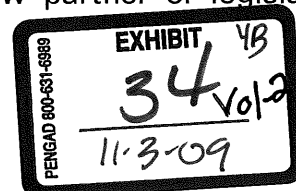


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: David Glenn Guyton
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Business Telephone: 803 324 2400

1. Why do you want to serve as a Family Court Judge?
I have been asked by my fellow family court attorneys and sitting judges to consider seeking the next vacancy. I believe I have a reputation for being fair and working to see families move forward in as positive a manner as possible during a very painful time in their lives. I feel I am ready to transfer my years of Family Court experience in representing clients to serving the public by making wise decisions to attain the best interests of every child affected by my rulings. I am trusted, disciplined, have a strong work ethic, patient, courteous, and ready to assume the responsibility for many years. I am a leader and will seek to improve the system by listening to those who practice and appear before me. I am both fearful and respectful of the awesome responsibility a Family Court Judge carries, and I see the position as one of public service.
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? Not at this time. I will serve as long as I am entrusted to do so.
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? *Ex parte* communications are not allowed by our Rules of Professional Responsibility for lawyers and Judges, and they result in the appearance of bias even if no actual prejudice resulted. I will make every attempt to be aware of and prevent *ex parte* communication. The only times I can imagine it happening is when an emergency has occurred involving the safety of a child and a party or counsel cannot be located to notify of a hearing.
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 will first inform the other party of the relationship, explain the actual or potential conflict, and then either recuse myself if the conflict required it, or offer the option of my recusal to those appearing in front of me. I believe a former law partner or legislator



from my local delegation appearing before me requires recusal. A former associate may be a circumstance allowing the option of recusal. It also depends on the subject matter and whether the matter is contested or not. For example, an uncontested hearing to approve a property settlement agreement still requires disclosure, but not necessarily automatic grounds for recusal.

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 great deference to the party requesting and more than likely grant the motion for recusal in order to avoid the appearance of impropriety. I would understand that the motion is not an attack on my credibility or character.
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 or acknowledge the conflict and depending upon the facts either recuse myself or offer the option of recusal to the parties appearing before me.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I could not accept gifts or social hospitality from those appearing before me. I have accepted "token" items such as coffee mugs or pens from civic groups I have spoken to, such as court reporters, POWs, and municipal associations. These items were less than \$10 in value.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? If it was minor and there was no damage or prejudice I would consider bringing it to the attention of the offending lawyer or judge for corrective action. Otherwise I am required to write a letter detailing the facts of misconduct as I knew them to the Commission on Lawyer/Judicial Conduct.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? Only non-profit community service oriented Boards which I have notified I will resign from if elected as a Family Court Judge.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? I would obviously resign as a Partner in my law firm and as a part time city court judge. I do not believe I would be required to resign my position as the State Military Judge for the SC Army National Guard.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders? I would either announce my ruling in Court and require one of the attorneys to draft the Order, or fax both counsel a letter with the basics of my decision and require one

attorney to draft the Order. I would require the attorney drafting the Order to have the other attorney review it and approve it before it is sent to me in original format for signature. If there is disagreement over the terms of the order I will require both counsel to send me their respective versions and I will then notify them both by phone, fax, or email exactly how I want it worded.

Also, there are some form orders in paper and electronically that I can draft from the bench, especially for contempt hearings for non payment of child support and for Orders for Protection From Domestic Abuse.

14. If elected, what method would you use to ensure that you and your staff meet deadlines? I would use paper and electronic methods for calendaring the deadlines both for my office and the attorneys appearing before me. Orders should be drafted and presented within 30 days and coordination with the clerk of court's office will be required to meet the 365 day Order to prevent automatic dismissal of "old" cases.
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 require appearances in all court proceedings by the GAL and written reports. I would require the use of a standard Order Appointing Guardian Ad Litem which details each duty, obligation, and authority under the statute. (Judge Vinson has already developed one and offered it for duplication) I would email all known Guardians in my court notices from the SC Bar for GAL training. I would consider conducting annual training to emphasize the statutory requirements.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges should not be judicial activists. Judges must apply the current statutory and case law to the facts presented in court. Judges must follow the edicts of court administration. Judges cannot use their office to promote public policy.
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? Speaking engagements to civic groups, schools, or Bar Associations to explain or demonstrate new programs such as drug court, the role of Guardians, or significant changes in the law. I would be willing to teach at CLEs or be involved in roundtable discussions. I am willing to act as a moot court judge for school competitions.
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 it would cause a

strain on personal relationships. I am already a city court judge, the State Military Judge, and very involved in my church and community. I have been happily married 17 years, and have a 13 year old son and a 5 year old daughter. I have somehow been able to successfully balance the requirements of family life, work, church, and community service. I handle the stress of family court work through a strict physical fitness regimen 6 days a week and that will not change.

19. Would you give any special considerations to a *pro se* litigant in family court? I would be more patient and try to explain the law and procedure within reason, but would not change or "bend" the law because they are *pro se*. I could not be their advocate, but it would be my responsibility to prevent possible abuse by an opposing counsel.
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 because of the appearance of impropriety.
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: 60%
 - b. Child custody: 20%
 - c. Adoption: 7.5%
 - d. Abuse and neglect: 7.5%
 - e. Juvenile cases: 5%
25. What do you feel is the appropriate demeanor for a judge? Patient. Courteous. Even tempered. A good listener but in control of the courtroom. Calm voice.
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 am not perfect but I try to maintain those characteristics whether at work, home, church, or in the community.
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? Anger is not appropriate in the courtroom. It can affect your judgment. I have had to raise my tone of voice to get the

attention of counsel or defendants on rare occasion over the last 10 years.

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 not spent any funds at this time.
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No. As a part time city court judge I do not have any letterhead nor designated staff.
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? No. 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? I called Representative Greg Delleney on Tuesday July 14 before I had received or read the application package. He immediately informed me that he was on the JMSC and that we could not discuss anything about the seat or election. He then gave me the names of the other Commission members to make sure I did not contact them, and I have not done so.
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? I was not until I read the JSCM Policies and Procedures Manual. I understand it and will comply with it.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ David G. Guyton

Sworn to before me this 10th day of August, 2009.

Notary Public for South Carolina

My commission expires: 06-11-2019