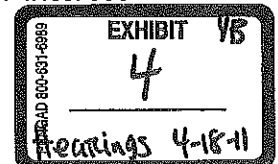


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: Bryan Wesley Braddock
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1. Why do you want to serve as a Family Court Judge? I believe the position of Family Court Judge gives me the greatest opportunity to positively impact society at large, and the judicial system specifically. It has been my goal to become a Family Court Judge for years, and it is my only professional goal beyond the practice of law itself. I believe my demeanor and temperament would be a benefit to the bench, to the bar, and to the parties who come in front of me.
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? I have no specific plans to return to private practice one day.
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 circumstances under which *ex parte* communications are permissible are clearly set forth within the Code of Judicial Conduct, specifically Canon 3(B)(7). If elected, I would conduct myself in a manner consistent with said Canon, as well as the spirit of the Code of Judicial Conduct in general.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? As stated in the Code of Judicial Conduct, a member of the judiciary should hold oneself to the highest standards possible in order to uphold the integrity and independence of the judiciary. At the same time, pursuant to Canon 3(B)(1), a judge has a duty to hear and decide all matters assigned to the judge unless a disqualification exists. In determining whether a disqualification exists, I would follow the guidelines set forth within Canon 3(E) and 3(F) anytime the appearance of impropriety existed and whether it could be cured. However, in regard to having lawyer-legislators appear in front of me, since the election of every judge is based upon the voting of legislators, I cannot imagine that the mere appearance of a lawyer-legislator in front of a judge would be considered a conflict of interest.



unless the judge and legislator shared some additional relationship which could give the appearance of a conflict of interest.

7. 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? First, this question appears predicated upon a situation in which I deemed it necessary to inform the parties of a potential conflict, and also that the conflict is not such that I would refuse to preside over the case regardless of the parties' wishes. Understanding this, based upon my reading of Canon 3(F), a failure by any party to voluntarily waive such a potential conflict would be terminal as to my ability to preside over this particular matter. However, if a conflict is raised by a party rather than by me, then I would have to judge whether the alleged conflict is valid, reasonable, or even based upon fact rather than false accusations innuendo. It would not be unheard of for a litigant particularly a *pro se* litigant, to attempt to argue that a conflict of interest exists which would further delay the hearing of their case. Such attempts would be neither tolerated nor rewarded.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? This question appears predicated upon my making reasonable attempts to keep informed of such activities on behalf of my spouse or minor child residing within my household pursuant to Canon 3(E)(2). Pursuant to Canon 3(E)(1)(c) of the Code of Professional Conduct, unless the relationship was so close as to constitute a clear conflict of interest, I would inform the parties of the relationship and allow them to confer independently and outside my presence as to whether they desired that I preside over the case. If the parties so agreed and if I felt comfortable moving forward, I would have such waiver and all related factors placed clearly on the record and probably have the parties sign a waiver of the alleged, potential conflict.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? The standards to which I would be held are clearly set forth in Canon 4(D)(5) of the Code of Judicial Conduct.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Pursuant to Canon D(2) and D(3) of the Code of Judicial Conduct, it depends on the nature of the misconduct. Certain actions by the fellow judge or by the attorney might merely call for interacting with the judge or attorney who has violated the rule. However, if the conduct rose to the level of raising a substantial question as to the attorney's "honesty, trustworthiness, or fitness as a lawyer", then it would be required that

I contact the Office of Disciplinary Counsel or the Commission on Judicial Conduct and report such conduct.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? None.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? None.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders? It has been my experience that Family Court Judges generally assign the responsibility of drafting the orders to one of the participating attorneys. However, in the event that the parties are *pro se* or in special circumstances in which I deem that it is in the best interest of the parties and judicial economy, I would draft my own Orders. During my legal career, I have traditionally drafted most of my own Orders.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? I would utilize an internal tracking system, including a tickler system, to ensure that Orders are drafted and presented to the Court in a timely fashion to decrease the likelihood that a substantial change in circumstances might occur during the delay, causing the matter to have to be reheard.
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 remain familiar with all aspects and changes in the statutory obligations of Guardians serving within the Court. I would further insure that all Guardians appearing in front of me have met the requisite training requirements to be serving in this capacity, and I would disqualify any Guardian shown to be acting improperly or having insufficient training to serve in this capacity, as well as insure that the other members of the judiciary were aware of this individual's disqualification(s).
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? For the most part, the laws of the State of South Carolina grant the Family Court Judge great discretion as the judges of fact. Each case should be reviewed on an individual basis, and decisions made based upon those specific facts. However, a judge should confine oneself to the statutory authority and legal precedents at all times, as it is the job of the legislature to create 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? Participate in CLEs to which I am invited to speak, serve on any committees or panels requested of me by the Court, and assist in the

