

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

Family Court
(New Candidate)

Full Name: Scarlet Bell Moore

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

There are many reasons why I want to serve as a Family Court Judge. First, I would welcome the privilege of presiding over Juvenile Justice matters, as these cases often represent an intersection of two areas of the law that I most enjoy – criminal law and child welfare law. I have extensive experience in both areas, at the trial and appellate levels, have handled cases with dually-involved youth (with DSS and DJJ), and have taught juvenile delinquency at the university level. Having represented children who find themselves charged with crimes, municipal violations and status offenses in family court, I know that there is a crisis in the DJJ community. I would like the opportunity to be in a position to make a difference in a child's path through court rulings and orders to hopefully prevent a child from escalating their behaviors causing adult involvement in the criminal justice system.

Secondly, I have experience at the trial and appellate levels in every topic that is listed on the sccourts.org website regarding the jurisdiction of the family courts: divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property, and name changes. I am ready to use my experience to serve as an asset to the bench as well as to my prospective colleagues who preside over family court matters. Sitting judges have reached out to me periodically regarding family court matters to receive my opinion about legal issues. With the breadth of my legal record that I have achieved in family law, I am ready for the challenge of being in a position of authority to make decisions that directly impact the litigants but most importantly the

children whose lives will be affected by my judgment. Having served for nineteen (19) years as an Attorney for SCDSS, handling thousands of trial and appellate cases for the agency in thirty-seven (37) counties across the State of South Carolina (including in Beaufort, Colleton, Hampton and Jasper Counties), I have the experience and knowledge to ensure that the best interests of children are protected. I also understand the function and interplay of the various agencies who have involvement with the family courts, such as DSS, DDSN, S.C. Mental Health and DJJ. I have handled over one-hundred-and-fifty (150) private family court matters at the trial level, and over one-hundred-and-fifty (150) Appellate Matters in the S.C. Court of Appeals, S.C. Supreme Court, 4th Circuit Federal Court of Appeals and the United States Supreme Court. I have appeared for oral argument fourteen (14) times at the S.C. Court of Appeals, and five (5) times at the S.C. Supreme Court. I have also won two (2) not guilty criminal jury trial verdicts in the cases of State v. Simmons (solo) in Laurens County in 2018, and in the case of State v. Grant (second chair) in Laurens County in 2025. I am ready to put my experience and knowledge to use in a new challenge as a Family Court Judge.

Lastly, although I am proud of my legal record and experience, my greatest asset to offer the family courts of South Carolina is my temperament. My clients have consistently told me that I make them feel better when they share their legal crises with me. My current co-workers have told me that I have brought a "calmness" to the office with my presence, that has enhanced our work environment. I have been in the shoes of family court attorneys who have had difficult cases, difficult clients (and difficult to control clients), stress in running a successful law practice, all while being a working parent, and thus I can understand and relate firsthand to the pressures of appearing in the family courts. Family court attorneys are warriors – the practice area is not for the weak. However, I know that given my temperament I can make the experience better for all involved. My hope is that if I have the great fortune to be elected as a family court judge, the family court practitioners will be relieved to see Judge Moore's name on their dockets.

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 – if I am elected as Family Court Judge, I do not intend to return to private practice.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes – I am 57 years old, a resident of South Carolina for the past twenty-one (21) years, and have been practicing law a total of almost twenty-four (24) years. I understand that if I am elected to a 14th Circuit seat that my residence would be in the 14th Circuit, and would comply with the statutory requirement of residency at the time of my swearing-in to the bench.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications are addressed in Judicial Canon 3(B)(7)(a), which prohibits a judge from initiating nor permitting or considering *ex parte* communications, nor considering other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding. However, there are certain exceptions to this rule, including circumstances in which the judge addresses a particular litigant regarding scheduling, administrative or emergency matters that do not deal with substantive matters nor the merits of the issue before the Court. However, in these circumstances, the judge must reasonably believe that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication, and the judge must make provision promptly to notify all other parties of the substance of the *ex parte* communication and allow an opportunity to respond. There are also circumstances in which a judge is permitted to have *ex parte* communications, such as when he or she is expressly authorized by law to do so. My philosophy on *ex parte* communications is that I will follow the rule, strictly, as written, using the guidance and exceptions in the rule.

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 give great deference to a party who requested my recusal, and would very likely grant such a motion. Canon 3 (B)(5) requires a judge to perform judicial duties without bias or prejudice, and prohibits a judge, in the performance of judicial duties, by words or conduct from manifesting bias or prejudice, in certain particulars. The question clearly states that I would have disclosed something that had the appearance of bias, and there is no exception in this particular Canon for a good faith belief in the judge that the statement would not actually prejudice my impartiality.

