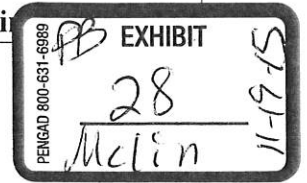


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearing**

**Family Court**  
**(Incumbent)**



Full Name: The Honorable Nancy Chapman McLin  
Business Address: 212 Deming Way, Suite 5, Summerville, SC 29483  
Business Telephone: (843) 832-0387

1. Why do you want to serve another term as a Family Court Judge?  
It has been a great honor to hold the position of Family Court Judge for the First Judicial Circuit since June 1, 1998. This position has been challenging and rewarding. The Family Court cases are interesting and each case is unique. There is never a dull day in Family Court. Although the position of Family Court Judge can be demanding, it is also very fulfilling and rewarding. The most rewarding aspect of the position of Family Court Judge is the service provided to the children of the State of South Carolina.
2. Do you plan to serve your full term if re-elected?  
Yes.
3. Do you have any plans to return to private practice one day?  
Not at this time.
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 strictly follow the Code of Judicial Conduct and all rules/statues regarding *ex parte* communications. Improper *ex parte* communications are strictly prohibited. Specifically, Canon 3(B)(7) provides that “[a] judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the [presence of the parties concerning a pending or impending proceeding except that:  
  - (a) Where circumstances require, *ex parte* communication for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:
    - (i) The judge reasonable believes that not party will gain a procedural or tactical advantage or as a result of the *ex parte* communication , and
    - (ii) The judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond.
  - (b) A judge may obtain the advice of a disinterested expert on a the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

- (c) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.
- (d) A judge may with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.
- (e) A judge may initiate or consider any *ex parte* communication when expressly authorized by law to do so."

I am extremely careful to avoid all inappropriate *ex parte* communications. My Administrative Assistant opens and screens all mail received in my office. If an *ex parte* communication is received, my Assistant returns to communication with a form cover letter developed with the assistance of Court Administration, explaining the Rules governing *ex parte* communication and explaining that the Judge cannot and will not consider *ex parte* communication. Additionally, the courtroom deputies are well aware that I will not allow *ex parte* communication and they ensure that all parties enter the courtroom at the same time so as to avoid the opportunity for any *ex parte* communication.

Statutory provisions and South Carolina Rules of Procedure do allow for the application of *ex parte* relief under extreme circumstances, such as an application by the Department of Social Services for emergency protective custody of a child in danger of abuse or neglect. I am also very careful to make sure that any application strictly complies with the rules/statutes and that all parties are afforded due process. In the event that an Ex Parte Order is appropriate, an emergency hearing is always promptly scheduled to allow all parties a full opportunity to be heard and afforded due process.

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 am always mindful of Canon 2 of the Code of Judicial Conduct which provides that "[a] judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities." Furthermore, a judge "shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2(A), Code of Judicial Conduct.

The former partners of the law firm Goodstein & Goodstein, where I was employed prior to my judicial position, do not appear in Family Court. As to any of the former partners of the firm that employed me for approximately 2 weeks immediately prior to my service on the bench, I have always made full disclosure of my prior employment, and I have recused myself from such cases if any objection was raised. Since the prior law firms have been dissolved and the partners/lawyers do not appear very often in the First Judicial Circuit, this issues as not occurred very often.

As to lawyer-legislators, I have had limited opportunities for lawyer-legislators to appear before me. However, all lawyers have to follow the same rules governing ethics. Any lawyer legislators appearing before me have been professional, courteous and have fully followed all rules of ethics.

Regarding recusal, I voluntarily recuse myself or will grant a motion for recusal if there is any possibility of the appearance of impropriety or conflict. I believe that it is important for all litigants to feel that they have received a fair and impartial

trial. The issue of recusal does not come up frequently, but it is an important issue in appropriate circumstances to preserve the integrity of an independent judicial process and to preserve the confidence of parties that their case has been adjudicated free of any bias or partiality.

