



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

Family Court
(New Candidate)

Full Name: Rita J. Roache
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1. Why do you want to serve as a Family Court Judge?
The Family Court is the most important court in our judicial system because of its impact on the lives of the citizens of South Carolina. I would like to serve as a Family Court judge to utilize my knowledge of South Carolina law, my diplomacy, my legal skills and my concern for others to make decisions that reflect reason, equity and fairness.
2. Do you plan to serve your full term if elected?
Yes, I do.
3. Do you have any plans to return to private practice one day?
No, not at this time.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
Yes, I have.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
My philosophy regarding *ex parte* communications is embodied in Canon 3B(7). Generally, a judge shall not engage in *ex parte* communications, but there are exceptions for scheduling, or when there is the belief that no party will gain an advantage. And the parties must be promptly notified and given an opportunity to respond. Other provisions permit contacting a disinterested expert, court personnel or facilitating mediation. Further, a judge may engage when permitted by law. I believe that a judge should be very careful about engaging in *ex parte* communications by evaluating each case on its merits, starting with the basic premise that *ex parte* communication should 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?
Personal relationships and associations must be revealed on the record to avoid the appearance of impropriety. If any counsel moves for recusal and has reservations regarding my ability to be fair and impartial, then I must recuse myself.
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 a party that requested my recusal and I would grant the motion to be recused.

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.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would not accept gifts, unless the acceptance is proscribed by Canon 4D. The Canon allows a judge to accept ordinary social hospitality.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
Canon 3D addresses these situations. A judge can take appropriate action which includes communicating with the judge, other direct action and reporting the violation of there is substantial likelihood that another judge committed a violation. When a judge has knowledge that a violation has occurred which calls into question another judge's fitness, it must be reported.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?
No, I am not.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
No, I do not.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?
Proposed orders would be sought from the attorneys and reviewed to ensure that the orders accurately reflect the ruling. In some cases, I would draft the order.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
Calendaring, other electronic and manual methods would be used to ensure that deadlines were met. Ideally, I would hope to use some sort of computerized system that monitors and reports the status of each case.
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?
In order to ensure that the guidelines of the GAL statutes are followed during the pendency of a case, a specific order including the provisions of the statute and the powers and duties of the Guardian, in addition to the responsibilities of the litigants would have to be crafted.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
A judge should never be an activist or have a role in setting or promoting 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 plan to participate in continuing legal education, seminars and conferences on the law, the legal system and the administration of justice. Information obtained will be utilized to make improvements.

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 feel that the pressure of serving as a judge would strain personal relationships. However, the demands of the position may necessitate that adjustments be made. My family is very important to me, therefore, I would attempt to achieve a balance between my professional and personal life.
19. Would you give any special considerations to a *pro se* litigant in family court?
Pro se litigants would be treated with courtesy and respect, but special considerations cannot be granted. It is not proper for a judge to try a case for a self-represented litigant.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No, I am not.
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, I would not.
22. Do you belong to any organizations that discriminate based on race, religion, or gender?
No, I do not.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes, I have.
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: 30%
(b) Child custody: 35%
(c) Adoption: 10%
(d) Abuse and neglect: 20%
(e) Juvenile cases: 5%
25. What do you feel is the appropriate demeanor for a judge?
A judge must be courteous, fair and impartial, always maintaining the decorum of the court. The appearance of impropriety should be avoided.
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 would apply at all times.
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?
I do not believe that it is ever appropriate for a judge to be 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?
I have not spent any money on my campaign.

29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not applicable.
30. Have you sought or received the pledge of any legislator prior to this date?
No, I have not.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No, I have not.
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, I have not asked any third parties to contact members of the General Assembly. And I am not aware of any friends or colleagues who are contacting members of the General Assembly on my behalf.
33. Have you contacted any members of the Judicial Merit Selection Commission?
No, I have not.
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 am.

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

S/Rita J. Roache

Sworn to before me this 10th day of August, 2015.

Jacqueline E. Scott

Notary Public for South Carolina

My commission expires: 10/10/2016