



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

Family Court
(New Candidate)

Full Name: Laurel Eden Harvey Hendrick

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

My father is a member of the South Carolina Bar, with his practice concentrated in criminal defense. My mother is a licensed therapist who works with children and families. Growing up, I realized that both my parents were constantly helping and guiding people through difficult and emotional situations. This led me to choose a career serving others. For over a decade, I have been involved in Family Court in various capacities. This has granted me countless opportunities to witness how the Family Court operates and how it impacts the lives of the litigants and children involved. I have great respect for those who serve as Family Court Judges. Family Court Judges have the responsibility of making difficult decisions in an emotional environment where the future of families, children, and lives are at stake.

My experience as a prosecutor in both Family Court and the Court of General Sessions, together with years of practicing in child welfare law, have equipped me with the knowledge, perspective, and insight to serve on the Family Court Bench. Furthermore, with the passage of the "Raise the Age" bill my expertise in criminal law will be a valuable asset as the jurisdiction of Family Court is set to expand in July 2019. This legislation allows the Family Court to adjudicate and rehabilitate more youth without the collateral consequences of an adult conviction. If given the opportunity, I will make a positive impact and substantial contribution to the Family Court Bench.

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?
I do not have any plans to engage in private practice.

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 believe *ex parte* communication is strictly prohibited regarding the substance of a case or any communication that would in any way influence or even appear to influence a Judge's decision. In reality some *ex parte* communication is necessary for scheduling matters and is allowed under Judicial Canon 3(B)(7)(a). With advances in technology it is easier to include all parties on email communication. However, I believe Judges should be very conscientious when using email because emails can be misconstrued and not reach the intended recipient. Family Court Judges have administrative assistants that can aid in scheduling meetings and phone conferences to avoid *ex parte* communication.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

The goals of the Judicial Canons are to ensure that Judges act with integrity and impartiality so that the public has confidence in the Judicial System. I feel that in situations where recusal is necessary, I would not hesitate. For example, if my father, was involved in a Family Court case or representing a Family Court litigant in a Civil or Criminal Matter, I would recuse myself to avoid any appearance of impropriety.

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?

Generally, I would afford great deference to the party requesting the recusal and grant such motion. If it was hearing where there is a statutory time frame requirement or where a delay would cause undue prejudice or harm to a litigant or child, I would follow the procedure outlined in Judicial Canon (3)(F); including having a remittment agreement outlined on the record and included in the Order. I can imagine in smaller counties where there is only one Judge assigned per term of Court this situation could arise. It is necessary for a Judge to formulate a solution in accordance with the Judicial Canons.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
As discussed above, if there is any appearance of impropriety I would recuse myself. I think that recusal is the correct action when there is any appearance of impropriety related to financial involvement. Lawyers tend to socialize with other lawyers, so being recused in every instance where there is a social relationship with me or a family member is not practical. I would carefully analyze the situation on a case by case basis to determine if recusal is necessary. I would also discuss the Judicial Canons that impact my spouse and family members to make them cognizant how their actions can impact my role as a Judge.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
Judicial Canon 4 (D)(5) addresses gifts and social hospitality and I would adhere to those standards and ensure that my spouse is aware of such limitations. If I learned of any improper gifts or invitations I would certainly take the necessary actions to rectify the situation.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would report the misconduct to the appropriate authority including law enforcement and either the Commission on Lawyer or Judicial Conduct. Pursuant to the Rules of Professional Responsibility I felt it was my ethical duty to report another lawyer to the Commission and it resulted in a public reprimand.
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?
Generally, I would assign the task of drafting the order to the prevailing or moving party and request the order is circulated to all parties to see if there is a consensus on the language of the Order before it is submitted to the Judge. However, there could be situations where I would find it necessary to personally to draft the Order. There are also several

hearings in Family Court where form orders are appropriate and there are staff members from the Clerk of Court's Office or other agencies to complete the Orders and then provide to the Judge to review and sign.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?

I would create a tracking system and ensure that I have the current contact information for all lawyers and *pro se* litigants so they can be contacted, along with all the other parties, when an order is past due. During most of my career I have been in positions where I have had to handle large caseloads. Through this experience, I developed the organizational and managerial skills to assure the timely production and filing of documents. I recently discovered that the tracking system I created while at the Department of Social Services is still being used by both contract and full time lawyers.

