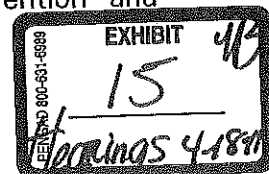


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

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1. Why do you want to serve as a Family Court Judge? During 32 years of practicing law I have always maintained a high ethical standard in all my dealings. I have been a tireless advocate for children, families and vulnerable adults and have sought resolutions for their problems that are both fair and just. Through the years I have continually found new approaches to handling the most difficult and emotionally charged cases that face our community. As a prosecutor of child abuse and neglect, I established new protocols that involved multi-disciplinary teams, which helped families gain access to all treatment options. I strove to work patiently and understandably with a multitude of different agencies, often times at odds with each other. Leadership and the teamwork approach worked. Many abuse and neglect cases were handled in a way that allowed families to receive the needed resources. For many years in private practice I represented men and women, young and old, well-off and disadvantaged. These cases included divorce, separation, custody, visitation, division of property, and other matters. Race, religious beliefs and social status were of no importance or bearing. As a court-appointed guardian ad litem, I have investigated many contested custody cases fairly, impartially, in depth, and always considering the best interests of the child. I have served as a mediator in many Family Court cases, guiding litigants to successful conclusions of their issues. In the field of child abuse and neglect, my experience included training guardians ad litem, teachers, and multi-disciplinary teams across South Carolina. I was involved in the writing of the following statutes dealing with child abuse and neglect: Homicide by Child Abuse statute (SC Code Section 16-3-85, et. seq.), State Child Fatalities statute (SC Code Section 63-11-1910, et. seq.), and the 1996 amendments to the Child Abuse and Neglect statutes. I co-authored the topic "Children and Families" in Volume 21 of South Carolina Jurisprudence (S.C. Bar CLE 1993). As the Director of Elder Abuse for the South Carolina Attorney General's Office, I had not only the opportunity to successfully prosecute cases, but also to train multi-disciplinary teams in the intervention and



prosecution of vulnerable adults throughout South Carolina. My experiences in all these areas inspire me to further serve my community and state as a Family Court Judge. The constant tenet throughout all my years of practice has been one of firmness and fairness, temperance and kindness, recognizing all too keenly that justice is served only when impartially rendered with a balance of strength and humility.

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?
 - (a) I believe all parties of interest to a case, and their attorneys, should be given the right to be heard on all matters involved in the case. Preferably, this should take place in open court with everyone present and on the record. Therefore, a judge should not engage in *ex parte* communications or consider other communications outside of the presence of the parties except in very limited situations. If an *ex parte* communication is allowed, notice of the same should be provided to those not otherwise privy to it and they should be given an opportunity to respond to the communication.
 - (b) Circumstances may allow *ex parte* communications for scheduling, emergencies or administrative purposes, provided no substantive matters or issues on the merits are involved, no party gains an advantage from the communication, and notice of the communication is provided by the judge that allows a chance for response. A judge may consult with court personnel if it aids in carrying out the judge's adjudicative responsibilities or with other judges. As long as all parties are in agreement, a judge may confer separately with the parties and their lawyers to help settle or mediate matters pending before the judge. A judge may also consult with a disinterested expert on issues before the court provided the judge gives notice to all parties of the person consulted and the substance of the advise and allows the parties an opportunity to respond. A judge may also engage in *ex parte* communications when expressly authorized by law, such as the issuance of a temporary order concerning child custody and support when warranted by conditions.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? Our system of justice can work only if our judges are seen as fair, impartial and unbiased. If a judge's impartiality might reasonably be questioned, then the judge should disqualify himself or

herself. Though a judge might be impartial even if his interests were involved, what is more important is the perception from an objective viewpoint. Certainly, if a judge has a personal bias or prejudice concerning a party or a party's attorney, the judge must recuse himself or herself. A judge should also disqualify himself or herself in situations where the judge has personal knowledge of disputed facts of the case, is a material witness in the case, previously served as a attorney in the case, or was previously associated with an attorney in the case. If a judge knows he or she, the judge's spouse, parent or child, or member of his household has an economic interest in the subject matter of the case, in a party to the proceeding, or has more than a *de minimis* interest that could be substantially affected by the case, he or she should also recuse himself or herself. A judge should also disqualify himself or herself if a spouse or close relative is a party to the proceeding, closely affiliated with a party, is a lawyer in the case, has more than a minimal interest in the outcome, or will likely serve as a material witness in the proceeding. The appearance of a lawyer-legislator in and of itself should not affect a judge's impartiality in a proceeding unless other factors were present. When a former associate or former law partner of the judge is to appear before the judge, to the objective eye the judge's impartiality might reasonably be questioned due to the former close relationship, in which case the judge should disqualify himself or herself.

