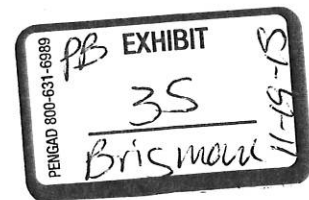


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

**Family Court
(Incumbent)**



Full Name: Cely Anne Brigman
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Darlington, SC 29532
Business Telephone: (843) 398-4012

1. Why do you want to serve another term as a Family Court Judge?
I wanted to be a Family Court Judge because I believed I had the necessary education, knowledge and experience. In the few weeks I have been on the bench, I believe I have done a good job and will continue to grow as I serve. My experience not only as a family court trial lawyer but as a Magistrate is serving me well. I enjoy being a family court judge and would like to continue.
2. Do you plan to serve your full term if re-elected?
If re-elected I plan to serve my full term.
3. Do you have any plans to return to private practice one day?
I do not have any plans to return to private practice as long as I hold a judicial position.
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 abide by the Judicial Canons and refrain from engaging in *ex parte* communications in cases before me except as allowed under Judicial Canon 3(B)(7) or otherwise authorized by law. If re-elected to serve on the Family Court bench, I would continue to abide by the Judicial Canons and refrain from engaging in *ex parte* communications except in those situations outlined in Canon 3(B)(7) which include administrative matters or emergencies that do not deal with substantive issues, situations where there will be no tactical advantage as a result of such communication and all parties are advised of the communication and allowed opportunity to respond. There are also statutory provisions which allow for *ex parte* communications, such as the issuance of temporary orders related to child support or custody.
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 abide by Judicial Canon 3E which addresses recusal and avoiding any appearance of impartiality or bias. My practice would be to disclose any past relationships with counsel or litigants on the record. If any litigant or counsel objects to my presiding, I will recuse myself.

If I had direct knowledge or involvement in a case involving a former associate or law partner, I would recuse myself. A judge has the responsibility to avoid the appearance of impropriety and I have and will continue to uphold that responsibility.

I have had lawyer-legislators appear before me when I was a Magistrate. I was able to render impartial decisions based on the case before me without bias or prejudice.

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?

If after disclosing an issue I believed had the appearance of potential bias, I would grant a motion for recusal if either party or attorney had a continuing objection. I strongly believe that it is important for judges to be fair and impartial and for the litigants and attorneys to have confidence in the judge hearing their case. If a litigant believes that a the judge is biased, I believe it is best to recuse yourself to avoid any appearance of impropriety.

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

Pursuant to Canon 3(E)(d), if a judge's impartiality might be reasonably questioned, a judge shall recuse himself if the judge, the judge's spouse or a person within the third degree of relationship to either of them, or the spouse of such a person is a party to the proceeding, is acting as a lawyer in the proceeding, is known by the judge to have an interest that could be affected by the proceeding, or the judge has knowledge that person might be a material witness in the proceeding.

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

I will not accept any gift or offers of social hospitality that might be viewed as an attempt to influence my judicial decisions. I would also discourage members of my household from accepting such gifts or invitations. Pursuant to Canon 4, professional gifts and invitations, ordinary social hospitality and gifts from family and friends are excepted from the rule. However, I would reject any gift or invitation received which gave the appearance of impropriety.

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

Pursuant to Canon 3(D), if I had knowledge that a judge committed a violation of The Code of Judicial Canons that raised a question to his fitness for office I would have direct communication with the judge and report the violation to the appropriate authority.

If I had knowledge that a lawyer had violated the Rules of Professional Conduct that raised a question as to the lawyer's honesty, trustworthiness or fitness as a lawyer, I would have direct communication with the lawyer and report the violation to 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?

I am not affiliated with any political parties, boards or commissions that would need to be evaluated if re-elected.

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

I do not have any business activities that I would remain involved with if elected to the bench.

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

I request that one of the attorneys prepare an order pursuant to my ruling and that he provide a copy to opposing counsel prior to submission to me for signature. I would give the opposing attorney the opportunity to respond to the proposed order before signing. If necessary, I prepare the order myself.

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

A judge has a duty to diligently discharge administrative duties and to ensure that his staff does the same. Clear communication with staff, court personnel, attorneys and litigants along with an effective calendaring system are used to assure that deadlines are met promptly.

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 try to ensure that Guardians are appointed in appropriate cases in a timely manner. I expect that the Guardians are qualified and properly trained. The Guardians should be provided with all the pleadings, notice, discovery and orders related to their ward.

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

Judges are expected to apply the law as written. If the statutory or constitutional provisions are clear, then the judge’s discretion is limited by those provisions which he should follow. In issues where there is no specific statute or law governing the matter, the judge’s discretionary decisions should be limited to furthering the general principals of law governing that specific issue and the Court should not seek to formulate new rules or procedures not contemplated by the law as written. However, there are times when judges have to use discretion based on the judge’s training and experience.

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 would continue to speak at Continuing Legal Education Seminars. I would also welcome any opportunities to speak at other appropriate functions where I could have the chance to educate others about the legal system and the roles of lawyers and judges.

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?

The pressure of serving as a judge has not strained my personal relationships. I have two daughters who are grown and on their on. My husband is employed full time with Sonoco Products in Hartsville. My entire family is supportive.

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?
Pursuant to Judicial Canon 3(E)(1), a judge should not hear a case in which he or a family member has more than a *de minimis* financial interest in the subject matter. If I or a family member had an interest that would not raise reasonable question as to my impartiality, I would hear the case. However, I would advise the litigants and the attorneys on the record of such interest.
21. Do you belong to any organizations that discriminate based on race, religion, or gender?
I do not belong to any organizations that discriminate based on race, religion, or gender.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?
I have met the mandatory minimum hours requirement for continuing legal education courses.
23. What do you feel is the appropriate demeanor for a judge?
I believe that a judge should be patient, polite and courteous to both the litigants and the attorneys who appear before him. Family Court judges have the ability to impact the most critical parts of a family's life and litigants are often overwhelmed and frightened when appearing in Family Court. It is important for the judge to be patient and polite and to allow the litigants to "have their day in court". I do not believe it serves the litigants, the attorneys or the judiciary for a judge to be impatient or abrupt with those appearing in front of him.
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?
A judge should at all times conduct themselves with propriety and integrity. The rules of judicial conduct extend beyond the courtroom and chambers. A judge should be mindful that his actions and behavior outside the courtroom can have an impact on public confidence in the judiciary. A judge should behave at all times in a manner that promotes integrity and impartiality and should avoid any actions or behavior that are inappropriate.
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?
I believe that are certainly situations in which judges become angry with the litigants and even with the attorneys who appear before them. The issue is how the judge deals with or addresses that anger. Explosive outbursts from the judge are not appropriate and do not promote confidence in the judicial system.
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?
I have not spent anything to date. Any amounts I spend over \$100.00 shall be reported to the Senate and House Ethics Committees.

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.
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?
I am familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted.

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

S/ Cely Anne Brigman

Sworn to before me this 5th day of August, 2015.

Gena Phillies Erin

Notary Public for South Carolina

My commission expires: 06/25/2022