



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

Family Court
(Incumbent)

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- 1. Why do you want to serve another term as a Family Court Judge?
2. Do you plan to serve your full term if re-elected?
3. Do you have any plans to return to private practice one day?
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
5. What is your philosophy regarding ex parte communications?
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

In regards to a lawyer-legislator, if there is no relationship with the judge, then there should be no recusal necessary. It would be my hope that there would be no expectation of partiality by the legislator and certainly none should be given.

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?
Each party should be allowed to make known all of their concerns in this regard. A judge must strive at all times to avoid the appearance of impropriety. While this philosophy should certainly not “hamstring” the court so that all motions for recusal are granted, each situation should be given due deference and weight. I would not want to encourage “judge shopping” by granting every motion for recusal; however, a litigant deserves to know that the trier of fact in his/her case is impartial. It is very important that each party feel they are starting out on even ground with the person who is “in charge” of the case at that time
8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
This should be dealt with on a case by case basis. I could deal with every litigant fairly and would strive to do so; however, I strongly believe that all litigants deserve the peace of mind that they are being treated fairly and that there have been no preconceived notions about their case before it is started. If they can show that their concern is genuine and that there is truly an appearance of possible bias, I would recuse myself.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
A judge has a high standard to fill in this area so that there is no appearance of impropriety. If the gift is given by someone who would give me a gift whether I was a judge or not, then I would most likely still accept the gift. However, if the gift is given because I am a judge or because I would not otherwise be in the position to even be associated with the giver, then I believe it is unacceptable and would not accept the gift.
10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
The South Carolina Rules of Professional Conduct are very clear and must be followed at all times, particularly for members of the Judiciary. If I am aware of any misconduct that violates the Rule, then I am mandated to report the conduct.
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?
In most cases, one of the attorneys will be directed to prepare the proposed order. He must submit the order to the opposing side for review prior to submission for any objections to the order. If the attorneys cannot agree on all terms in the order,

then the order is submitted along with the objections, and I make a decision on the issue and give instructions accordingly. There have been a few occasions wherein I have prepared the order myself due to the difficulty or nature of the case.

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

We have a very effective tickler system for all deadlines that we have in the office. For pending orders, we have a system in place in which a note sheet is used for each case heard. If an order is not signed at the time of the hearing it is noted on the note sheet along with the name of the attorney who is to prepare the order. Then my assistant will keep a record of the date the hearing was held and will tickle the due date of the order and place the note sheet in a notebook in which orders are pending. If an order is not received within two weeks, contact is made with the attorney who is responsible for preparing the order. Contact is made regularly until the order is received. Each month we must file a Matters Under Advisement (MUA) report which reflects the cases that have orders which have been outstanding for thirty days or more. I have never had to report a case on the MUA report since I took the bench in February 2014; therefore, I believe our system is very effective.

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?

Prior to taking the bench, I served as a GAL for approximately fifteen years and this is a role that I take very seriously. It is vital for a GAL to act properly and in the best interest of their minor charge. Strict adherence to the GAL statute is a must. I think that it is imperative I know the qualifications of an appointed GAL and monitor those who serve as GAL. Prior to an appointment, a judge should ensure that a GAL is qualified to serve and has met all statutory requirements. There should no hesitation by a judge to question a GAL to insure that they are following the mandates of the GAL statute.

I have been asked to participate in the GAL training for GALs in DSS cases, and in June 2015 met with the group of lay GALs for Horry County.

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

I believe that a judge's job is to interpret the law that is set out by the General Assembly of this state. I do not think that a Family Court judge has the authority to "re-write" any statute. If a case is appealed, then the appellate courts have the power to make common law to govern certain interpretation of the statute. However, I do not believe that a Family Court judge has the authority to ignore any statute due to their own ideology.

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 continued to participate in courses and seminars that teach attorneys how to effectively practice in the area of family law. I organized a class in the Fifteenth Circuit for a group of attorneys who are new to family court who were in need of training and mentoring. The class was offered at no charge to the participants and the instructors were on a volunteer basis.

I have also worked with the local school system and have spoken to classes about the law. I have also allowed a student from a local high school to serve as an intern as part of her semester of study and course requirement. While the students that I have dealt with are not attorneys, I believe that it has effectively improved the view that they have on the legal system.

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?

I have not faced any such problems in my time on the bench.

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.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

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

A judge should conduct herself/himself with cordiality and impartiality towards all who appear before her/him, attorney and litigant alike. Many times the Family Court is a person's only contact with the judicial system, and in most cases, they are going through a difficult time. Each decision made should be made with sincerity and compassion for the situation. Becoming a judge does not give one justification to treat anyone without dignity and respect.

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?

Proper conduct should be practiced at all times, and not just when the robe is on or a judge is in the courthouse. I do my best to make it a way of life.

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 think that a judge is human and there may be times when they are moved to anger by the behavior of others; however, if such anger or emotion is strong enough to create a bias then the judge should recuse herself from the case.

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 spent no money at this time.

27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?

I sent my initial letter of intent to seek re-election on my judicial letterhead, but only after inquiring of the Judicial Merit Selection Commission if it was proper to

do so. I have not used judicial letterhead for anything else or the services of my staff for my campaign.

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?
Yes.

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

s/Melissa Johnson Emery
Sworn to before me this 31st day of July, 2015.
S. B. Todd
Notary Public for South Carolina
My commission expires: 01.10.2023