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?

The first step in ensuring the Guardian ad Litem is complying with the statute is having a proper Order of Appointment, specifying the Guardian ad Litem's role in the case. If I encountered a situation where I believed the Guardian ad Litem was not following the statute or not representing the best interest of the child, I would address that with Guardian ad Litem and the other parties. Removal of a private Guardian ad Litem is in the discretion of the Court and if necessary I would exercise that discretion. There is a different statute and set of rules for dealing with a Guardian ad Litem in a Department of Social Services abuse and neglect case. I have actually been involved in a hearing to remove a Guardian ad Litem and experienced how the change in Guardian ad Litem can alter the result of a case. I believe that a Guardian ad Litem, in both a private and Department of Social Services action, has a vital role in the case and the Judge has a duty to ensure the Guardian ad Litem is following the law.

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

Our government has checks and balances between the judicial, legislative and executive branches of government. The Judicial Branch should enforce and implement the laws set forth by the Legislative Branch. At the beginning of the Children's Code and throughout Title 63, the public policy goals of our statutes are expressly enumerated and as a Judge I would adhere to those policy objectives.

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 be honored to participate in any Continuing Legal Education Course and Seminars. I would also like to continue to be involved with the University of South Carolina School of Law Children's Law Certificate Program to encourage future generations of lawyers to be involved in areas of the law that impact children and families. If given the opportunity, I would also participate in the Judicial Observation and Experience (JOE) program.
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 am married to a supportive husband and have the backing of my family and friends to become a Family Court Judge. I have two school aged children and plan to remain very involved in their activities. I do think there will be some schedule juggling but nothing that would compromise my commitment to both my career and family.
19. Would you give any special considerations to a *pro se* litigant in family court?
I would not give a *pro se* litigant any preferential treatment, but I would ensure that a *pro se* litigant is aware of all of the methods for that litigant to obtain counsel before allowing the litigant to represent him/herself. If the litigant wishes to continue *pro se* I would also ensure the person has the education, life experiences or ability to understand the reason for the litigation. I would incorporate those findings into the record of the hearing. It is inappropriate for a Judge to provide a *pro se* litigant legal advice, but I would ensure the litigant has the opportunity to be heard and treated with the same respect any other 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?
No.

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?
I have completed the mandatory minimum hours for the 2015-2016 reporting year. I have 6.25 hours towards the 2016-2017 reporting year and I do not anticipate any issue with meeting the continuing legal education requirements.

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: 0%

b. Child custody: 0%

c. Adoption: 10%

d. Abuse and neglect: 30%

e. Juvenile cases: 60 %

Because of my extensive background in abuse and neglect and juvenile cases, I can dedicate the time and effort to develop a working understanding of the statutory scheme and case law governing divorce and equitable distribution of property. While private child custody cases are different from abuse and neglect cases, there are overlapping issues. I am confident that I will quickly be able to gain the knowledge and experience necessary to appropriately handle divorce and child custody cases.

25. What do you feel is the appropriate demeanor for a judge?
I feel that it is appropriate for a Judge to be calm and attentive. I feel that it is essential for a Judge to recognize that while Judges hear thousands of cases, it is often the litigants' only interaction with the Judicial System and this case is deeply personal. A Judge's demeanor should reflect seriousness of the matters being heard and not be dismissive or flippant when dealing with anyone in the Courtroom. A Judge also has to maintain control of the Courtroom, which can require assertive direction, but there is no need to demean or disrespect anyone involved.

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?

A Judge is still a member and a representative of Judiciary when not wearing a robe or not in the Courthouse. The goals of the Judicial Canons to inspire confidence in the integrity and impartiality of the Judicial System should underscore all of Judge's professional and personal actions. I plan to adhere by the rules discussed above throughout my life.

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?

Judges are human and may experience anger while on the bench. Judges may become frustrated with litigants and preside over what maybe factually troubling cases. However, a Judge should not let emotions, especially anger, override what is fair or in the best interest of the parties.

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

L. E. M. M. M.

(Candidate Signature)

Sworn to before me this 26 day of July, 2016.

Rhonda P. Laboury

(Notary Signature)

Rhonda P. Laboury

(Print name)

Notary Public for South Carolina

My Commission Expires: 02-03-2021