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?

“A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned....” Canon 3(E)(1) Code of Judicial Conduct.

As a general rule, I recuse myself from anything that has even the slightest appearance of impropriety. I would give great deference and weight to anyone’s motion for recusal, although I would not allow the system to be abused. However, in most cases, I would probably grant a motion for recusal so that all parties would have confidence that the adjudication was free of any bias or impartiality.

Canon 2 of the Code of Judicial Conduct provides that “[a] judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities.” Furthermore, a judge “shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Canon 2(A) Code of Judicial Conduct. I believe that it is important for all litigants to feel that they have received a fair and impartial trial. Litigants should feel confident that their case is being decided by a Judge who is impartial and is without any bias. If there is any potential disclosure that may support bias, the litigant would probably feel that any unfavorable ruling was due to such a bias even if the ruling was well supported by the evidence.

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

As a general rule, I recuse myself from anything that has even the slightest appearance of impropriety, including but not limited to financial and/or social involvement of my spouse or any relatives. I always disclose anything that may be interpreted as the appearance of impropriety, including but not limited to any financial or social involvement of my spouse and/or family members. “A judge shall not allow family, social, political or other relationships to influence the judge’s judicial conduct or judgment.” Canon 2(B) Code of Judicial Conduct. I perform my judicial duties impartially and diligently. See Canon 3 Code of Judicial Conduct. “A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned....” Canon 3(E)(1).

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

I avoid any gifts and social hospitality from litigants, attorneys and/or parties who may appear in Family Court. I do not accept food, meals, beverages, lodging, transportation, entertainment, social hospitality or any other thing of value from attorneys or from individuals appearing in Family Court. I do occasionally accept invitation and/or ordinary social hospitality from the South Carolina Bar Association

or local bar association, when such functions are open to all bar members, the public and all judges. See Canon 4, Code of Judicial Conduct.

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

I strictly follow the Rules of Judicial Conduct and Rules of Attorney Conduct, and I make the required report to the Commission on Lawyer/Judicial Conduct if I became aware of misconduct.

Canon 3 of the Code of Judicial Conduct provides that “[a] Judge shall perform the duties of the Judicial Office impartially and diligently. More specifically, Canon 3(D) requires that “[a] Judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code [of Judicial Conduct] should take appropriate action. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge’s fitness for office shall inform the appropriate authority.”

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

No.

12. Do you have any business activities that you have remained involved with since your election to the bench?

No.

13. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I draft many of the short orders required, such as Orders of Continuance, Pretrial Orders, and Orders of Dismissal. I would prefer to draft all my orders; however, due to the demanding dockets each week, the high volume of cases heard weekly, high volume orders to be reviewed and the limited chambers time, the attorneys assist the preparation of orders. I always require that the attorneys circulate the proposed order prior to submission to the Court, to give all parties an opportunity to make necessary revisions and corrections. See Rule 5(b)(3), SCRCP. Additionally, my assistant ensures that the proposed orders have been sent to all parties prior to review by the Court. If a proposed order is incorrect, deficient or untimely submitted, I will prepare the order. Last year, I processed over 2,700 orders, not including the hundreds of orders reviewed and executed in the courtroom or clerk’s office. Any order submitted for consideration must be forwarded to the opposing counsel/party prior to consideration by the Court. If the order does not conform to the hearing or is inadequate in any way, I will revise the order or redraft the order.