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

Canon 2 clearly states that a judge shall not allow family relationships to influence the judge's judicial conduct or judgment, nor shall a judge lend the prestige of judicial office to advance the private interests of the judge or others, nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. Depending on the financial or social involvement of my spouse or close relative, I would likely recuse myself from any matters raising the appearance of impropriety.

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

My standards would be governed by Canon 4(D)(5), which prohibits a judge from accepting (and urges members of the judge's family residing in the judge's household) a gift, bequest, favor or loan from anyone, which certain exceptions listed in (a)-(i). I would follow the exceptions strictly, as they are exceptions to a general rule.

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?

This situation would be governed by Canon 3(D)(1) – (2). Pursuant to the Canon, a judge who receives information indicating a

substantial likelihood that another judge has committed a violation of the Code should take appropriate action. A judge having knowledge that another judge has committed a violation of the Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority. Regarding alleged appearance of infirmity of a lawyer, a judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct in Rule 407 of the SCACR, should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority. In the foregoing, the Judge is afforded discretion depending on the severity of the violation, to take "appropriate action," which could mean reporting the lawyer or judge to the Bar, or in an appropriate case to refer the lawyer or judge to the lawyers helping lawyers division of the Bar. Taking "appropriate action" could also entail having a discussion with the judge or lawyer regarding their behaviors, depending on the severity of the violation.

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?

In the Family Courts of South Carolina, it is customary for the attorneys involved in a case to draft the orders. I would ask one attorney to draft the order, and circulate the proposal to all parties prior to the submission of the order to the court, and require that the drafting attorney provide proof to the court that the order has been circulated to all parties prior to submission. If the matter was before me on an emergency basis, or if I wanted to order a litigant to perform a task immediately (i.e. take a drug test), I would prepare a bench order myself, and have my deputy or assistant to arrange for clocking the order with the court, for distribution to all parties.

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

I would employ similar calendaring methods to ensure that my staff and I meet deadlines, that I currently use in my private practice.

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 require adherence to any and all timeframes required by the guardian ad litem statute, specifically the requirement of a timely report being circulated to all parties. If a contested matter came before me, I would appoint a qualified guardian ad litem in a random manner, so as not to give the appearance of bias.

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

The role of the judiciary is to apply the law that has been written by the S.C. Legislature. I consider "judicial activism" to be no different than judges taking it upon themselves to legislate from the bench, and impose standards upon the litigants that had not been previously promulgated by the Legislature. I do not consider application of a specific case's facts to the provisions of the law to be "judicial activism." For example, it is appropriate for a judge to consider multiple factors in the award of alimony, guided by the specific language of the

statute promulgated by the legislature, depending on the facts of an individual case. I do not believe that judges should have a role in setting nor promoting public policy – a role and function of the legislature.

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 was a professor at Lander University for seven (7) years, and at Charlotte School of Law for two (2) years. I love teaching – and I my hope is that I would have opportunities to speak in an educational capacity to improve the law, legal system, and administration of justice. I would enjoy speaking at CLEs, and at educational institutions.

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?

My close family and friends are very supportive of my application to serve as a Family Court judge in the State of South Carolina, and the pressure of serving as a judge would not strain my personal relationships. They would do anything to support me in this process. I have practiced law for twenty-four (24) years, and have had a private practice for approximately eighteen (18) years – which has presented much pressure for me in my daily life. Therefore, I am accustomed to pressure, and have a wonderful support system that would assist me in addressing the pressure of serving as a judge.

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

A judge is supposed to treat all litigants fairly and consistently, which includes holding pro se litigants to the same standard as an attorney if they choose to represent themselves.

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?

It would depend on the specific facts of the case, however this situation is governed by Canon 3(E)(1)(c), which requires a judge to disqualify herself in a proceeding in which the judge's impartiality might reasonably be questioned, including instances where the judge knows that she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than *de minimis* interest that could be substantially affected by the proceeding. The term *de minimis* is defined in the terminology section of the canons, and denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality. In determining whether I should disqualify myself, I would be deferent to any interest that could be substantially affected by the proceeding, and would interpret the rule narrowly.

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?

Canon 2(A) requires a judge to respect and comply with the law, and act at all times in a manner that promotes public confidence in the integrity and 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 judge is yet a human being, and humans are prone to anger. However, any feelings of anger in a judge cannot be manifested in the actions by the judge.

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

Scarlett S. Moon

Sworn to before me this 21 day of August, 2025.

Rhonda B. Curenton
(Signature)

Rhonda R. Curenton
(Print name)

Notary Public for South Carolina

My commission expires: 3/3/2033