



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?
Growing up in my hometown, I worked at a law firm. Part of my responsibility was to drive attorneys to court appearances and on one of these occasions I observed a Family Court hearing. As I have looked back on this event, there are two things about this hearing that had a lasting impact upon me.
The first was how the attorney I knew advocated for her client and achieved a positive result. I'm confident this event set me on the path to becoming an attorney.
The second was how the judge masterfully handled a very heated matter, showed an even temperament to both litigants and their counsel, was respectful in his demeanor and decisive in his ruling, even as one party was found in contempt.
Many events and individuals have played a part in making me the attorney I am today, but I believe my path to a career in law started on that day during in Family Court.
When I first considered seeking the position of Family Court Judge, I found myself thinking back to this single hearing.
Through my career I worked to establish a reputation as an ethical, honest, and reasonable attorney; someone who would work hard to advocate for a client's best interest. I always endeavor to keep in mind that legal concepts familiar to me are likely new and sometimes alien concepts for a client and that part of my obligation is to be mindful of this.
As I began to shift from a practice focused solely on litigation to a very full mediation and alternative dispute practice, I gained a new perspective through working not as an advocate for a single client, but rather assisting both litigants reach a resolution. While my role as a mediator is always one of a neutral, I have learned that all too often parties, though it is their own dispute, really don't have a full understanding of the system or what may be happening to them. I've been honored to assist hundreds of parties through the years reach a resolution to their disputes through dispute resolution.
Being an attorney then using those skills to work as a mediator as well, I have a wide background of experience that I believe provides a firm foundation to transition to the Family Court bench.
I want to serve as a family court judge because the aggregate of my personal and professional experiences have lead me down a path that has given me the necessary tools, skills and desire to take what I believe is a logical next step to allow me to serve the citizens of South Carolina.

I believe the fashion in which my legal career has progressed puts me in the position of being able to transition to the position of Family Court Judge. From my career experience, as an attorney representing clients in virtually every type of action before numerous family courts in our state, by my work representing volunteer Guardians *ad Litem* to my work as a private Guardian *ad Litem* and my experience as a Family Court mediator and arbitrator, I have a unique set of skills that will translate into a Family Court Judge who will be knowledgeable, consistent, fair, impartial, and willing to make timely, difficult decisions for the litigants who may appear before me.

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?

Were I to be elected to the Family Court bench, later to leave that position, should I not be ready to retire, private practice would be an option that would be strongly considered. If I am not successful in attaining the position of Family Court Judge, I plan to remain in private practice.

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?

The general rule is that *ex parte* communications should be avoided. Having said that, there are limited instances where such would be permissible. In matters where there are emergent issues, such communications are to be expected at the outset of an action; however, this should be done in a fashion where an opportunity to be heard is soon addressed. Matters such as financial wasting, serious financial consequences, harm or threat of harm to children, or other immediate issues that may impact a child's well being come to mind as examples of such situations where *ex parte* communications may be appropriate.

Unless there is a specific instance where such communications are allowed, then I believe that such communications should be avoided.

I also believe that extra attention should be given in the area of self-represented litigants and their initiating communications with the Family Court. Simply because a party is self-represented does not allow them any special ability to engage in such communications, but the Family Court Judge should be prepared to address such in a fashion that redirects the self-represented litigant and also provides a clear statement addressing that the Judge is unable to communicate directly with the self-represented litigant.

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 believe the important concept is balance between recusal and remaining involved. Specifically the balance must be in avoiding the appearance of impropriety and not causing undue delay.

In exercising this balance, there are a number of factors to consider. If the hearing was to be limited in scope, for example, the approval of an agreement or

granting an uncontested divorce, I believe with full disclosure, initiated by the Court, with each party having the right to be heard on the issue of recusal, with appropriate waivers, recusal would not be an issue.

If the matter was contested and was before the Court for hearing or trial where the ultimate decision on the merits or important issues was to be left to the Judge, I believe that the Judge should, on his or her own motion, address the matter and give strong consideration to recusal as the goal is to avoid even the appearance of impropriety. One key inquiry would always be the true nature of the relationship between the judge and the individual or subject matter, (e.g. former partners, lawyer-legislators, former associates, etc.) To avoid appearances of impropriety, any substantial relationship should be disclosed to the attorneys and litigants.

