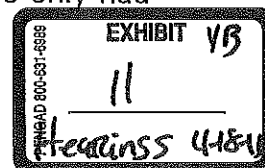


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: Salley Huggins McIntyre
Business Address: Post Office Box 1658
112 North MacArthur Avenue
Dillon, South Carolina 29536
Business Telephone: 843-774-3341

1. Why do you want to serve as a Family Court Judge? I have practiced in Family Court since entering private practice in 1996. I have also been very active in my community and in my children's school activities and extra-curricular activities. As my parents raised me, they helped me build my strong character and they constantly reminded me that my reputation was of utmost importance. I have always been told that how we treat others is how we are perceived as individuals. I feel that I possess the temperament, character and self-discipline that are required for the bench. I have a strong desire to direct my passion for the Judicial System from the other side of the Courtroom. I also feel that a Family Court Judgeship will give me the opportunity to continue in public service.
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? My philosophy is that *ex parte* communications are forbidden except in very limited situations. Understanding that for administrative and scheduling purposes there will almost always be some *ex parte* communication, but there should never be any need to discuss the merits of the case. Occasionally, due to limited time frames, there will be the need to execute an *Ex Parte* Order which will require some communication concerning the merits of the case. A hearing is generally scheduled immediately to address the *Ex Parte* Order. Other than limited, emergency situations, there should be no *ex parte* communications.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? My current law partner does not practice in Family Court, so that will not be an issue. In the past ten years, we have only had



one Associate that worked in our firm, and that was for a period less than six (6) months. It was over four (4) years ago that the Associate worked with our firm. That Attorney/Associate is now with the Fourth Circuit Solicitor's Office. However, I would disclose this to the parties involved, and if anyone had any issues in regards to me presiding over cases where the Associate was involved, then I would give them the opportunity to ask me to recuse myself and proceed in accordance with the Judicial Canons. As for lawyer-legislators, I would treat them as I do any other attorney or *pro se* litigant appearing before me. A Judge should always be fair and impartial and should strive to maintain confidence in our judicial system.

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? If after disclosing any and all appearances of bias and explaining to the parties that I felt confident that it would not prejudice my impartiality and they still requested that I recuse myself, then I would carefully consider whether or not the requesting party had a legitimate concern or whether he or she was attempting to delay the judicial process. I would recuse myself only if I felt the request for recusal was sincere and legitimate. Again, judges should work to maintain the integrity of the judicial system, and how a judge handles a request for recusal is a direct reflection on the issue of appearance of impropriety.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I would always disclose any appearance of impropriety in relation to a financial or social involvement regarding my spouse or close relative. If after assuring the parties that it would not prejudice my impartiality in any way and they still insisted that I recuse myself, I would respectfully recuse myself. The ultimate goal is to establish confidence in those appearing before our judicial system. If at first they feel they have lost on this issue, then their confidence in our system is lost. All parties should be on a level playing field when appearing before the Court and it is the responsibility of Judges to insure the parties of this expectation.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? My standards would be that the acceptance of gifts from friends and social hospitality gifts are acceptable as long as they are monetarily appropriate for the occasion. As for gifts from others, I would not accept any, as they may be intended to influence or may appear to influence my judicial duties.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would immediately

report misconduct of a lawyer or of a fellow judge to the Office of Disciplinary Counsel.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? None other than a few rental properties.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders? As an attorney appearing before Family Court Judges, it has typically been the practice for the presiding Judge to require one of the attorneys to prepare the Order, have it approved by the other attorney(s), and then present the same to the Court for approval and signature. I would continue with the current practice. However, in an extremely adversarial case, I would likely draft the Order myself. I have drafted many Orders and feel confident that I could draft an Order if I felt the parties could not agree on the preparation before submission.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? My staff and I use Microsoft Outlook with reminders and ticklers in addition to logging documents and hearings on a paper calendar so that we have a check and balance system between hearings, when orders are due and when they are signed and mailed. I would continue this and incorporate it into whatever programs the State would require or recommend us to use. My office also keeps two written calendars, one in the office and one out of the office in case our computer crashes. I would also continue this 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 have served as the Attorney for the Dillon County Guardian *ad Litem* Program in Abuse and Neglect Cases since 1998. I am familiar with the requirements both in private cases and in DSS/Abuse and Neglect Cases. The Guardians must take their jobs seriously and others must take the Guardian's job seriously. Many times the Guardian is overlooked in scheduling and negotiating cases. Not only do the Guardians need to be educated about their role, but the other attorneys do also. Typically, the best way to ensure the guidelines are followed is to prepare an Order for the Guardian detailing his or her responsibilities during the pendency of the case. Also, all Guardians in private cases should execute and file the appropriate affidavits with the Court and serve the attorneys involved with these affidavits.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges have a duty

to apply the law to the cases before them but be careful not to legislate from the bench. When a matter is presented before a Judge, then the presiding Judge must use the statutory law as established. I support public policy within judicial boundaries.

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? In the past, I have participated in Law Day at local schools, Mock Trial Competitions, job shadowing and career day. I would continue to be as involved in these activities as much as my schedule would allow. I would also like to see drug court for juveniles implemented in all four counties in the Fourth Circuit.
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 have discussed with my husband serving as a judge for several years and he is very supportive. My family has always supported my career choice. I have a very tight-knit family and all of my immediate family lives in Dillon. They are willing and able to assist with our children. My husband is very strong in his Christian values and has always helped me spiritually, emotionally and physically with balancing my career and our family. I do not anticipate having any personal relationships strained because of the love and support the members of my family give each other, and because of the overwhelming support I have received from my friends throughout the years. If an issue does develop, I would address it appropriately and explain to whoever has concerns the Oath that I took and what my duties are to fulfill that Oath.
19. Would you give any special considerations to a *pro se* litigant in family court? No, I would hold *pro se* litigants to the same standard as an attorney and treat them with the same respect and fairness as attorneys. I would make sure that the *pro se* litigants fully understand the proceeding and their rights.
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? I would first fully disclose any financial interest that I have or any member of my family may have in the case before me. If after giving full disclosure, there was no objection, I would hear the case. If there was any objection, I would certainly recuse myself.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
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?
- a. Divorce and equitable distribution: 30%
 - b. Child custody: 25%
 - c. Adoption: 5%
 - d. Abuse and neglect: 10%
 - e. Juvenile cases: less than 1%
25. What do you feel is the appropriate demeanor for a judge? I feel that the appropriate demeanor for a judge is to be courteous, sensitive, fair and impartial at all times, both on and off the bench.
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? These rules would apply on and off the bench, seven days a week, twenty-four hours a day. I do not feel that someone can be one person on the bench and another off the bench. To earn respect in Court, a judge must also have respect outside of Court.
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? I feel that anger can sometimes reveal weaknesses and is not professional. However, I believe you can be stern without displaying anger. A judge should always have control in the courtroom while dealing with attorneys and *pro se* litigants.
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?
- Name tag: \$11.61
 - Business cards: \$36.72
 - Postage: \$1.32
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. 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. Salley Huggins McIntyre

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

Notary Public for South Carolina

My commission expires: 6/19/17