

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

Family Court
(New Candidate)

Full Name: Thomas H. White IV
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1. Why do you want to serve as a Family Court Judge?

I am now in my 30th year of practicing law. A large portion of my practice has been devoted to representing individuals in Family Court. While the majority of my experience in Family Court has been representing individuals in matters involving divorce, equitable distribution of marital property and debt, child custody, visitation and other issues collateral to marriage, I have also represented individuals and families in adoption actions, name change actions, child abuse and neglect actions and juvenile justice cases. The Family Court is unique in that it not only deals with the application of law to myriad facts, but an overarching layer of human emotion in essentially every case. After almost thirty years of serving as an advocate, I am ready to spend the balance of my legal career serving in the capacity of decision maker. I look at this position first of all as a calling to do my part in resolving such emotional disputes in a fair, impartial and reasoned manner, and secondly, in collaboration with colleagues of both bench and bar, discerning even more effective ways to resolve these complex issues.

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?

Ex parte communications create the appearance of impropriety. Professional ethics relative to bench and bar require the avoidance of even the appearance of impropriety. Thus, ex parte communications are best avoided altogether. Of course, there may be rare occasions which may require some ex parte communications, such as dealing with matters involving scheduling and other such administrative concerns; however,



even in such acceptable occasions, all parties should be apprised of any such communication as soon as possible so as to avoid the appearance of impropriety. Obviously, any ex parte communication regarding any substantive issue in any matter before the Court should always be avoided.

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 would recuse myself under any circumstance in which I thought my impartiality would be compromised in any manner, regardless of what title or position the parties or advocates appearing before me may hold. Once again, the avoidance of the appearance of impropriety is the judicial mantra.

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?

Confidence in the justice system must be maintained. In such an event, if I thought that remaining in the case would compromise any party's confidence in the justice system, I would grant the motion for recusal.

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 recuse myself from any such case.

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

I would never accept gifts from parties or advocates appearing before me. As far as ordinary social hospitality is concerned, I would not necessarily recuse myself simply because individuals with whom I may have had some social, hospitable contact may appear before me; however, my standards would always be governed by the admonition to avoid even the appearance of impropriety.

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

The Rules of Professional Conduct and the Code of Judicial Conduct would compel disclosure of such misconduct 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?

Generally, I would follow the procedures by which family court judges have operated during the entirety of my practice, i.e. I would assign legal counsel for one of the parties (usually the prevailing party) the duty of drafting the order pursuant to my instructions. Any such proposed order would first be submitted for review and editing to opposing counsel, with the result being that counsel for the parties would agree to the form and content of the proposed order prior to its submission to me. Once the order is submitted to me, I would then review and edit as necessary so as to ensure that it met with my actual ruling in the case. I would then sign the order. In actions that involved unique issues, particularly issues that I may deem to be issues of first impression, I may well request counsel to submit briefs on the unique issues to supplement my research. In cases such as this, I would likely draft the order myself.

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

I have found a calendar/tickler system to be effective in my private practice over the last thirty years. Accordingly, with the many deadlines that my staff and I would need to meet regarding the administration of the court system, I would institute such a tickler system, utilizing both computer and hard copy calendars. Of course, one of the best tickler systems available is simply that of due diligence, i.e. showing up to the office on time on a daily basis with attention to task and duty, thus supplanting idle chit chat and socializing! Further, open communication between judge and staff regarding deadlines is of the utmost importance, as well as regular monitoring of the calendar system.

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?

At the time of the appointment of a GAL in any case, I would make sure that counsel for the parties and the GAL appointed were fully aware of the guidelines set forth in the statutes. As the case progresses, I would monitor the file to ensure that the GAL duties were being fulfilled and that the appropriate reports were being submitted in a timely fashion. Of course, at any pre-trial conferences, I would examine counsel and the GAL as to whether all guidelines had been followed, and would not allow the matter to be set for trial until I was convinced that this critical function had been performed. Issues regarding the best interests of children are not to be taken lightly; accordingly, justice in such cases can only begin to be assured when full compliance with the appropriate statutory guidelines is accomplished.

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

A trial judge’s duty is to apply the law as established by the legislature and interpreted by judicial precedent. While obviously I could find myself in circumstances that would require me to interpret the law and apply it to the facts of the particular case before me, by and large my obligation as a trial judge is to apply the law as I understand it to the facts of the case before me, and not to create new law or pursue or 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?

I think in order to improve the legal system, it is important to not only participate in the legal system, but to participate in programs that allow the opportunity to discuss the administration of the legal system with judicial colleagues. I have found it invaluable during my legal career to attend continuing legal education programs, not only to remain current on legal issues, but to have the opportunity to discuss those legal issues with colleagues and peers. Invariably during my legal career, such discussions have given me greater insight and have provided me with new, effective ideas to strengthen my law practice. I believe that attending judicial CLEs will afford me the same opportunities. I also feel that education for the public is also a valid way to improve the public’s understanding of the system, thereby making the system work more effectively. Accordingly, as time would allow, I would welcome opportunities to speak to appropriate audiences (civic groups, school settings, etc.) regarding the administration of civil and criminal justice in the Family Court.

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?

No. It is essential to mental health, as well as professional and personal effectiveness, to maintain an appropriate balance in life, giving focus to both professional and personal obligations in due course and time. Though I have been in many stressful circumstances during the course of my legal career, I have always found time to spend quality time with my family and friends. I have had almost thirty years experience in achieving this balance. Though the pressures of serving as judge to some degree differ from the pressures serving as an advocate, I believe the balancing skills I have developed over the years of my legal practice are transferrable.

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

I would certainly apprise a pro se litigant of the potential pitfalls of self representation, as well as determining whether the pro se litigant possessed the education, intelligence, and life experiences necessary to proceed with self representation. Other than that "special consideration", all litigants, whether pro se or represented by legal counsel, must adhere to the rules of court and the rules of evidence.

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

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: 70%

b. Child custody: 15%

c. Adoption: 5%

d. Abuse and neglect: 5%

e. Juvenile cases: 5%

I have divulged in the application process the fact that over my nearly thirty years of legal practice, approximately 30% of my time has been spent dealing with Family Court cases. The percentages above are good faith estimates as to what percentage of my time in Family Court has been devoted to the areas set forth. Obviously, as with any area where I have a bit of deficiency in experience and practice, when faced with cases in such an area, I would expend extra effort to review and research the applicable law and procedures relative to that area of practice in order to allow myself to act in a competent manner.

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

A judge should always be courteous and respectful to all litigants, maintaining his composure at all times. Further, while courtroom proceedings are serious, it never hurts to maintain a sense of humor appropriate to the proceeding. In my opinion, the goal of any judge

should be to conduct hearings in such a manner that at the conclusion of the hearing, all parties leave the courtroom knowing full well that a fair and impartial hearing was conducted, regardless of the outcome.

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 rules of exhibiting courtesy, respect and a good sense of humor apply seven days a week, twenty-four hours a day. Again, a judge must remember that he or she is a symbol of the justice system to the community. Confidence in the justice system is essential. Accordingly, a judge should always conduct himself or herself in a manner that does not compromise the public's confidence in the justice 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?

Stern rebuking may be appropriate in circumstances where a party, attorney, or other participant in the process breaches appropriate courtroom decorum; however, anger is a sign of loss of composure ... and a judge should always maintain disciplined control.

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 present, the only money spent on the campaign would be the postage mailing in the application materials.

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/Thomas H. White IV

Sworn to before me this 1st day of August, 2013.

Kim Bailey

Notary Public for South Carolina

My commission expires: July 28, 2019