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? It is all a matter of degree. The greater the interest of the judge in the case or the closer the relationship of the judge to party or a party's attorney, the more likely the judge should be to recuse himself or herself. The judge is obliged to reveal anything that might lead an objective observer to reasonably question the judge's impartiality. If a motion of recusal is made and the impartiality of the judge can not be upheld in the mind of a reasonable person, the judge must recuse himself or herself, even if the judge is convinced he or she can be impartial. The Judicial Canons state that the interest of the judge in a proceeding must be more than minimal before it can be substantially affected by the proceedings. If it is more than minimal, he or she must be disqualified. For example, a lawyer in a case may be from the same law firm as the judge's nephew. That fact alone does not of itself disqualify the judge. If further facts are revealed about the relationship that cast reasonable doubt on the impartiality of the judge, then the judge should bow out. If such facts are not produced and the judge feels he or she can act impartially, then the judge may continue on with the case. If a motion to disqualify me

from a case was made, but I thought I could still be impartial, I would give the moving party every opportunity to produce facts and circumstances to support the motion before ruling on it. Even if I felt I could proceed in an impartial manner, I would recuse myself if I realized the appearance would cast doubt on my impartiality in eyes of a reasonable person. I would resolve any doubts in favor of preserving the court's integrity and upholding the principle of impartiality.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? Regardless of whether I felt I could act impartially in a case involving my spouse or close relative, because of the inherent closeness of such relationships, I would have to recuse myself in order to maintain the integrity of the court. Looking at the situation objectively, it would be quite reasonable to question the impartiality of a judge who presided over a case in which a spouse or close relative appeared or was substantially involved.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? A judge should not accept a gift if it can be reasonably perceived that the gift was intended to influence the judge in the performance of judicial duties. The Judicial Canons envision a judge receiving gifts only in limited situations. Common sense should help resolve any situations in the "gray" areas. A judge should not receive a gift intended to influence his or her decision on a case nor should a judge exploit his judicial position in order to improperly profit from it. Clearly, those situations are abhorrent and are properly banned. If a judge has any reasonable doubts about the propriety of accepting a gift, the judge should politely refuse to accept. Even though a judge might feel he or she is not being influenced by a gift the judge might consider innocent, if it is beyond what is envisioned by the Canons, the gift should not be accepted in order to preserve the integrity of the bench. A gift may be proper when given by a relative or friend for a special occasion, such as birthday, wedding or anniversary, if it is commensurate with the occasion and the relationship. If, after becoming a judge, a gift was given to me from a person who previously I had not been close with or who previously had customarily not given me a gift, then I would not feel comfortable accepting the gift and would reject it. The same basic rules and analysis apply to the acceptance of social hospitality. If a relative or friend offered to pay for my dinner or take me to theatrical show and it was commensurate with the occasion, the relationship and prior practices, then I would not feel it was inappropriate to accept the gesture. However, if that same person was scheduled to appear before me in a case, I would be most likely decline the gesture in order to avoid the appearance of impropriety. If such a gesture

- came from one who previously I had not been close with or who previously had customarily not extended to me such a gesture, then I would not feel comfortable accepting and would decline.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Judges are sworn to uphold the integrity, independence and impartiality of the judiciary, maintain high standards of professional conduct, and respect and comply with the law and court rules. Public confidence in the judiciary is compromised if a judge violates this oath. If a judge receives information indicating a substantial likelihood that another judge has committed a violation of the Code of Judicial Conduct, he or she should take appropriate action. Rule 7 of the Rules for Judicial Disciplinary Enforcement states the grounds for discipline. If the misconduct of the judge is covered by these grounds, the judge receiving the information of the misconduct is obliged to notify the Commission on Judicial Conduct, who would then investigate and take appropriate action. Similarly, a lawyer, as an officer of the judicial system, is charged with maintaining the dignity of the legal system, enhancing public confidence in the judicial system, and conforming to the requirements of the law. If a judge knows that a fellow lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty or trustworthiness, he or she must inform the appropriate professional authority. Rule 8.4 of the Rules of Professional Conduct sets forth the actions that are considered professional misconduct of a lawyer.
 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? No
 13. Since family court judges do not have law clerks, how would you handle the drafting of orders? Once reaching a decision on a matter, I would direct each attorney to draft a proposed order in compliance with the guidelines I provide them. I would then review both orders and then chose one totally or make changes as I deem appropriate. It may be that I would accept what I deemed appropriate from each and then add more language of my own.
 14. If elected, what method would you use to ensure that you and your staff meet deadlines? I have always maintained a dual calendar and tickle ("to-do") system, one manual and the other electronic. My staff and I constantly monitor these systems, prioritize upcoming events, and periodically discuss preparations for them so that we are always prepared to meet all deadlines. I intend to continue these practices if elected to the bench.

