it clouds judgment, undermines situational awareness and impairs sound decision-making. To become angry is to lose control of one's poise and bearing, a cardinal sin for a judge. Canon 3(B)(4) requires judges to be patient, dignified, and courteous to all participants in the courtroom and to ensure similar conduct from attorneys, staff, court officials and others subject to the judge's direction and control. A judge must maintain composure, even in difficult or frustrating circumstances as anger can impede the ability to apply common sense and pragmatic solutions. While judges are human and will at times experience frustration, they must remain professional. I believe a judge should be firm, fair, and compassionate, able to demonstrate respect and courtesy while maintaining control of the courtroom without resorting to anger.

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 23rd day of August, 2025.

Brittney Morgan

(Signature)

Brittney Morgan

(Print name)

Notary Public for South Carolina

My commission expires: 1/17/30

Brittney Morgan Notary Public, State of South Carolina My Commission Expires January 17, 2030
