

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

**Family Court**  
**(New Candidate)**

Full Name: Elizabeth Biggerstaff York

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Business Telephone: 843-332-1163

1. Why do you want to serve as a Family Court Judge?

As a person who has practiced primarily in the Family Court, I see how frightening the court system can be for litigants. For many people, the Family Court is their only contact with the judicial system. I believe that my personality and experience will lend itself to being a proper referee, but also allowing each litigant to believe that they were given a fair day in trial. Being a Family Court Judge would allow me to use my education and experiences to help people, children, and the State as a whole.

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.

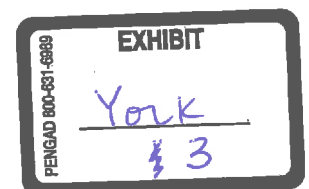
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I would abide by the Judicial Canons and refrain from engaging in ex parte communications except as allowed such as for emergencies and scheduling.

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 will recuse myself in any situation in which it was requested and included any appearance of impropriety. I will disclose any prior relationships that may give any appearance of impropriety. I will recuse myself where there is a conflict of interest.

I will have no difficulty in being fair and impartial in my dealings with lawyer-legislators.



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 making a disclosure as indicated, I would recuse myself if any attorney or party had a continuing objection to avoid any appearance of impropriety.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
If my impartiality may reasonably be questioned and after disclosure an objection was raised or was continuing, I would recuse myself to avoid the appearance of impropriety.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
I would not accept any gift or offers of social hospitality that might be viewed as an attempt to influence my judicial decisions. Professional gifts and invitations, ordinary social hospitality, and gifts from family and friends are exceptions under the Canons. I would reject any gift or hospitality that would give the appearance of impropriety.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?  
I would discuss the matter with the attorney or judge and make a report to appropriate authority.
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?  
I would request that an attorney participating draft the order, circulate it with counsel, and then present it to me after the attorneys reached an agreement as to the order. At times, I may draft orders personally.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?  
A judge has a duty to diligently discharge administrative duties and to make sure that her staff does the same. I would utilize clear communication with attorneys,

staff, litigants, and court personnel. I would include a tracking and calendaring system.

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?

When needed in a case, I will appoint guardians ad litem in a timely manner. The guardians will be qualified and properly trained. The guardians are to be provided all pleadings and other filings. An order will be issued to allow the guardian access to records regarding his ward.

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

If the statutory, constitutional, or case law is clear, then the judge is to apply the law as written. It is not the trial judge’s place to implement new procedures or rules not contemplated by the law as written.

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 would continue to speak at Continuing Legal Education seminars when asked. I would welcome appropriate activities to further the law, legal system, and 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 do not believe there would be strain on my personal relationships. My family and friends, including my ex-husband, are supportive of this decision.

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

I would inform the litigant that he is to be held to the same standard as an attorney prior to going forward in any hearing. I would question him about whether he has sought the advice of an attorney and whether he wishes to have counsel. In abuse and neglect cases, I would ask the defendant about the application for the appointment of counsel. I would make sure that the litigant is making an informed decision about proceeding without counsel.

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?  
If I or a family member had a small interest that should not raise an issue of impartiality. Nonetheless, I would inform all parties and counsel and consider recusing myself if requested.
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: 15%
  - b. Child custody: 15%
  - c. Adoption: 2%
  - d. Abuse and neglect: 65%
  - e. Juvenile cases: 3%
25. What do you feel is the appropriate demeanor for a judge?  
A judge should be fair and firm while being patient, polite, and courteous.  
It is important for a judge to continue to promote integrity and impartiality.  
I have been in the Family Court as a litigant and as an attorney. It is important that the judge remember that the persons appearing are typically afraid, nervous, and are experiencing a stressful time.
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?  
It is important for a judge to maintain the appearance of propriety in the courtroom and outside of it.

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 not appropriate. If I found myself getting frustrated, I would call a recess to compose myself. Outbursts by the judge are not appropriate and do not promote confidence in the system.

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

\_\_\_\_\_  
(Candidate Signature)

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
(Notary Signature)

\_\_\_\_\_  
(Print name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_