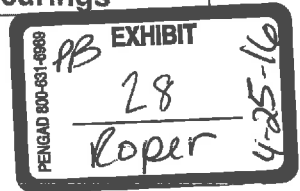


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)



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1. Why do you want to serve as a Family Court Judge? My desire to practice family law predates my law school enrollment. While still in college, I knew that I wanted to focus my career on issues involving children and parents. Since graduating law school, I have focused my legal practice and my community activities primarily on issues involving families. My husband and my children are most important in my life, and I try to serve my clients with the awareness that they feel similarly about their own families. Every child deserves a stable family, and I firmly believe that stability can be preserved and children can be protected, despite the challenges faced by many families in our community. The Family Court judge can play an important role in achieving resolution and long-term peace for families going through the painful process of a divorce, DSS intervention, or other Family Court litigation. I would like to use my legal background and community experiences to ensure that families in our court system are heard, are treated fairly, and find resolution for their situation.
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 would follow Judicial Cannon 3(B)(7), which prohibits *ex parte* communications except in specific circumstances, such as communications regarding scheduling or other emergencies that do not deal with substantive matters. Even in these exceptional circumstances, a judge must still ensure that the communication does not give any party a procedural or tactical advantage, and take steps to promptly notify all other parties regarding the communication. There are other exceptions

that are specifically allowed by statute or court rule, such as exigent circumstances surrounding the issuance of a child custody order. Other than the circumstances that are specifically provided in our canons and laws, I would not participate in any ex parte communication. Also, I am aware that it is a judge's duty to safeguard against any members of his/her staff violating this rule, so I would undertake to adequately train and supervise any staff member regarding these prohibitions.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? Judicial Canon 3(E) provides that a judge shall disqualify himself or herself in any proceeding where the judge's impartiality might be reasonably questioned, regardless of whether any specific rule requiring disqualification applies. I would disclose on the record any past and present relationships with the parties, including lawyer-legislators, former associates, and law partners, and allow the opportunity for either party to move for my recusal. I believe that I would grant any motion for my recusal. There are situations where the rule of necessity might override the rule of disqualification, such as if I were the only judge available to hear a statutorily mandated DSS emergency removal. In this situation, I would still disclose on the record the possible basis for my disqualification and make every effort to transfer the matter to another judge as soon as possible.
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? I would give deference to the party requesting the recusal. The standard is not whether a judge is actually biased, but rather whether a judge's impartiality might be reasonably questioned. Even the appearance of bias, without actual bias, can affect the parties' perception of whether they received a fair, impartial hearing, which in turn affects the integrity of the decision reached by the court.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? Canon 3 requires disclosure of anything more than the de minimis interest of a spouse or close relative that could be affected by the proceeding. As a judge, it will be imperative to stay informed not only about my own personal or economic interests, but also about the financial and social involvements of my husband. I would disclose on the record any of my husband's financial or social connections and allow opportunity for either party to move for my recusal. Again, I would give deference to any party requesting recusal so as to avoid any appearance of impropriety on my part.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? Canon 4D(5) provides that a judge shall not accept any gift except for those incidental to a public testimonial, invitation to a law-related function, a gift incidental to the profession of his/her spouse, ordinary social hospitality, or a gift from a relative or friend for a special occasion. Even in these situations, gifts are appropriate only if they are commensurate with the occasion and the relationship is not one that could be perceived as intended to influence the judge. I would not accept any gift from lawyers or firms who are likely to have cases before me as a judge. I would also emphasize to my husband and children the importance of following these standards.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would be guided by Judicial Canon 3D, which provides that if a judge receives information indicating a substantial likelihood that a lawyer or judge has violated the Judicial Canons or Rules of Professional Conduct, the judge should take "appropriate action." Appropriate action can vary depending on the circumstances, including direct communication with the judge or lawyer who committed the violation and/or reporting the violation to the appropriate authority. However, if the violation raises a substantial question as to that judge's or lawyer's fitness, a judge is required to 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? I currently serve on the Anderson-Oconee-Pickens Mental Health Board and the Cannon Memorial Hospital Foundation Board. If elected, I would resign from both of these positions.
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 rulings issued from the bench, I would instruct the appropriate attorney to draft the order in accordance with my outlined terms. In rulings taken under advisement, I would provide a memorandum or e-mail to the lawyers, instructing the appropriate attorney to draft the order in accordance with the terms of my memorandum. I would provide instruction that the proposed order should be circulated to all attorneys for approval prior to submission to the court. If any party has revisions, all attorneys must agree on the revisions and the substance of the written order before submission to the court. If the parties cannot agree on the wording, I would request that the drafting party submit the proposed order with the objecting party submitting their revisions in writing. I would then

make a determination on the substance of the order and direct the parties on the specific language of the final submission to me. I enjoy legal writing and have always prepared my own orders, so I believe this is good preparation for reviewing proposed orders that may be submitted to me. Particularly in DSS matters, it can be a challenge to implement a 30-day deadline for submission of proposed orders. However, in my experience, timeliness of the order improves the parties' likelihood of compliance with the order. I would maintain a calendar system, similar to the system I currently use, to track due dates of orders and follow-up efforts if the proposed order is not received in a timely manner.

