



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

Family Court
(New Candidate)

Full Name: Rebecca Brown West

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29072

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

I believe public service is required of those who have the talent, skill and temperament to serve. My skillset and temperament are particularly well-suited to the judgeship I seek to hold. I have dedicated my career to learning family law and the craft of trial practice. Family law has held my fascination for many years and I have a genuine curiosity about the issues that come before the Family Court. I have used my personal and professional experiences to grow and mature as a practicing lawyer and I have developed the skills necessary to sit in judgment of the issues that come before the Family Court. It is my sincere desire to serve my community and my State in this capacity.

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?

In order to perform the duties of judicial office impartially and with integrity, *ex parte* communications must be limited to circumstances that meet the criteria described in Canon 3B(7), CJC, Rule 501, SCACR. My belief is that judges must not engage in *ex parte* communications except as specifically allowed for scheduling or administrative purposes, or as related to emergencies such as those before the court on a temporary basis in accordance with Rule 65(b), S.C.R.C.P. and Rule 21, S.C.R.F.C. or as related to the issuance of a warrant for violating an order to pay child support pursuant to S.C. Code Ann. §63-17-390 (Supp.2008). I would be mindful of my obligation to impartially perform the duties of the office and would interpret the criteria narrowly.

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?

In order to preserve the integrity of the judiciary, I would likely defer to the request for recusal despite believing I could render an impartial ruling. I would, however, be mindful of the potential adverse effect delay could have on the parties and I would make reasonable efforts to transfer the case to another member of the judiciary as soon as possible. There are circumstances that may require immediate action such as an emergency removal action. If no other judge was available to hear the matter, I would disclose the basis for possible disqualification on the record, rule on only the issues that required immediate attention, reserve the other issues for a decision by another judge and direct the scheduling clerk to set the matter for a hearing before another judge as soon as possible. I would also direct the clerk to avoid placing the matter before me in the future.

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 requires that judges avoid even the appearance of impropriety. I would disqualify myself if I determined an appearance of impropriety existed and that my close relative's financial or social involvement was more than *de minimis*. If my ability to hear the case was called into question due to my family's financial or social involvement and I felt that their involvement was *de minimis*, I would ask the parties and their attorneys to consider, outside of my

presence, waiving disqualification. If they were willing for me to proceed, I could, and would, do so. I would place the waiver on the record.

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

I would comply with the requirements of Canon 4D(5) and not accept gifts or social hospitality that could be perceived as an attempt to influence me in the performance of my duties. Doing so would call into question my ability to be impartial and might require disqualification as a result.

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?

My response would depend on whether I have direct or indirect knowledge of the conduct of the lawyer or fellow judge. I would also consider the nature and severity of the conduct prior to determining my response. I would review my obligations under Canon 3(D)(1) and (2). If I have actual knowledge of a judge's violation of the CJC or a lawyer's violation of the Rules of Professional Conduct which raises a substantial question as to fitness, I must, and would, inform the appropriate authority. If I receive information of a judge or lawyer's violation, I would communicate directly with the judge or lawyer or consider reporting the violation to the appropriate authority if I thought the conduct warranted such a report.

If I have a reasonable belief that the performance of the lawyer or judge is impaired by drugs, alcohol, or by a mental, emotional or physical condition, I must take appropriate action pursuant to Canon 3(G). "Appropriate action" is described in the CJC as "action intended and reasonably likely to help the judge or lawyer address the problem and prevent harm to the justice system." After careful consideration of the nature of the conduct or infirmity, I would decide whether it is appropriate to speak directly to the judge or lawyer, speak to the individual's supervisor or make a referral to Lawyers Helping Lawyers or the South Carolina Bar. If the lawyer or judge's conduct is egregious or poses a substantial harm to the justice system, I would report the individual to the appropriate disciplinary authority pursuant to Canon 3(D)(1) and (2).

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.

Yes. I serve on the Board of Directors for Mission Lexington and I engage in fundraising for our organization. Mission Lexington is Lexington County's central resource for essential support and crisis assistance for local individuals and families in need of food, clothing, shelter, resources and guidance. I also contribute my financial resources and time to Mission Lexington. The majority of my fundraising activities include promoting community events benefiting Mission Lexington such as our annual Oyster Roast for a Reason and Rockin' with a Mission. My law firm also sponsors these events.

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?