My concern is that while even the appearance of impropriety needs to be avoided, a judge should be mindful not to create such an appearance of concern where there is none and where the result could be perceived as the judge looking for a way to avoid certain cases or decisions. This I believe, where litigants have come to the Court for a decision, could potentially be as concerning as a Court not entertaining recusal where appropriate.

In situations where the issue of recusal is triggered by lawyer-legislators, former associates or law partners, the issue will require case-by-case scrutiny, drawing from the above criteria.

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 believe the delicate balance I addressed above should be applied. A full disclosure does not always equate to an automatic recusal. Were such a situation to arise, it would first be imperative to fully hear from not only the party requesting the recusal, but also the opposing party. Just because one party seeks recusal does not mean it is proper. In any situation where a motion was made to the Court a decision would need to be made. I would, after hearing from each party on the totality of the circumstances, rule in a fashion that was supported by facts and law and that also avoided the appearance of impropriety while considering the balance set out above.

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

I believe a strong appearance of impropriety exists in such a situation. Unless the facts showed the financial involvement was de minimis, I believe recusal, raised at any stage of the proceeding, would be warranted. Were the Judge not aware of the conflict at the outset it is likely a recusal could cause a delay, but I believe a delay is better than creating a situation where the merits of a case are overshadowed by a potential, or actual conflict. If such a relationship exists, it could be difficult for a litigant, or even counsel, to believe the judge was not previously aware of the issue and influenced by it.

As to social involvements, I do not believe all social involvements automatically rise to the same level as financial involvement with a spouse or relative; however, given the manner in which some individuals view interpersonal relationships, careful scrutiny would also be warranted. With minor connections, such as being

members of the same health club facility, supporting the same charitable cause or being a member of same social organization, an inappropriate appearance (or real conflict) could be present. The more involved in such activities, the greater the conflict or perception of the same could be.

In any such event, it is property for all parties to be allowed the right to be heard then a decision made on all the facts of the case.

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

Were I to become a member of the judiciary, I would be very cognizant of issues relating to the acceptance of gifts. I believe in this arena, as with others concerning judicial conduct, appearance, and the conclusions drawn by others, is as paramount for consideration as is the conduct itself.

Were there preexisting relationships with individuals or groups I would consider nominal gifts or social hospitality acceptable. However, for an example, if neighbors with whom I had a previous relationship and who would likely merit recusal were they to come before me while on the bench anyway, I would have less concern with gifts or social hospitality than I would with an attorney with whom I was familiar, but only professionally, who started appearing with gifts or offers of social hospitality.

I believe the standard in this particular area would be if there were any question as to such being appropriate, the best practice would be to politely refuse the gesture and, if warranted, seek an opinion on the conduct.

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

I would discuss the conduct with the lawyer or judge and encourage them to self-report the matter. If they did not, I would do so. I hope that other judges and lawyers would take the same approach with me if the issue ever presented.

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

I am a member of the SC Bar's Dispute Resolution Section and in this capacity I hold an ad hoc seat on the South Carolina Alternative Dispute Resolution Commission. While I do not believe this would require evaluation, I do believe that if I was elected to the bench, as has occurred with other members in the past, I would step down from the Section and my leadership role. However, other than this, there are no such boards, parties or commissions that would require evaluation.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

In the past I have earned a small amount of income from the live performance of music, from writing works of fiction and from photography. I have stopped performing music in any live setting and have also stopped any commercial photography work. While I still enjoy these activities, there is no business component to my musical performance or photography. I still actively spend time writing and furthering my writing endeavors and would likely continue to do so in my spare time if elected. I am also currently working to develop certain family

law practice software that, depending on status of completion, were I to be elected, may continue.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

I have come to understand that most judges of the Family Court give instructions to counsel upon which orders are drafted. I would continue this practice unless the matter could be addressed with a form order or was of such importance or complexity that I felt that I needed to draft an order myself. I would carefully review and, where appropriate, edit orders submitted to me to ensure they complied with my rulings.

