

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

Family Court
(New Candidate)

Full Name: Rebecca West
Business Address: 203 W. Main St. Ste. B
Lexington, South Carolina 29072
Business Telephone: (803) 957-0889

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

I firmly believe that public service is required of those who have the talent, skill and temperament to serve. I believe my skillset and temperament are particularly well-suited to the position I seek to hold. My career has been dedicated to learning the craft of trial practice and family law. The field of family law has held my fascination for many years and I have a genuine curiosity about the issues that appear in Family Court. I have used my personal and professional experiences to mature as a practicing lawyer and I have developed the skills I believe are necessary to sit in judgment of those who 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?

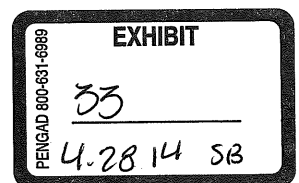
No.

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 those circumstances described in Rule 3B(7)(a)-(e), 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), SCRCP and Rule 21, SCRFC. Ex parte communications are permissible under other limited circumstances as stated in Rule 3B(7), CJC, Rule 501, SCACR, but I would be mindful of my obligation to impartially perform the duties of the office and would interpret the exceptions narrowly.



6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I would analyze each situation in accordance with the mandates of Rule 3E, CJC, Rule 501, SCACR. I would also be mindful of my duty to maintain the integrity and independence of the office and the judicial system. The mere fact that an attorney appearing before the court is also a legislator does not require recusal; however, if my relationship with the lawyer-legislator was such that my impartiality might be reasonably questioned, I would be required to recuse myself. I would disqualify myself from matters involving one of my former associates or law partners if the matter was pending when we were associated. If, however, the matter was one that began after my association with the lawyer ended and I had no other obligation to disqualify myself, I would hear the matter.

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?

In order to preserve the integrity of the judiciary, I would likely defer to the request for recusal despite my belief that I could render an impartial ruling. I would be mindful of the potential adverse effect that delay could have on the parties and use reasonable efforts to transfer the case to another judge as soon as possible. There are circumstances that may require immediate action such as an emergency removal action. If no other judge were 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 practicable. I would also direct the clerk to avoid placing the matter before me in the future.

8. 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. If I determined that an appearance of impropriety existed and that my close relative's financial or social involvement was more than de minimis, I would disqualify myself. In the event that 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 have the ability to ask the parties and their attorneys to consider waiving my disqualification and would ask that they consider this outside of my presence. If they were willing for me to

proceed, I could do so. I would be required to place the agreement on the record.

9. 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.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

If I have actual knowledge that a judge committed a violation of the Code that raises a question as to the judge's fitness for office, I would inform the appropriate authority pursuant to Rule 4D(1), CJC. If I have actual knowledge that a lawyer has violated the Rules of Professional Conduct, I would determine what action is appropriate to take and do so in accordance to Rule 4D(2). If the lawyer's violation of the RPC raised a question as to the his/her honesty, trustworthiness or fitness as a lawyer, I would inform the appropriate authority.

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?

The complexity of the case will guide how I handle drafting orders. In my years of family court practice, I have encountered and had experience with nearly all forms of orders issued by the family court. Certain cases lend themselves to the issuance of a form order. In the majority of hearings, including temporary hearings and certain procedural motion hearings, I intend to ask that the prevailing party draft the order and allow opposing counsel to review the proposed order prior to submission to the court. I would enforce Rule 5(b)(3), SCRCP, regarding the service of proposed orders. In complex or highly contested cases, I would issue a memorandum outlining findings of fact and conclusions of law and ask each representative to submit proposed orders via electronic means so I could draw from the proposed orders and issue a final order. There may also be circumstances where I will draw on my extensive experience in practice to write my own order.

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

As a practicing lawyer and business owner, I use an electronic calendar, an electronic reminder system and a paper back-up for both. This system has worked well for me and my staff. I anticipate that I would use a similar system as a judge. I would also rely on my staff to follow up with attorneys who have failed to submit proposed orders as I requested.

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 require that a separate Order be prepared that clearly states the Guardian's statutory authority and responsibilities in the litigation. In practice, I find that these orders are more practical for the Guardian and are easier to enforce than when the appointment language is imbedded in a temporary order. This separate order would put the parties on notice of the Guardian's role in the case. If a party determines that the Guardian is not following the statutory requirements, the party could file a motion and seek judicial intervention. I would also set a cap on the Guardian's billing that could not be exceeded unless the parties agree or a judge feels that an increase is necessary. This would allow for periodic evaluation of the Guardian's work. In complex cases, I would consider making a scheduling order that would include 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. I believe that 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 Bar Association and other similar organizations. I intend to continue teaching at continuing legal education seminars because this process allows me to research and write on specific subjects that interest me. This would also allow me to learn more about subjects in which I lack familiarity. If elected, I look forward to learning more about court administration so that I can help improve the 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 active school-aged children and I am not married. I will continue to rely on my parents to assist me in maintaining continuity and stability for my children when I travel or work late. If I am elected, my parents will continue to be involved daily in my children's lives. I intentionally built a home within miles of my parents so we could work together in this regard. My parents and I coordinate our schedules to make sure my children are able to attend school events, extra-curricular activities and church activities.

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 routine.

My relatives and close friends understand my profession and the difficulties it can sometimes present. Prior to deciding to seek this position, I consulted with them and I am confident that I have their support.

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

All litigants, including those who are self-represented, are entitled to respect and fairness from a judge. 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 that the parties might consider relevant to the question of disqualification.

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:
85%
 - b. Child custody:
85% (inclusive of divorce and equitable division)
 - c. Adoption:
5%
 - d. Abuse and neglect:
10%
 - e. Juvenile cases:
0%

Prior to applying for this position, I began working with an attorney in my office to associate on several of her adoption cases to gain first-hand experience in this area. Although I have handled adoptions in the context of uncontested termination cases, I have not handled a contested adoption. The attorney I work with practices primarily in the area of adoption and alternative family formation so I feel confident that I am gaining the experience I need to handle these matters if I am elected. Although I have not represented a client in a juvenile matter I have observed juvenile cases and I have researched the relevant statutes in this area.

25. What do you feel is the appropriate demeanor for a judge?

It is imperative that a judge remember that litigants are often before the court with intimate issues involving their children, spouses and finances. Litigants deserve a judge that is respectful and measured, attentive and patient. A judge cannot be flippant or inordinately casual.

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?

I would conduct myself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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?

The expression of anger in the courtroom would violate Canon 3B(4), and, therefore, I would refrain from expressing anger to attorney or any litigant. Likewise, if I encountered a member of the

public in my official capacity, I would be mindful of the requirement to be patient, dignified and courteous.

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?

Approximately \$82.00 for postage on February 3, 2014; and
Approximately \$12.00 for a nametag on February 18, 2014.

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/ Rebecca West

Sworn to before me this 10th day of March, 2014.

Lori C. Ross

Notary Public for South Carolina

My commission expires: 9/7/21