14. If elected, what method would you use to ensure that you and your staff meet deadlines? I anticipate using a computer-based calendar and tickler system similar to what I use in private practice to track the status of pending matters and deadlines.
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? Any Order appointing a guardian ad litem should reference the statutory requirements of §63-11-510. I would review each report submitted by a guardian ad litem to ensure that it was prepared in accordance with the statutory requirements. In addition, I would question the guardian ad litem regarding the basis for his/her recommendation, including any findings in the investigation, witnesses interviewed, and contacts with the child.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I take the separation of powers very seriously, and am not inclined toward judicial activism. The setting or promoting of public policy is a function delegated to our state legislature. Our Judicial Canons require a judge to uphold the integrity and independence of the judiciary, and to respect and comply with the law. As a judge, my job would be to apply the laws as enacted by the SC General Assembly, the Constitutions of our state and nation, and the Rules of Evidence and Civil Procedure. Close adherence to these rules ensures that our judiciary stays within its defined role, which further secures the integrity of our judicial system. I believe that judicial activism diminishes public confidence in our judiciary and our system of government as a whole.
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? I have always enjoyed being active in my community, and if I am elected to the bench, I would strive to continue my participation to the extent allowed under Canon 4B. The Canons acknowledge that a judge is in a unique position

to contribute to the improvement of our legal system, and I also strongly believe that a judge's active participation in the life of the community leads to increased respect for the legal system and the profession. I would seek to contribute by speaking at bar association events or continuing legal education seminars, as well as writing articles for law-related publications.

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 that serving as judge would strain my personal relationships. My husband is also a lawyer, and together we have balanced the demands of our legal careers and our growing family for over 21 years. I have experienced the challenges that every working mother faces, trying to raise children in the midst of pursuing a career. Now that my sons are older (17 and 14 years of age), this career opportunity seems timely. My older son will be attending University of South Carolina in the fall, and my younger son will be driving soon. Although every career change warrants personal adjustments, I am confident that our family will continue to handle these as well as we have in the past.
19. Would you give any special considerations to a *pro se* litigant in family court? Pro se litigants do present challenges in our court system. My first consideration would be to always treat pro se litigants with dignity and respect. Every citizen has the right to act as his/her own attorney, and this decision should not be held against the litigant in any way. However, the pro se litigant also cannot expect any special privileges. Dealing with pro se litigants may necessitate that the judge take extra time or care to explain court procedures, but they will also be expected to comply with the Rules of Evidence and Civil Procedure in the same manner expected of attorneys.
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 disclose the *de minimis* financial interest on the record and allow for any party to move for my recusal. I would grant any motion seeking my recusal, because even through the interest may be *de minimis*, if a party believes that it would affect my impartiality, I would defer to his or her belief.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? No. I am a member of the Pickens Women's Association, which is a social and civic organization that sponsors an annual 5k race to fund our scholarship and other local charities. Although

we do not have any male members, I do not believe this organization practices invidious discrimination as described in Canon 2C.

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: 20%. My legal experience is balanced approximately 50/50 between privately retained clients and appointed clients in abuse/neglect matters. Within the area of privately retained clients, approximately half of those cases concern divorce and equitable distribution.
 - b. Child custody: 20%. About half of my privately retained cases involve child custody matters.
 - c. Adoption: 10%. I have handled private adoption actions on behalf of step-parents and other relatives.
 - d. Abuse and neglect: 45%. About half of my legal experience is centered on abuse and neglect cases. This percentage includes adoption actions arising from abuse and neglect cases.
 - e. Juvenile cases: 5%. Although I have handled juvenile cases, in my experience, most of these cases are handled by the public defender's office and do not involve privately retained counsel. I am familiar with the statutes and procedural rules in juvenile cases.
25. What do you feel is the appropriate demeanor for a judge? The appropriate demeanor is one that at all times shows respect for the law and the parties before the court. Canon 3 instructs a judge to be patient, dignified, and courteous to litigants, witnesses, lawyers, and all others. A judge should also require similar behavior by all lawyers, parties, and staff. In my experience, the judge sets the tone for the courtroom, and other persons will often mirror the demeanor of the judge. It is important for a judge to be aware not only of his/her words, but also of his/her facial expressions, and refrain from speaking or acting in a manner that suggests any type of prejudice or bias based upon race, gender, orientation, religion, national origin, disability, socioeconomic status, or age. A judge should behave in a way that assures everyone in the courtroom that the judge is performing his/her duties fairly and impartially.

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 position of Family Court judge is one that represents the community seven days a week, twenty-four hours a day. It is never appropriate to display a demeanor that would bring disrepute to the profession or diminish confidence in the judicial system.
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? Although we all experience anger occasionally, it is essential to set aside these emotions when on the bench. Family Court is often a highly emotional atmosphere, and a display of anger from the bench might exacerbate the situation, jeopardizing the order and decorum of the courtroom. In these situations, I would try to demonstrate compassion for the person in question and maintain a calm demeanor.
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? Yes, \$166.49
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
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.

Karen B...

Sworn to before me this 3 day of March, 2016.

Tonya L. Miles

(Signature)

Tonya L. Miles

(Print name)

Notary Public for South Carolina

My commission expires: 3/25/25