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? Temporary orders in which custody is contested should specifically include the requirements set forth in SC Code Section 63-3-830, which specifies the responsibilities and duties of the Guardian Ad Litem. The temporary order should include a specific time frame for the guardian to investigate and present a preliminary written report to the court. In reviewing this report, a judge can ensure that the statute has been complied with. The court should also review the file to make sure SC Code Section 63-3-860 dealing with disclosure has been complied with. The court should review the final report submitted by the Guardian Ad Litem at the appropriate time and listen to the Guardian in court
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? As stated in the first sentence of the Code of Judicial Conduct, "Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us." It is not the function of the judiciary to promulgate new laws, for that charge belongs exclusively to the legislature. The court is to interpret the existing laws and to impartially apply them to factual situations before it. The court should not stretch the clear language of the law or exceed the intent of the legislature in order to set public policy as perceived by the judge. Even if the judge does not agree with the law as written, it is the judge's obligation to apply the law regardless. Respect must be given to established precedence for the sake of consistency and the integrity of our judicial system. As discussed below in Question 17, Canon 4 of the Code of Judicial Conduct allows a judge the means by which he or she can properly help set or promote public policy.
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? Outside of the courtroom, a judge may conduct activities provided they do not cast reasonable doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial duties. This allows a judge to speak, write, lecture, teach and participate in other extra-judicial activities, to appear at a public hearing before or consult with an executive or legislative body or official, and to accept appointment to a governmental committee, commission or position, on matters concerning the law, the legal system, and the administration of justice. In these situations and for these purposes, a judge can provide input on the setting or promoting of public policy that improves the administration of justice. If I saw a need to improve the

delivery of justice, I would follow these established guidelines to propose needed improvements. I am especially interested in protecting children from abusive situations, making the legal system more accessible and efficient, and promoting mediation as a means of expediting case resolution.

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 feel my serving as a judge would strain personal relationships. My husband and I met at USC Law School in 1975, married in 1978, and have both practiced law in Greenville for the past 32 years. For many years we practiced law together and the other years I served as a prosecutor with the Solicitor's office and the Attorney General's office. We both understand the pressures of law practice and have handled them quite well over the past three decades. We shared family duties when our children were young and supported each other in all aspects of our lives. My husband, our children and I are all in good health. Our children are now responsible, self-sufficient adults who appreciate their parents' professional demands and are very supportive. I will tackle my duties as a judge in the same manner I have been able to handle all my other responsibilities over the years and see no impediment in fulfilling what is expected of this position.
19. Would you give any special considerations to a *pro se* litigant in family court? Ideally, it would be in the best interests of each litigant to be represented by a trained professional, but for whatever reason a party chooses to proceed *pro se*, he or she should not be penalized for it. The *pro se* litigant should not be treated as a nuisance, troublemaker or waste of time. The litigant must be given the benefit of the doubt as to his or her intentions. By necessity, and in order to promote fairness and justice, some consideration must be given to *pro se* litigants. A judge needs to be understanding of the reason the party decided to proceed *pro se*. A party who rationally chooses to do so, rather than contemptuously, should be respected for that decision and given meaningful access to justice. It will take time and patience to educate a *pro se* on the law, issues and procedural and evidentiary rules involved. Courts can protect *pro se* litigants against the unintended consequences of procedural and technical errors, though they should be made aware by the judge that the substantive rules apply to all of the parties regardless of whether they are represented by counsel or not. However, a court is not under an obligation to cater to a *pro se* litigant who abuses the process, shows disrespect or contempt to the court, attempts to improperly manipulate the process, or is purposely unprepared. In order to preserve the integrity of the judicial system, a judge must reserve the right to impose such

sanctions on the *pro se* party as is deemed commensurate with the severity of the violation.

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? Though the Code of Judicial Conduct would allow a judge to hear a case under this scenario, the judge should recuse himself or herself if the judge has more than *de minimis* financial interest that could be substantially affected by the proceeding or otherwise felt his or her impartiality might reasonably be questioned. The overriding principle to guide the decision is the preservation of the integrity and impartiality of the court. If I or a member of my family had a *de minimis* financial interest in a party involved in a case, I would promptly notify all the parties of the same and that I would otherwise handle the matter impartially. I might consider hearing the case if there was no objection by the parties after the full disclosure. However, if there were any meritorious objections or I felt that my impartiality might reasonably be questioned, I would 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: In my private practice: 40%
 - b. Child custody: In my private practice: 55%
 - c. Adoption: In my private practice: 5%
 - d. Abuse and neglect: During my time with the Solicitor's Office and Attorney General's Office: 95%
 - e. Juvenile cases: During my time with the Solicitor's Office and Attorney General's Office: 5%
25. What do you feel is the appropriate demeanor for a judge? A judge should be independent, fair and competent. A judge must be impartial in the interpretation and application of the law and exhibit the highest integrity. A judge must be courteous and kind to all litigants, attorneys, witnesses, court personnel and others involved and treat them all in an even-handed manner. He or she must be willing to hear and consider all positions and be open-minded in reaching his or her decision. A judge must exhibit a calm and patient demeanor. He or she must keep order and adjudicate cases in a timely fashion. A judge

must never belittle or demean anyone appearing before the court, nor be disrespectful or arbitrary. A judge must act with humility, compassion, intellect and fairness.

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? The rules should always apply whether on or off the bench. A judge should always maintain the highest ethical standards at all times. However, judges should not become isolated from their community. Their conduct should not cast a reasonable doubt on their impartiality, demean the office, or interfere with their performance as a judge.
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? Outward expression of anger is never appropriate under any circumstances.
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? None
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
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 to both
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. Catherine C. Christophillis

Sworn to before me this 23rd day of February, 2011.

Notary Public for South Carolina

My commission expires: 12/17/17