

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

Family Court (Incumbent)

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

It has been an honor to serve as a Family Court Judge and to contribute to the well-being of the families of the Fifteenth Judicial Circuit and the state of South Carolina. I believe that my judicial experience, knowledge and character have enabled me to effectively carry out the duties and responsibilities of this job and will continue to do so. I remain dedicated to ensuring that justice is administered in a fair and equitable manner.

- 2. Do you plan to serve your full term if re-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* communication?

Ex parte communications should always be scrutinized carefully and should rarely occur.

Are there circumstances under which you could envision *ex parte* communications being tolerated?

Circumstances for which such communications might be tolerated would involve instances where there is a threat of severe harm or injury or threat of death, especially where children are involved and in danger. *Ex parte* communications should always be viewed with careful consideration of the situation.

6. 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?

In situations where there is the appearance of bias a cautious, careful examination of the appearance of bias should be considered. I believe the failure to do so would have the potential of bringing the judiciary into disfavor. I would listen to the reasons for the request for recusal and decide based on the facts presented.

Would you grant such a motion? I would grant the request if legitimate. Every request for recusal should be carefully analyzed to determine if it is legitimate or simply an attempt to judge shop.

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

Disclosure of the appearance of impropriety would be necessary, giving the parties the opportunity to address any issues. I would make this disclosure on the record and make a decision after hearing from all sides.

- 8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
 - I do not accept gifts. I would be cautious when considering social hospitality from anyone having immediate matters pending before the court. I have attended weddings, funerals and special events for attorneys and their families but would not construe these to be conflicts. I customarily attend Christmas parties sponsored by the Horry and Georgetown Bar Associations.
- 9. How do you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

 If there is clear misconduct or appearance of infirmity I would first go to the lawyer or fellow judge to discuss the issue. If there was misconduct I would urge the lawyer or fellow judge to self-report however should they refuse or fail to do so I would be compelled to report pursuant to the rules. If appearance of infirmity was the issue, I would encourage the individual to seek medical help or therapy but would report to the SC Bar Lawyers Helping Lawyers before seeking suspension if the condition warranted.
- 10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? No. Please describe.

- 11. Do you have any business activities that you have remained involved with since your election to the bench? No.
- 12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders? If the litigants are self-represented either I prepare or ask them to fill in an order utilizing a South Carolina Court Administration approved form if available and applicable. If there is no court approved form, I will draft the order. If attorneys are involved I will ask one of the attorneys to prepare the order but to provide it to the opposing attorney for review prior to submitting it to the court. If one litigant is represented and the other is not, I usually ask the attorney to draft an order even if his client has not prevailed. I ask the attorney to forward a copy to the self-represented litigant for review. I will review the draft, make applicable changes and then sign and forward to all parties.
- 13. What methods do you use to ensure that you and your staff meet deadlines? I have two computer calendars, one which syncs to my administrative assistant's calendar. My administrative assistant also keeps information on notes. We review the calendars daily. One of my computer calendars will also sync with my iPad and iPhone and sends daily reminders.
- 14. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case? I make sure the guardian ad litem is qualified and has completed any required guardian ad litem training. I make sure all investigations have been completed and all reports filed and are available. In contested matters the guardian ad litem may testify and be subject to cross examination.
- 15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? The judge is responsible for enforcing the law as defined by statute, as established by the legislature or by case law based on decisions of the appellate courts. Judicial activism is not the prerogative of the family court judge.
- 16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
 - Since I became a family court judge I have participated in the JOE program where law students sit with me for two weeks in the summer to observe court proceedings. I have been a speaker at CLE seminars. I am on the following

committees which I believe all engage in activities to improve the law, legal system and administration of justice.

Chairman South Carolina Family Court Judges Advisory Committee Chairman South Carolina Family Court New Judges Orientation Chairman South Carolina Family Court Bench Bar Committee Past President South Carolina Family Court Judges Association Co-chairperson Supreme Court Docket Management Committee, Family Court

Member Alternative Dispute Resolution Committee

- 17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? No. How do you address this? My spouse is very understanding and we have had no issues. We will have been married 46 years on August 18, 2019. My children are adults and live in other states so there are no issues which arise because of the job. My neighbors, friends and relatives are all aware of my position and we have had no issues on our friendship. Generally, we do not discuss legal matters.
- 18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

While my wife and I have investments through Ameriprise, at the present time we do not receive income from those accounts. These investments are handled by the broker and will not cause any appearance of impartiality.

- 19. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved? No.
- 20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? No. If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.
- 21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes.
- What do you feel is the appropriate demeanor for a judge and when do these rules 22. apply? The judge should be attentive, calm, fair, firm when necessary, unbiased,

compassionate. These attributes should apply at all times, not just while the judge is presiding.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? No. Is anger ever appropriate in dealing with attorneys or a pro se litigant? It is never appropriate to be angry with a member of the public, an attorney or a self-represented litigant. It may be necessary to be firm and stern but not angry.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE

TRUE AND COMPLETE TO THE BEST OF M	Y KNOWLEDGE.
Sworn to before me this day of	, 2019.
(Signature)	
(Print name) Notary Public for South Carolina	

My commission expires: