

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

Family Court
(New Candidate)

Full Name: Kathryn Walsh Gooch
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1. Why do you want to serve as a Family Court Judge?

I have the skills, experience, and temperament to be an excellent Family Court Judge. After practicing mostly in the Family Court for nineteen (19) years, I have acquired expertise in most areas of Family Court. I have represented clients in the private sector in divorce, child custody, property division, and name change issues. I have represented accused juveniles in delinquency proceedings, and I have represented DSS in child abuse and neglect proceedings. I have served as a Guardian ad Litem and was certified as a Family Court Mediator. I am a seasoned and experienced trial attorney in Family Court.

Furthermore, I am fair and even-tempered. I have the disposition of a consistent, reliable, knowledgeable Family Court judge. I would serve my state and its litigants well by being able to resolve matters promptly, decisively, and fairly.

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?

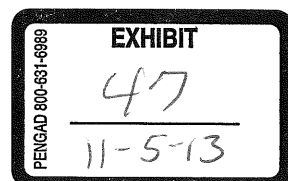
At this point, no. If I am not elected to the judiciary, I would like to remain at DSS where I am able to make a positive difference in the lives of families in the Upstate.

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 am faced with this issue on a regular basis, when DSS caseworkers ask for an Ex Parte Order removing children who are thought to be at a substantial and imminent risk of harm if left in the parents' custody. I am usually the person cautioning the caseworkers about acting too hastily or without completely evaluating alternative placements with the parents' consent, before resorting to the request



for an Ex Parte removal. Frequently I explain to them the nature of an "ex parte" communication and how it should be approached sparingly and only in the most extreme circumstances. I give regular mini-lessons on due process, our Constitution, and the right to be heard before a judge makes a decision, especially one as important as the removal of a child from the home. I am usually the voice of caution and reluctance to request an Ex Parte Order for removal, and I frequently remind the caseworkers of the right to notice and a hearing. I always ask the caseworkers to voice their reasoning behind requesting the Ex Parte Order for removal versus giving notice and the right for the parents' to be heard before a judge makes a decision to remove children from their custody.

I am very sensitive to the nature of any ex parte communication. I had a case several years ago where an attorney regularly sent faxes to the Court and then faxed a copy to me. I applauded the judges who returned the faxes to all parties with a note chastising that it was an improper ex parte communication.

Generally, I frown on ex parte communication. It defies my sense of basic fairness and integrity. Nevertheless, I can see a limited set of circumstances when it would be appropriate. For example, when a child or litigant is at a substantial and imminent risk of harm, I would closely evaluate the alleged risk of harm. As a Family Court judge, I would be very sensitive to any situation that deprived another party of their right to notice and 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?

Any potential conflict should be revealed to the litigants in a meaningful manner. If fully informed and knowingly waived by the litigants, I do not see a reason not to proceed. When in doubt, the judge should recuse herself.

The Greenville County bar is small enough so that most attorneys know one another. I do not foresee any conflict in hearing matters litigated by lawyer-legislators. My only former law partner is my father, and he is retired, posing no conflict. Other former associates would be staff attorneys for DSS. I would disclose on the record that I am a former DSS staff attorney and affirm whether I thought that I could maintain a partial and unbiased opinion on the issues brought before me. I would still consider the requests of any of the litigants for recusal. I would like to avoid any appearance of favoritism or impropriety. The reputation and integrity of the bench should be preserved.

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?

"When in doubt, don't," was a motto that my grandmother taught me. If a litigant requested recusal, I trust that I would err on the side of avoiding even the appearance of bias. I would not fault a person for requesting my recusal, and more likely than not, I would favor granting the request. My hesitation would be if it was an obvious attempt to avoid prosecution or the administration of justice, an attempt to unnecessarily delay matters, or to gain an unfair advantage over another litigant. Nevertheless, I would give careful consideration to the request.

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 any known potential conflicts of my husband or a close relative. I would treat it in the same way as any potential conflict of my own.

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

Common sense applies here. If it is a gift or social hospitality that I would have received normally from a friend or family member (birthday, anniversary, Christmas), I would not object. However, if it is not a gift or social hospitality of the same caliber or outside of my normal circle of friends and family, I would return the gift with an appropriate note thanking them for their kind gesture but declining the gift.

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

I am a stickler for the rules, but I also believe in second chances and forgiveness because judges are still humans subject to making human mistakes. If I discovered misconduct of a lawyer or a fellow judge that is something that can be corrected and still be fair to the parties involved, I would bring that situation to the attention of the offending lawyer or judge and request that it be remedied. If it happened again, then I would report it.

I hold the offices of lawyer and judge very highly, and I expect those offices to be treated with respect and dignity. Actions by lawyers and judges that are disrespectful or undignified to the profession harm the profession as a whole. I would definitely report misconduct that is blatant, egregious, or harmful. Each situation should be evaluated independently and should consider fairness to the parties involved and to justice as a whole.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?

Not to my knowledge.

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 have been accustomed to writing my own orders for years as a DSS staff attorney. While I am confident that I could draft my orders, it would not be practical to do so for the volume of cases heard in Greenville County. The better practice would be to allow the attorneys draft orders from their hearings and submit to me for review and editing. Orders should be completed timely.

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

Calendaring deadlines is second nature to me. I use both a written calendar and an on-line calendar that sends me reminders. These reminders could be sent to my staff, as well, as a third layer of accountability for meeting deadlines. I take deadlines seriously and follow them strictly.

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 am familiar with the Guardian ad Litem statutes, so it would not be difficult to follow the guidelines during the pendency of a case. I could also add any specific requirements to my checklist to be used in every case as part of my judge's notes. In private practice, I had a set of "golden sheets" that listed all of the questions that I needed to ask regarding the approval of an agreement, Alford acknowledgements, and the like. The golden sheets were my practical checklist to ensure that I did not miss anything. I would do the same as a judge, and I would incorporate the Guardian ad Litem statutory requirements in my golden sheets.

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

I think that judges should not set or promote a public policy that is contrary to the written law. Judges should enforce the laws that are given to them. That might mean that a judge makes an unfavorable or unpopular decision, prompting a law to be revisited. Nevertheless, it is the legislature's task to make or eliminate laws based on public policy.

This is also where common sense needs to play a role. While judges should not make public policy decisions, they should not abuse the application of the law to prove a point and passively force changes in 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?

I would like to become involved as a speaker for continuing legal education seminars. I would network with other judges and the bar. I would work with the Bench-Bar committees to find practical solutions to problems.

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 foresee a fair amount of stress as a judge; regardless, I have a considerable amount of stress in my current job, working with parents or caretakers who sexually or physically maim, beat, abuse, destroy, or neglect their children. To deal with stress, I am physically active. I run, and I am training for a half-marathon and a triathlon. This focused physical exertion, as well as my wonderful group of friends, provide a positive outlet to relieve my stress. I do not foresee the pressure of serving as a judge to be an additional strain on these relationships.

I have three small children – ages 9, 7, and 4. They are becoming more self-sufficient, even though they still need me for many things. I am blessed to have a strong family support system to help my husband and me with our children and their day-to-day needs. This support system is already in place and works well. I do not foresee additional strain on the relationships with my family if I am elected to the judiciary. .

The potential for strain would be with my lawyer friends, but if we are mindful that it could be an issue, I trust that my friends and I could resolve it. My friends are highly professional, and this would not be the first time that a friend has taken the bench. We have successfully navigated these waters before.

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

I have seen judges both overly considerate to pro se litigants, as well as overly demanding of them. I would question the pro se litigant about his decision to proceed without an attorney, including questions about his financial ability to hire an attorney, his education, his work experience, and his ability to know and understand on a basic level what issues were being resolved in court. I would also inquire about the length of time he was notified before a hearing. If it appeared that

the pro se litigant had ample opportunity to consult with an attorney and the semblance of means to do so, I would likely proceed without an attorney. If, however, he appeared not to know what was going on, had short notice of the hearing, or no money to hire an attorney, I would consider continuing the matter and allowing him the opportunity either to hire an attorney or apply for the appointment of an attorney or a Legal Aid attorney.

While I would not give legal advice to any litigant, and I would not tell a pro se litigant how to proceed, I would try to give some guidance on how to proceed during a hearing. For example, I would give basic instruction about the order of questioning, the form of questioning a witness, and other basic procedural matters.

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?

Not knowingly, or not without full disclosure and the opportunity for a party to question me on my involvement.

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: 21%

b. Child custody: 21%

c. Adoption: 1%

d. Abuse and neglect: 52%

e. Juvenile cases: 5%

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

A judge should be calm, reasonable, fair, and willing to listen to the litigants. A judge should be knowledgeable of the law but willing to listen to debate on legal issues. A judge should be considerate to all litigants and attorneys but willing to maintain an appropriate professional decorum in the courtroom. A judge should earn respect and act with integrity. A judge should be decisive and use common sense.

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?

These rules should apply all the time. Appropriate judicial demeanor should be a reflection of that judge's true character. Even when enjoying time relaxing with family and friends, I hope that I exhibit fairness, integrity, calmness, consideration, and decisiveness. A judge can express these traits without being rigid or stodgy, and there is always room for common sense and good humor.

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?

While anger is a natural emotion, I do not think that it is appropriate for a judge to show anger unless the person is openly defiant or disrespectful to the court, and even then, I think a judge should act with dignity and respect. I think a judge can be angry but still act with dignity and respect that reflects positively on her position.

I recall being before a judge in a case where a litigant responded in a defiant manner to the court. She smacked her lips, put her hands on her hips, cocked her hips to the side, and answered with only "yeah" or "nuh-uh" responses. He was a very proper judge, and he gave her the warning shot: "Ma'am, you need to stand up straight and answer the questions I ask you out loud, as in, 'yes or no.'" Keeping her hand on her hip, she cocked her head to the side and said, "And what if I don't?!" I saw the anger flash in that judge's eyes, but he remained calm in his demeanor. He took a deep breath and asked whether she knew to show respect for the court. She sighed, took her hands off her hips, indicated that she did, and after some further conversation, with the judge maintaining his calm, the matter was resolved. It may have been the mood shifting to the calm before the storm, but the judge maintained order in his courtroom and resolved the issues. That was a good example of how to handle a difficult situation, even when justifiably angry.

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?

Postage	\$ 6.90	8/1/13
Stationery (business cards and note cards)	120.00	8/1/13
Fingerprint cards (Sptbg. County Sheriff)	10.00	7/25/13
Professional photograph	133.75	8/1/13
This has been reported.		

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.

s/Kathryn Walsh Gooch

Sworn to before me this 6th day of August, 2013.

Kristie Rivera

Notary Public for South Carolina

My commission expires: November 25, 2018