14. What methods do you use to ensure that you and your staff meet deadlines?

My assistant and I each keep calendars, lists and notebooks to insure that all deadlines are met. We are very careful to meet deadlines. For keeping up with the timely execution of written orders, we keep the dockets, notes and correspondence in notebooks which are reviewed daily. I maintain notebooks with dockets and notes from all hearings. Once an order is executed, the docket is marked accordingly and the date signed is indicated. The executed order then goes to my judicial assistant who also maintains reminder memorandums and

processed orders records. My assistant also records all orders executed before sending executed orders to the Clerk's Office for filing. My assistant sends regular "reminder memos" and emails to the attorneys required to submit orders to ensure that orders are timely executed. We prepare a monthly report to Court Administration regarding any orders that are not signed within 30 days of the hearing date. Additionally, my assistant and I maintain calendars with any other deadlines, and we meet regularly regarding time sensitive matters.

15. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

I strictly require all Guardian ad Litem to follow the applicable statutes. In private cases, compliance with statutory provisions is discussed during pretrial hearing and the pretrial orders address deadlines, including but not limited to issues such as the filing of reports, exchange of custodial/psychological evaluations, home visits or inspections, interviewing witnesses. Additionally, in DSS [abuse and neglect] actions, the Guardian ad Litem report is reviewed and the Guardian ad Litem is questioned by the Court. If the Guardian ad Litem has not complied with the statutory duties and responsibilities, I will execute an Order requiring compliance and subjecting the Guardian ad Litem to sanction for noncompliance.

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

Judges must follow the law at all times.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I have taught at several continuing legal education seminars. Additionally, I have met with court personnel and security personnel to address questions and to assist in their education regarding the legal system and the rules of judicial/lawyer conduct.

During the last seventeen years on the bench, I have worked closely with the Dorchester County Security panel to improve security issues in the courthouse, benefiting court personnel, parties, witnesses and citizens.

I am currently the judicial representative of the Dorchester County Bar Association's Family Court Liaison Committee, which continuously works to educate the bar on Family Court matters and the improvement of our bench/bar issues.

Since being elected as a Family Court Judge for the First Judicial Circuit, I have served as the Chief Administrative Judge for many different years. As Chief Administrative Judge, I worked hard to improve the management of the court dockets.

18. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

As a Family Court Judge, I have had to limit my personal relationships with the attorneys and to avoid political involvement in consideration of the Code of Judicial Conduct. Otherwise, I do not feel that serving as a judge has strained my personal relationships with my family, friends or relatives.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
No.
21. Do you belong to any organizations that discriminate based on race, religion, or gender?  
No. Absolutely not.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
Yes. Since being on the bench, I have routinely exceeded the minimum JCLE hours each year.
23. What do you feel is the appropriate demeanor for a judge?  
A Family Court Judge must be fair, courteous, impartial, polite, patient and professional at all times.  
As to judicial temperament, general demeanor and courtesy, I am always mindful of our judicial oath which requires that in the discharge of my duties, I treat all persons who enter the courtroom with civility, fairness and respect. I listen courteously, sit impartially, act promptly and rule after careful and considerate deliberation.  
Additionally, as a family court judge, I am patient and courteous to all attorneys, litigants, witnesses, clerks, deputies and other court personnel. I also require similar conduct of lawyers, staff, court officials and such persons subject to the court's discretion and control. See SC Code of Judicial Conduct, Cannon 3(B)(4). I take great pride in maintaining a professional temperament and demeanor at all times. Sometimes the duties of a family court judge may be challenging; however, being courteous to all persons entering the courtroom is the clearly the easiest part of our job.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?  
These rules previously discussed apply at all times. Twenty-four (24) hours a day, seven (7) days a week, and 365 days a year.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
No. Anger by a Judge is never appropriate in the courtroom. Judges should always be patient, courteous and respectful.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?  
None.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?  
No.

28. Have you sought or received the pledge of any legislator prior to this date?  
No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
No.
30. 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.
31. Have you contacted any members of the Judicial Merit Selection Commission?  
No. However, the reference letters requested may be sent directly to the Judicial Merit Selection Commission.
32. 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/ Nancy Chapman McLin

Sworn to before me this 7th day of August, 2015.

Cinamon T. Peakes

Notary Public for South Carolina

My commission expires: 4/12/21