



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?
All of our courts of law are important, but to me there is none more important than the Family Court. The decisions made from the Family Court bench have lifelong implications for everyone involved, whether it be a custody case, a juvenile case, or an adoption. Because most matters litigated in Family Court are not "happy" in nature, I believe a person has to be called to want to serve in the capacity as a Family Court judge. For me personally, I realized several years ago that this service was something I was being lead to pursue.
A Family Court judge is someone that needs to have a pleasant disposition, someone that is able to make others around them feel comfortable and at-ease. It is also someone that needs energy, stability and the ability to handle the stress of the demanding docket and emotional matters that come before the Family Court on a daily basis. I feel like I am someone that possesses these necessary qualities, has experienced many of these demands and emotional situations in my capacity as a prosecutor, and I feel I would be an asset to our Family Court bench.
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?

I believe *ex parte* communications should be avoided, and the Code of Judicial Conduct Canon 3 (B) 7 clearly states the same.

However, I do realize that situations arise where *ex parte* communications may become necessary, and so long as these situations are one of the limited circumstances outlined in Canon 3 (B) 7, I can envision the *ex parte* communications being tolerated.

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 recusal from a case is governed by the Code of Judicial Conduct, Canon 3 E, and I would follow this Canon. I believe it is best to disclose personal and economic relationships with all parties involved in a proceeding and recuse myself if appropriate under the Code.

Unless there was an additional circumstance giving the appearance of bias or impartiality, I would not recuse myself on the sole fact that a lawyer-legislator was appearing in front of me.

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 this circumstance, what "I believe" to affect prejudice is not what is relevant, and if either party felt my impartiality was in question and asked for recusal, or if I myself felt my impartiality was in question, whether actually prejudiced or not, then I would grant the recusal motion or take it upon myself to be recused.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

In most situations where the appearance of impropriety is at issue, it is best to recuse yourself, and this situation with a spouse or close relative would be no different. Unless waived pursuant to Canon 3 F, it would be in the best interest of the parties, the proceedings, and the judge for recusal to take place.

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

Under Canon 4 of the Code of Judicial Conduct, ordinary social hospitality, as well as gifts for special celebrations from family and close friends, is allowed. Other than those limited circumstances, I would not engage in the practice of accepting donations and gifts.

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

The Code of Judicial Conduct is very clear on this issue. If I became aware of misconduct by a fellow judge or a lawyer, I would be guided by Canon 3 D, and I would do as it instructs.

If I felt that there was a substantial likelihood that misconduct was occurring, I would take the first step of bringing that misconduct to his/ her attention. If that did not remedy the situation, and I then had knowledge, or if I had knowledge all along, that the misconduct was occurring, I would be bound under the Code to report the action(s) to 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?

In my experience with juvenile prosecution cases, the Solicitors Office prepares the orders, and with DJJ and defense counsel approval, submits the orders to the Judge. I would continue this method in regards to juvenile cases, and I would request a similar approach from DSS in all of its matters.

In other matters before me, I would require a proposed order from one of the attorneys. I would set a time limit for this to be drafted, submitted to opposing counsel for review, and returned to me for final approval.

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

Deadlines are very important, especially in Family Court, where many matters are time-sensitive and involve the placement of a child. I would employ the use of a detailed calendar. I would make sure my staff was capable and qualified in assisting me with this system and with keeping it current and organized.

I know Family Court docket time is often strained, and if extra court time was needed to meet statutory deadlines or to ensure the safe placement of a child, I would hold additional court time.

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 first make sure that the Guardian Ad Litem ("GAL") in question is qualified and meets the statutory requirements for being a GAL. I would require that the GAL provide timely reports to the Court, and I would ask

the GAL to detail his or her actions (home visits, other parties contacted, frequency of contact, etc) that leads to the recommendation he/she is making to the Court. I would want to ensure throughout the entirety of the proceedings that the GAL is being thorough and timely, and would question the GAL on this matter.

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

In my opinion, "judicial activism" has no place in our legal system and public policy is not something that should be created from the Bench.

I do not know if this is considered "public policy" for purposes of this question, and as stated above, I do not agree with public policy being set from the bench, but I do whole-heartedly believe in our juvenile justice system and its primary goal of rehabilitation for our youth. A Family Court judge should take that goal into mind when ordering placement and services in juvenile cases.

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 several years, I have become involved in the planning and presenting of several continuing education programs. I would continue to be involved with continuing education programs if elected to the Family Court. I would also be willing to serve on any legal committees or commissions where I felt my experience would be of benefit.

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?

No. I do not believe it would be a strain on my personal relationships. My husband is supportive of my career and my pursuit for a position on the Family Court Bench. Even now, our family schedule can become hectic at times, but we work together to make sure this does not strain our relationship or interfere with our time with our children.

If a situation did arise where a personal relationship of mine was becoming strained, the solution would be to deal with it directly, and work together with that person to resolve the conflict.

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

I would not give special considerations to a *pro se* litigant in a hearing or matter before the Court, and I would not advocate for a *pro se* litigant from the Bench. However, when a *pro se* litigant is facing a situation where he is in jeopardy of losing his liberty and/or the rights to his children, I would want to feel confident that all appropriate notice procedures had been followed before ruling on such matters involving that *pro se* litigant.

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?
No
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: 0%
- b. Child custody: 0%
- c. Adoption: 0%
- I have recently completed a Guardian Ad Litem training, as well as two other legal education courses related to divorce and family law. As with any other area of the law in which I am unfamiliar, before hearing a case or issuing a ruling, I would research the issues and/or consult with another judge on the matter. I would do this in an efficient manner and would not delay the court or the docket in my doing so. I would not rule on an unfamiliar issue without knowing the applicable law and precedent.
- d. Abuse and neglect: 5%
- In my capacity as a prosecutor, I have dealt with numerous cases, in both juvenile and General Sessions court, involving the abuse and neglect of children. I have attended and observed many hearings in Family Court where DSS matters were at issue. I recently consulted with our local DSS legal department to ensure that I am familiar with the DSS legal standards, timelines, and procedures.
- e. Juvenile cases: 50%
- I ran the juvenile justice unit for the Thirteenth Circuit Solicitor's Office for close to three years, and I continue to assist in the resolution of those cases. I handled waiver cases, trials and pleas. I coordinated with DJJ on many issues, including the resolution of cases, the community resources available to juveniles, the referral process, and the creation of the new

juvenile facility in Greenville County. I also helped oversee the implementation of a new juvenile arbitration program and a reorganization of the Youth Court program in our circuit.

25. What do you feel is the appropriate demeanor for a judge?
A judge should be kind in his/her treatment of parties before the Court, fair in his/her rulings, patient during proceedings, and willing to listen to the arguments of the involved parties. A judge should also be approachable and should not cause others to feel uncomfortable in his/her presence.
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?
In my opinion, once you become a judge, there is a level of integrity and respect that must be upheld at all times. I cannot envision a scenario where it is appropriate to disregard this responsibility.
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?
No.
Is anger ever appropriate in dealing with attorneys or a pro se litigant?
No.
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 \$10 for my name badge. I anticipate further expenses for paper, postage and an additional name badge.
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?
I have not requested anyone to contact members of the General Assembly for purposes of obtaining, directly or indirectly, pledges, commitments, or

indirectly, pledges, commitments, or promises of such. I have been introduced to members of the General Assembly through family members and friends.

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.

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Sworn to before me this 6th day of March, 2016.

Kathryn H. McCall

(Signature)

Kathryn H. McCall

(Print name)

Notary Public for South Carolina

My commission expires: 5/15/2016