



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

Family Court
(New Candidate)

Full Name: Kimaka Nichols-Graham
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Greenville, South Carolina 29601
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1. Why do you want to serve as a Family Court Judge?

I would like to serve as a Family Court Judge because I am honest, fair, respectful to all, interested in the administration of justice, and I have prepared myself for a lifetime of service to children and families regardless of adverse or fortunate circumstances.

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 family court there would have to be exceptional circumstances to justify an *ex parte* communication and the party without the privilege of the communication would be notified as soon as possible and given a full and fair opportunity to participate in the process. An exceptional circumstance would be to protect a child in imminent danger and the other party would be notified immediately and given a full and fair opportunity to participate in the process.

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

If the matter cannot be handled without showing fear or favor then a recusal is necessary.

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 the party requesting the recusal makes an argument that a reasonable person would agree shows prejudice or impartiality then the motion would be granted.

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 disclose the financial or social involvement to the parties and ask them for their opinion on the issue of recusal. If a reasonable argument is made then I will recuse myself.

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

I would not accept gifts from parties or attorneys that appear before me. If I do not receive gifts from attorneys as a fellow attorney then I would not accept gifts from those attorneys as a Family Court Judge. I will not allow social relationships to influence my judgment or conduct. Social relationships do not influence my judgment or conduct as a lawyer and I would not allow them to influence my judgment or conduct as a Family Court Judge.

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

I would report it 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?

I will use form orders provided by the judicial department, when necessary or possible. I will request draft orders from the prevailing party's attorney. If the prevailing party is not represented, then I will request a draft order from an attorney of record in the matter. If neither party is represented by legal counsel then I will draft the order.

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

I would use computer scheduling and could use charts to make sure deadlines are met.

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 make sure that any person that I appoint to serve as a Guardian ad Litem is qualified to serve in that capacity, familiar with the responsibility, restrictions, and expectations, pursuant to the statute. If necessary, the Guardian Ad Litem could be referred back to the Guardian ad Litem statutes.

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

Judicial activism is when judges use their position to create laws or promote personal or political views. Judges should not act as policy makers nor use their position to promote public policies that have not been codified.

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?

If invited, I will participate in the commissions or committees of the SC Bar and the Supreme Court, as allowed.

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 believe that the pressure of serving as a judge will strain my personal relationships because I have always displayed integrity, respect, and high standards. Our family will assist and support my spouse and child if I am away for a significant period of time.

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

I would make sure the litigant is aware of the right to retain private counsel. I will question the litigant to make sure the litigant is of sound mind and has ability to make decisions on his or her own behalf. If the litigant goes forward *pro se* then I will make sure the litigant has the opportunity to be heard and present a case.

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. I would not hear the case if a reasonable argument is made that I would not be impartial.

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: 19%

b. Child custody: 30%

c. Adoption: 25%

d. Abuse and neglect: 10%

e. Juvenile cases: 1%

I have legal experience on the administrative side of juvenile cases (school discipline and special education) in matters that are often addressed in family court. I have appeared in juvenile cases to explain the affect the case has on the administrative proceeding, seeking reconsideration of an order in juvenile court that unknowingly negatively affected a juvenile, or to explain the status of my representation of the student in the related education case. I can gain more experience by attending trainings and observing more family court juvenile cases.

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

A judge should be confident and knowledgeable and allow motions and cases to be heard while maintaining integrity and respect of the process and for all those involved.

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 should display the same type of demeanor in chambers and at all times.

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 do not believe it is appropriate to display anger in the courtroom. Anger is not an appropriate emotion to display towards an attorney or pro se litigant.

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?

At this point, I have not spent any money on my campaign.

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.

Kimberly D.

Sworn to before me this 2 day of March, 2016.

Dewey P. Boston

(Signature)

Dewey P. Boston

(Print name)

Notary Public for South Carolina

My commission expires: 12/10/2017