



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

Family Court
(New Candidate)

Full Name: Rosalyn W. Frierson

Business Address: 1220 Senate Street, Suite 200, Columbia, SC 29201

Business Telephone: 803 734-1802

1. Why do you want to serve as a Family Court Judge?
Serving as a judge will give me an opportunity to give back to my home state. I want to utilize my personal qualities to uphold the right to equal treatment under the law. I have the legal background and experience to make good decisions. I believe that my unique legal experience and my analytical, organization and communication skills are well suited for service as a judge
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?
My philosophy is based on the Code of Judicial Conduct. A judge should not initiate, permit, or consider *ex parte* communications outside the presence of the parties concerning a pending or impending proceeding. The Rules provide for very limited exceptions. As a general rule, *ex parte* communications should not occur
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 believe that if my impartiality can be reasonably questioned, I would recuse or disqualify myself unless it has been waived by the parties after disclosure.

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?
I would grant the motion and give deference to the request for recusal in light of the appearance of bias. If the party believes after disclosure that there was still concern about impartiality, I would grant the motion.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I would not allow personal relationships to influence my conduct or judgment. I would first avoid the appearance of impropriety; however, if a matter before me involves a spouse or a close relative who has a financial or social connection, I would disclose on the record that involvement to the parties. I would only proceed if the parties agreed on the record that I should not be disqualified from hearing the matter.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would adhere to the Code of Judicial Conduct Section 4D(5). I would not accept a gift, bequest, favor or loan from anyone unless it complied with the exceptions allowed in the Code of Conduct.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would have an obligation to take the appropriate action which includes direct communication with the judge or lawyer or report to the Office of Disciplinary Counsel.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?
I am not affiliated with any political party. I serve on the Richland Memorial Hospital Board of Trustees and the Palmetto Health Alliance Board. I would evaluate and likely discontinue service in light of the time commitment required for service.
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 a proposed order from one or both of the parties to use as a starting point for the final order. I would also maintain detailed notes from the hearing to be used in drafting orders and to ensure that the proposed order meets with the terms of the decision. I would track the outstanding draft orders and monitor submission. I would edit or revise as

necessary to prepare a final order that meets with the terms of my decision.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?
I would maintain a tracking system that I would monitor to ensure that all deadlines are met.
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?
I would ensure that the guardian provides timely written reports demonstrating that a thorough review was conducted as contemplated by 63-3-830. Because judges are not assigned to a specific case throughout the entire litigation, this would be accomplished by reviewing the file at the earliest time possible once it is clear that it is a case that I would hear. The final written report must not include a recommendation on custody unless requested by the court for reasons specifically set forth on the record. The guardian must comply with the Rules of Evidence. Also, I would review the file to ensure there is an affidavit attesting to the guardian's compliance with statutory qualifications.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Judges, particularly at the family court level should not be involved in setting or promoting public policy. The judge's role is to apply the law as it exists to the facts of the case.
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 involve myself in bar related activities and participation in legal education programs where appropriate.
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?
No. My family and close friends are supportive of my interest in seeking a family court judge position. Further, my two sons are independent adults and I am no longer responsible for providing child care arrangements. I do not have family obligations that would strain personal relationships or affect my ability to perform the role of a family court judge.

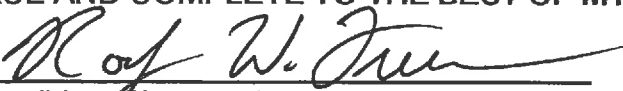
19. Would you give any special considerations to a *pro se* litigant in family court?
Pro se or self represented litigants are responsible for researching the law and are held to the same legal standards as attorneys. Judges are not to give legal advice to pro se litigants, however, where possible minor assistance, such as questioning, may be provided that would not prejudice the opposing party.
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?
I would disclose the *de minimis* or insignificant financial interest to the parties. If there is reasonable concern about my impartiality after disclosure, I would avoid the appearance of impropriety and would not hear the case.
22. Do you belong to any organizations that discriminate based on race, religion, or gender?
I am a member of a public service sorority that historically includes women of any race. I am not aware of whether any male has sought or been denied membership in the national organization.
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?
My experience is based on my work as a Supreme Court law clerk, State Court Administrator, municipal court judge and representation of pro bono clients. I am willing to study and observe experienced family court judges to compensate for what may be viewed as limited trial experience. I stand ready to complete all requisite and available training for new judges as well as consult the Family Court Bench Book, Rules and applicable statutes.
- a. Divorce and equitable distribution: 20
 - b. Child custody: 20
 - c. Adoption: 10

d. Abuse and neglect: 40

e. Juvenile cases: 10

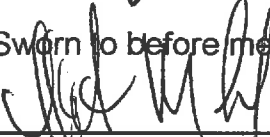
25. What do you feel is the appropriate demeanor for a judge?
Judges should be fair and open minded, good listeners, courteous but firm in the courtroom. Judges should also be patient, calm, professional, honest, and independent.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
I believe that a respectful and appropriate demeanor apply at all times. As a judge, you are held to the same high standard regardless of whether you or on the bench, in chambers or away from the court.
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?
No. It is never appropriate to be angry or show anger with members of the public appearing before me as well as any attorneys.

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 31st day of July, 2016.



(Notary Signature)

Hector M Garcia Lexington County
(Print name)

Notary Public for South Carolina

My Commission Expires: June 4, 2022