creation of any manuals or books which would serve to educate or assist attorneys in more capably serving their clients.

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? The only strains to relationships I would experience as a judge would involve the time required to be away from my wife and small children. I have always attempted to conduct myself in a respectable and honorable manner in general, and I would continue to be conscious of my appearance in public in order to preserve the integrity of the position I would be so honored to hold. However, my wife and children will adjust to my new schedule, as we have adjusted to all the other changes in our lives over the last few years.
19. Would you give any special considerations to a *pro se* litigant in family court? *Pro Se* litigants would be held to the same standards as attorneys in regard to the presentation of the law. However, certain leniency would be granted in order to facilitate the process when neither party would be prejudiced.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
None.
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 how *de minimis* the interest is. If any interest exists which would cause me to question whether I should serve, then this would trigger the notification and waiver requirements of Canon 3(F) before I believe I could serve. However, if raised by the litigant and found to be baseless, frivolous, or false, I would proceed with the matter.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? None of which I am aware. If I was made aware of such a policy, I would either withdraw my membership or make immediate attempts to get the organization to cease such activities. During the latter attempt, I would cease all activities with the group, all consistent with Canon 2(C) of the Code of Judicial Conduct.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? I have met the minimum hours for the year 2010, and I have all of my hours completed for the year 2011. Nevertheless, I am scheduled to attend and speak at the Family Court CLE for the SCAJ Convention in Hilton Head, South Carolina in August of this year.
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

As set forth elsewhere, approximately 80% of my currently legal practice is within the Family Court. Of that 80%, I would allocate my practice (at this time) in the following percentage distribution:

- a. Divorce and equitable distribution: 45%
- b. Child custody: 30%
- c. Adoption: 2%
- d. Abuse and neglect: 3%
- e. Juvenile cases: 0%

25. What do you feel is the appropriate demeanor for a judge? A Judge should be courteous to all participants in the legal process, whenever possible. A Judge should only raise one's voice when necessary to control a witness or an attorney, or in order to preserve the sanctity and decorum of the Court, and this should never result in yelling. A Judge should always look professional, well-groomed, and with proper hygiene. A Judge should always attempt to appear attentive during courtroom proceedings. A Judge should be timely and punctual. A Judge should always maintain control of the proceedings, the litigants, the practitioners, and the courtroom in general. A Judge should attempt to have a presence which conveys both the importance of the position and of the process in which the parties are participating.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? A Judge is not necessarily in control of activities which occur outside the courtroom. However, whenever appearing in public, a Judge should always keep in mind that the position of Judge is a 24-hour per day position, and that one serves as an example of the position itself anytime in public.
27. 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? While still human, a Judge should attempt to restrain oneself from allowing any such feeling to spill over into the manner in which the courtroom is run, the manner in which decisions (including sentencing) is made, and the manner in which a judge expresses oneself. Any decision or action on the part of the Court should not be directly and clearly attributable to one's emotions. If necessary, it would be prudent to take a break before proceeding forward if any emotions are beginning to cloud the Judge's judgement in regard to a matter.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? I have spent nothing, other than the costs of the paper

printed, the ink used in printing, and the gas spent in traveling back and forth to Columbia.

29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not Applicable.
30. Have you sought or received the pledge of any legislator prior to this date? No.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
33. Have you contacted any members of the Judicial Merit Selection Commission? No.
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

S/W. Bryan W. Braddock

Sworn to before me this 4th day of March, 2011.

Notary Public for South Carolina

My commission expires: 3/28/16