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

I believe that deadlines can be met through organization, diligence and planned review. When I was involved with the representation of Guardians ad Litem, for each day a docket was prepared and was shared by DSS, the Court and myself. I would obtain the docket in electronic form, add it to my computer, keep a redundant paper copy and make sure that any deadlines were noted on both.

I would likely utilize a similar system if elected to the bench. It is a simple proposition to incorporate electronic reminders based upon parameters I, or my staff, would define which would be another tool to keep deadlines mindful. Between the electronic copy, the redundant hard copy and periodic reviews, an approach to address and manage deadlines would be easily implemented.

I also believe that an important aspect of this would be continuity of staff, where possible, from one judge to the next, which would assist in keeping away from the recreation of the wheel for a new judge.

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?

Adherence to the Guardian ad Litem statutes begins with a properly drafted Order of Appointment that includes all of the necessary requirements, including, but not limited to Guardian duties, fees, billing, fee cap requirements and any particular work the Guardian ad Litem would be required or directed to do. I would in all cases, where I had the opportunity, see this was done.

I have done a great deal of Guardian ad Litem work in private, DSS and DJJ cases including not only serving as a Guardian ad Litem but also representing Guardians. As a result of this, I am quite sensitive to the Guardian's role and involvement in the process and would ensure all duties and obligations were fulfilled.

Review hearings, motion hearings related to children's issues, other hearings involving the Guardian, and even motions filed by Guardians, would all provide the opportunity to ensure compliance with the applicable statutes. At final hearings further attention would be given to the work the Guardian performed allowing the work to be addressed on a case-by-case basis. Even in cases resolved by agreement, I believe it is necessary to inquire not only of the Guardian as to his or her opinion of the case, but also of the parties to ensure there are no issues that need to be addressed with any Guardian's performance.

I would also let it be known as to issues with the Guardian, be it issues being experienced by the Guardian, concerns of counsel or of the litigants, these issues could and should be brought before the Court as soon as possible if a resolution cannot be reached.

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

My philosophy is that a judge’s job is to apply the law as it presently exists and not to create or mold it as the judge may personally see fit. It is my belief this is especially true at the trial level. If a novel issue was to be presented, then a decision should be based on guidance gleaned from existing law.

While judges are human and it is largely impossible to completely detach from personal beliefs and thoughts, the personal beliefs of the judge should be minimized when exercising judicial duties. I do not believe it proper for a judge to stray from the law based on personal belief or public opinion.

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?

Knowledge creates understanding. I believe a sitting judge can provide a perspective that can assist in the improvement of the legal system as a whole.

I believe it would be beneficial and appropriate to work with the members of the Bar and the community, through existing programs or in the formulation of new programs, designed to function as a platform to better the system as a whole. I believe consideration should be given to the mission statement of any group to which a judge was to become a member to, as addressed above, avoid the appearance of impropriety. I believe it also prudent to balance time commitments so as not to distract from judicial duties.

Overall, I believe a judge should expect that a part of his duties would be to engage in appropriate activities that were designed to provide education to the members of the Bar, students of the law and the public as a whole to help foster a better Family Court process for all involved.

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?

My wife and I do not have children. My wife is also an attorney, making her aware of what would be required were I to be elected. We have addressed this topic previously and revisited it when I began the process of considering application for this position. I do not feel that familial pressure would be a factor in my serving as a judge.

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

I believe that with self-represented litigants a member of the judiciary should expect that what is routine to an attorney will likely be alien and even intimidating to a self-represented litigant. While I do not believe that any party, even a self-represented party, would warrant preferential treatment, I do believe that a member of the judiciary, when dealing with a self-represented party would be well within the bounds of the judge’s duties and responsibilities to be patient,

keep an even temperament and, when ruling, be mindful that even negative rulings can be communicated in an appropriate fashion.

