



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?
I have a strong desire to serve my state and community. The desire to serve was instilled in me by my parents, who came to this country seeking the freedoms protected by our laws. The Family Court has an incredible reach and has a tremendous impact on people’s daily lives. In the course of my practice, I have learned how important it is for a Family Court Judge to have a calming demeanor, patience, dignity, and an extensive knowledge in various areas of law. I believe I have the knowledge and developed the skills necessary to serve on the bench—always mindful of the public trust that is inherent in such a position.
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 should be discouraged. I cannot envision circumstances where such communications would be acceptable, other than those exceptions provided by under the Code of Judicial Conduct.
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 follow the Code of Judicial Conduct. I would always disclose relationships which I may have with any person appearing before the Court, on the record, and recuse myself accordingly.
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?
Even the appearance of bias may have the possibility of tainting the process and calling into question the decisions made by the Court. It would be best in that instance to grant a 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?
The financial or social involvement of my spouse or close relative would preclude my ability to hear a matter with the requisite impartiality required. In order to avoid the appearance of bias or impartiality, or even perceived impartiality, I would recuse myself.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
The acceptance of gifts places a judge's integrity into question. There are exceptions under the ethical rules where some gifts and ordinary social hospitality are appropriate. However, if gifts or hospitality are excessive, there exists the appearance of impropriety. It is best to limit the acceptance of gifts and social hospitality. If such gifts are made, I would return the gift with a simple note explaining why.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
Without question, I would follow the Code of Judicial Conduct as required.
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?
As a practitioner, I have always received memorandums from a family court judge with his/her instructions for preparation of the order of the court. The judge requires one of the attorneys of record to draft the proposed order and submit it to the opposing attorney prior to submission to the court. If there are any objections, they are generally submitted to the court in writing. I find this to be an efficient process, which limits drafting time for a judge. I would endeavor to follow this practice, making adjustments as necessary on a case by case basis; for example in the case of pro se parties, I would draft the order.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
I would implement a calendaring system similar to the calendaring system I employ in private practice with regard to deadlines. Meeting regularly with my staff will secure an open line of communication, ensuring that everyone has the same understanding of the importance of deadlines.
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?
A Guardian Ad Litem should be thoroughly questioned by the Court regarding adherence to the statute during the pendency of a case. I would expect to receive at least one report from the Guardian Ad Litem in accordance with the statutes, and I would carefully review the same. To ensure that the statutes are followed, I

would question the Guardian Ad Litem regarding direct contact with the child/children, teachers, doctors, and other witnesses, including the frequency of such contact before making any decisions on a matter involving children. I would also question the parties regarding the Guardian Ad Litem's investigation.

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

I believe that a member of the judiciary must at all times remain impartial, which precludes judicial activism. A Family Court Judge should adhere to the South Carolina Code of Laws, and the body of South Carolina case law. I do not believe that a member of the judiciary should set 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?

Education regarding the legal system is vital so that citizens can understand the true nature of the legal system and the administration of justice. It is important that our Bar continue to find ways to improve legal education for lawyers and to educate the community at large. I would gladly volunteer to sit on committees, to the extent allowed by the Canons which focused on improving the administration of justice in our state. I would gladly speak in forums regarding the legal profession to help facilitate a better understanding of the legal system to the general public. Likewise, I would work within the legal community, to the extent allowed, to find new and more efficient methods in the administration of justice.

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 am fortunate to have incredible support of my family and close friends. As a litigator, I have been fortunate to be part of a busy law practice. Many times I have been required to handle legal matters throughout the state on an extended basis. Because my husband is also a public servant, we are mindful to be organized with regard to our schedules and we strive to maintain a healthy life balance.

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

It would not be appropriate to show partiality to a represented or unrepresented litigant. If a *pro se* litigant were to indicate he required time to locate counsel during the course of a case, I would be inclined to grant such a request so long as it is not designed to prolong the conclusion of the matter.

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: 40% of all my family court cases focus on divorce. I have handled all types of matters regarding divorce on a variety fault grounds, including but not limited to adultery and habitual drug or alcohol abuse. I have also served as a family court mediator in matters regarding divorce and equitable distribution.
 - (b) Child custody: 40% I have handled a variety of child custody matters, some of which have been very intensely litigated. I have also served as a mediator and guardian in child custody matters, including termination of parental rights.
 - (c) Adoption: 5% I have handled few adoptions, but do have some experience in those matters. Most recently I handled to conclusion an adult adoption in Dorchester County Family Court. As with any issue with which I am unfamiliar I would study the law and in conformity with the Rules of Judicial Conduct, I would consult if necessary with another judge.
 - (d) Abuse and neglect: 10% I have handled several abuse and neglect matters. Several of these matters have gone to Trial. I have also served as a volunteer DSS mediator in Charleston and Berkeley Counties.
 - (e) Juvenile cases: 5% I have handled the defense of juveniles in Family Court, participating in hearings, submitting discovery requests, and filing various motions on behalf of my clients.
25. What do you feel is the appropriate demeanor for a judge?
I believe the appropriate demeanor for a judge is a pleasant disposition, and an open mind. As a servant of the community, a judge should be patient, gracious, and humble. A judge should consider all the evidence and allow the parties to present their arguments. It is important that a judge have a thorough knowledge of the law. A judge should be firm in decision making and respectful to litigants, lawyers, and all participants in the process.
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?
As a public servant, judges must recognize the significance of the position and that their behavior should be in accordance with the respect that the position demands every day, and in every setting.
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?
It is never appropriate to be angry or disrespectful to anyone. Anger demeans the judicial process, and debases the integrity of the bench.

A criminal defendant, like any other litigant is entitled to a fair and impartial hearing. A good judge is patient and has a calming influence over the courtroom and the participants.

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?
None.
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/ Michèle Forsythe

Sworn to before me this 4th day of August, 2015.

E. Brook Hurt

Notary Public for South Carolina

My commission expires: 06/30/2025