

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

Family Court
(New Candidate)

Full Name: Melissa Meyers Frazier

Business Address: 3303 Highway 9, East, Little River, South Carolina 29566

Business Telephone: (843) 390-9700

1. Why do you want to serve as a Family Court Judge? I have practiced law in Family Court for approximately twenty years. I feel my knowledge and experience have prepared me for the next step as Family Court Judge. I also believe that I can serve with both professionalism and respect for the litigants and the court process. I will strive to make sure that the Family Court remains a forum for people and families to help resolve matters in a fair and equitable manner.

2. Do you plan to serve your full term if elected? Yes

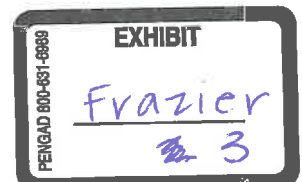
3. Do you have any plans to return to private practice one day? No

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?

Ex parte communications should be avoided to prevent the appearance of impropriety. There are only a few limited circumstances in which it is necessary or appropriate to have such communications, such as an emergency situation in which there is an imminent threat to the safety or welfare of children or party. Such communications should be limited in scope and a hearing should be scheduled as soon as possible in order to give the opposing side the opportunity to be heard.

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



Recusal or disqualification is appropriate if the presiding judge has a personal bias or prejudice toward a party or lawyer. I have been practicing for almost twenty years and have established long term relationships with most of our local bar and some legislators. Despite this, I believe that I can remain impartial and unbiased in a Family Court matter. I do believe that disclosure should be given in order to avoid the appearance of bias. If my impartiality was questioned and it was reasonable, recusal should be given careful consideration.

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 believe such a request should be given careful consideration and most likely granted, unless it was clearly being used to 'judge shop' or delay the process.

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 disclose any such connection or involvement and would recuse myself if there is any appearance of bias.

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

I would only accept gifts or social hospitality when there is an existing relationship/friendship and the gifts or hospitality are normal and outside my judicial capacity.

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

I would meet with the fellow judge or lawyer and encourage them to self report. If they are not inclined to do so, then I would be required by the Code of Judicial Conduct to report such misconduct to the 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?

In most circumstances, I would have the prevailing attorney or the moving attorney draft the proposed order and share it with opposing counsel. If time is of the essence, a form order may also be utilized.

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

In my current practice, we have an ongoing list of pending cases/matters and their status, as well as a calendaring system for deadlines. I would envision using a similar system in order to keep organized.

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 appoint qualified and experienced Guardian ad Litem in the cases that would come before me. I would also review the file of cases that I would hear to assure that the statutory guidelines are met. I am very familiar with these requirements and have served as a Guardian ad Litem for over ten years.

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

A judge is not responsible for making law, setting or promoting public policy. It is a judge's responsibility to interpret and apply the law to the particular fact situation that is being heard.

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?

Throughout my legal career, I have worked with schools during law week, assisted with middle school mock trial, and job shadowing programs. I have also served on our local Family Court Advisory Committee to promote and improve the relationship and system between attorneys and the court. I would anticipate continuing my involvement in the community and serving on any boards that may assist with the improvement of the legal system and relationships between the attorneys and the judiciary.

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, I strive to strike a balance between my professional life and my family life. I have been doing so for the last twenty years and believe that I will be able to continue this balance. My family and friends have also been very supportive of my decision to seek judicial office.

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

Pro se litigants are held to the same standard as attorneys. It would be improper to give the *pro se* litigants guidance that may be perceived as legal advice. However, *pro se* litigants should be treated with respect, just like any other litigant that appears before the Court.

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?

While the Code of Judicial Conduct does not require disqualification under this circumstance, I believe that disclosure would be appropriate and proper consideration given if a motion for recusal was 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: 60%

b. Child custody: 50% (overlaps with above category)

- c. Adoption: 25%
- d. Abuse and neglect: 10%
- e. Juvenile cases: 5%

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

The judge should remain professional at all times. The litigants and attorneys should be treated with respect and the judge should make a clear ruling based on the law and issues at hand, while keeping control of the courtroom.

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 professionalism should be maintained at all times.

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?

Anger is not appropriate in the courtroom. There are times and situations that can be emotionally charged, however, a judge should strive to set the bar high and act professionally at all times.

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

Meliss M. Burgess
 (Candidate Signature)

Sworn to before me this 29th day of July, 2016.

Tammy L Burgess
 (Notary Signature)

TAMMY L. BURGESS
 (Print name)

Notary Public for South Carolina
 My Commission Expires June 30, 2024