The complexity of the case will guide how I handle drafting orders. In twenty-five years of Family Court practice, I have encountered and had experience drafting nearly every type of order issued by the Family Court. Certain cases lend themselves to the issuance of a form order. For the majority of Family Court hearings, including temporary hearings and certain procedural motion hearings, I intend to direct the prevailing party to draft the order and afford opposing counsel the opportunity to review and offer revisions to the proposed order prior to submission. I would enforce Rule 5(b)(3), S.C.R.C.P., regarding the service of proposed orders. In complex or highly contested cases, I would issue a memorandum outlining my findings of fact and conclusions of law and ask one party's attorney to submit a proposed order for my review and revision. There may also be

circumstances, such as complex matters or lengthy trials, where I will draw on my extensive experience to write the order.

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

As a practicing lawyer and a business owner, I use an electronic calendar, an electronic reminder system, a written day planner and a multi-month dry erase board back-up to mark hearing dates, set deadline reminders and make task lists. This system has worked well for me and my staff. I anticipate I would use a similar system as a judge. I would also rely on my staff to follow up with attorneys who fail to submit proposed orders as I requested. I would schedule a regular review of outstanding orders and maintain regular communication with my staff to ensure that we meet all deadlines.

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?

If it is necessary to appoint a guardian ad litem in a matter, I would likely issue a separate order clearly describing the guardian's statutory authority and responsibilities in the litigation, which would include deadlines. If I order a guardian ad litem to conduct an expedited investigation or a time-sensitive investigation, I would also ensure that the temporary order includes a specific deadline for the investigation to be completed. In practice, I find that having a separate order of appointment is more practical for the guardian and is easier to enforce than when the scope of the guardian's appointment is imbedded in a temporary order. This separate order would inform the parties of the guardian's role in the case and clearly describe the parties' responsibility to pay the guardian. If a party determines that the guardian is not following the statutory requirements, the party could file a motion seeking judicial intervention. I would also set a maximum amount a guardian can bill the parties absent agreement or good cause to exceed the billing cap. This would allow for periodic review of the guardian's work. In complex cases I would consider making a scheduling order that would include a status conference and reporting deadlines for the guardian and/or the parties.

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

A judge must interpret and apply the laws of the jurisdiction. This is a central tenant of the separation of powers. Activism has no place in the judiciary, and a judge does not create public policy. A judge should, however, always promote the public policy of the State.

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?

It is critical for judges to continue learning and participating in the academic opportunities afforded by the South Carolina Bar and other professional organizations. I intend to continue teaching at continuing legal education seminars because this process allows me to research and write on subjects that interest me and it exposes me to subjects that I am unfamiliar with. If elected, I look forward to learning more about Court Administration so I can help improve the Family Court's efficiency.

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 keenly aware of the strain that the practice of law can have on personal relationships and I suspect that similar stressors are present for judges. I plan on approaching these issues much as I have done in my practice. I am the mother of two adult children who live and work in Lexington. I am married and I am extremely close to my parents and my extended family. I am blessed with a handful of close friends in all parts of my life, including professional friends, workout buddies and social friends.

My personal relationships ground me and provide me an outlet. It is important that I continue dedicating the time and attention necessary to be a good mama, wife, daughter, granddaughter and friend. Throughout my many years of family law trial practice, my husband, my parents, my children and my friends have supported me with their time, patience and forgiveness. Likewise, I support all of them with my time and presence when my practice is not as demanding.

I have found that maintaining a healthy lifestyle is critical to managing stress and nurturing my personal relationships. If elected, I would continue to make exercise a part of my daily routine.

My husband, my children, my parents and my friends understand my profession and the difficulties it can sometimes present. I consulted with my family prior to making the decision to seek this position and I am confident I have their support.

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

I will treat every litigant, whether represented by an attorney or self-represented, fairly and with dignity and respect. I do not believe that special considerations can be given to those who choose to represent themselves in Family Court.

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?

A *de minimis* interest is one that is so insignificant that it could not raise a reasonable question as to a judge's impartiality. Therefore, I would hear a case where my family member or I held a *de minimis* financial interest in one of the parties. If I am aware of the interest, I would disclose, on the record, the information the parties might consider relevant to the question of disqualification.

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?

It is imperative that a judge remain mindful that litigants are often before the Family Court with intimate issues involving their children, spouses and finances. Litigants deserve a judge that is respectful,

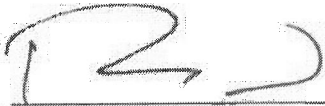
measured, attentive, firm, and patient. A judge cannot be rude, disrespectful, flippant or inappropriately casual. A judge cannot lack discretion.

I would conduct myself 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?

Expressing anger would violate Canon 3B(4). I would not express anger toward a lawyer or any litigant. Likewise, I will be patient, dignified and courteous in all interactions I have with the public.

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



Rebecca West

Sworn to before me this 19th day of August, 2025.



(Signature)

Donna W. Gordon

(Print name)

Notary Public for South Carolina

My commission expires: May 30, 2027