During my years as a mediator and arbitrator, I have, and continue to deal with self-represented litigants and have learned to be patient and considerate, often having to address issues that, with counsel, may not be addressed at all. I realize these parties do not have the understanding a member of the Bar would. The experience has given me a great deal of experience in dealing with self-represented parties and in understanding the issues unique to such situations. I would continue to exercise the same approach on the bench as I have in the past, endeavoring to ensure that, even if they were to receive a ruling contrary to their positions, that self-represented litigants left feeling they had been given an opportunity to be heard, had been heard and that the ruling was one that was not geared towards them as a solely result of appearing self-represented. The patience and understanding a self-represented litigant receives would not limit or change that they would be held to the same standards and rules as litigants who appear with 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?
In most instances, no. Also, given the nature of my family's investments I do not believe this would presently be an issue. While I cannot say what the future may hold, were a situation to arise and there was a case before me fitting this criteria I would disclose the situation as soon as I became aware of it and would give all parties an opportunity to be heard. I believe, as I have addressed above, the nature of the hearing would dictate a large part of the result. Likely to avoid the appearance of impropriety, were all parties not willing to acknowledge and waive any issue, I would likely step aside. Were there no objection to my hearing the matter, the *de minimis* nature of the interest would likely alleviate any conflict. As always, each will be evaluated based on the actual facts and circumstances.
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: 35%
 - (b) Child custody: 35%
 - (c) Adoption: 5%
 - (d) Abuse and neglect: 20%
 - (e) Juvenile cases: 5%

Through my career I have handled virtually every type of case that could be handled and/or litigated in the Family Courts. I feel extremely confident in my ability to be able to preside over any issue in the Family Courts. I also acknowledge in the totality of the cases routinely before the Family Court, cases involving juvenile criminal matters are an area where I have not routinely practiced in a number of years. In an effort to better prepare me for such cases, during the past two years, I have observed juvenile cases in the Family Court in an effort to better familiarize myself with the law, the process, how the Court interacts with litigants, defense counsel and solicitors. I have paid close attention to the manner in which different judges approach juvenile cases, how they treat different offenses, first time offenders, repeat offenders, how evaluations are done, when services are implemented, if home detention is warranted, at what level and other issues.

I believe that this effort has provided me a better insight into what occurs in the Family Court in juvenile criminal matters and how critical the approach of a judge can be in working to accomplish the goal of keeping first time offenders from becoming habitual offenders.

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

Judges should be aware their demeanors, and likely themselves personally, will frequently be the subject of scrutiny. Judges should be mindful they will regularly be called upon to make difficult decisions that may have lasting impact on litigants. I believe a judge's demeanor can and does impact how rulings are perceived.

Accordingly, I believe the demeanor would best allow a judge to perform his or her duties would occur when a judge was calm, attentive, patient, and courteous. I believe a judge should avoid over familiarity with litigants and attorneys and to be ever mindful to maintain decorum and control in the Courtroom, but to do so in a respectful fashion.

I believe judges should avoid becoming angry or letting their tempers get the best of them. There will be challenging and frustrating situations, but I firmly believe a calm demeanor can be maintained. With such being the case, I believe it would allow a judge to maintain the decorum of the tribunal but to also be able to be firm and decisive where and when necessary.

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 above answer addressed a judge's demeanor while physically on the bench. If a judge has a good demeanor on the bench and allows that demeanor to follow into everyday life off and away from the bench, I believe this would work to establish a firm foundation for how a judge should act when not on the bench or in chambers.

Judges are human and I do not believe simply because their professions may be that of judge that all judges should live an existence of isolation. However, the removal of a robe does not mean an individual ceases to be a judge. A member of the judiciary should be ever mindful as to how he or she will be perceived by the

public. The actions of one member of the judiciary will reflect upon the bench as a whole.

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, among other emotions, can be displayed and expressed in a variety of fashions. It is possible to be angry with someone and the other party never be aware of such. I believe it would inappropriate for a member of the judiciary to expressly tell a member of the public, criminal defendant or not, appearing before a judge that the judge was angry with them.

If there is anger, there should, unless it is unwarranted, be some reason for the anger. A judge, rather than outwardly displaying anger or some other inappropriate emotion, should address the foundation of the problem and deal with that. Anger won't make the problem go away, but I like to believe that if the problem is addressed by a judge in a respectful fashion, there is a heightened likelihood that the problem will be addressed and not reoccur. That said, setting clear expectations and expecting them to be met is appropriate for judges.

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?

As of the drafting of this document, no money has been expended.

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/ Sean Keefer

Sworn to before me this 6th day of August, 2015.

Allison Brumble

Notary Public for South Carolina

My commission expires: 03/02/2022