



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

**Family Court
(Incumbent)**

Full Name: Honorable Salley Huggins McIntyre

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

I have enjoyed the past seven years serving on the Family Court Bench and working with court personnel and attorneys to make the system move as efficiently as possible. Appearing in any court can be stressful for litigants, but emotions are extremely high when appearing in Family Court and require an especially attentive and compassionate jurist.

It is very important for litigants and attorneys to experience polite but professional judges who are understanding of their needs and desires and can guide them through the process. Working on a professional level with attorneys and litigants will also allow them to work more efficiently and effectively towards a resolution without the need for a contested hearing.

I feel that I have portrayed all of the positive aspects that I have described and I welcome the opportunity to continue my career using my compassion, experience and drive to benefit the litigants and attorneys during the Family Court process.

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

Yes

3. Do you have any plans to return to private practice one day?

I do not currently have any plans to return to private practice as long as I am afforded the opportunity to serve in a judicial position.

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?

As a Family Court Judge, I have strictly adhered to the Judicial Canons and have not engaged in *ex parte* communications regarding cases before me except as allowed under Canon 3(B)(7) or otherwise authorized by law. *Ex parte* communications are allowed in certain circumstances such as emergencies, scheduling and administrative matters as well as very few other limited purposes. I, as well as my administrative assistant, are very guarded when communicating with attorneys or litigants involving administrative matters and make sure that all parties/litigants are advised of all communications and allowed an opportunity to respond.

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 abide by Canon 3(E) which addresses recusal and avoiding any and all appearances of bias or impartiality. I have always made it my practice to disclose any past relationships with counsel or litigants on the record. I recuse myself if an attorney or litigant objects to me presiding over their matter.

My former law partner is now retired so this is not an issue. I have one other former employer who still practices and she does not appear before me on contested matters unless all parties are aware of our prior working relationship and waive any potential conflict. My employment with this practicing attorney was only for two years and was twenty years ago.

I have never been asked to recuse myself when a lawyer-legislator appears before me and do not feel that it warrants recusal. I have always been able to render impartial decisions without bias or prejudice based on the matter before me.

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 disclosure to all parties and attorneys, a party or an attorney still asked me to recuse myself, I would grant the motion for recusal. It is our job as jurists to uphold the integrity of the judicial system and if a party still felt that there could be some bias or impartiality, then I would certainly honor the request for recusal to avoid any appearance of bias or impartiality. A recusal would be necessary to satisfy the parties' or litigants' confidence in the judicial system.

8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I adhere to Canon 3(E)(d). I always handle any appearance of impropriety with complete disclosure on the record. I always offer the opportunity for any party to request the matter to be heard before another judge. If I have any connection to a litigant or the issue at hand, I automatically recuse myself. However, if there is a full agreement to be approved and all disclosures have been made, I still offer the parties an opportunity to have another Judge hear the matter and only proceed if there is a full agreement and any potential conflict is waived.

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

I do not accept gifts or social hospitality. Should a gift or social hospitality arise, I would not accept it if it were viewed as an attempt to influence my judicial decision. I would clearly discourage any family member of my household from accepting such invitations or gifts also. I would adhere to Canon 4.

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

I would follow Canon 3(D) if I had knowledge of a judge who committed a violation of the Canons and report it to the appropriate authority.

If I had knowledge of a lawyer that had violated the Rules of Professional Conduct and such violation raised a question as to the lawyer's honesty, trustworthiness or fitness as a lawyer, I would have direct communication with the lawyer and report the violation to the appropriate authority.

11. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

I have not engaged in any fund-raising activities with any social, community, or religious organization.

12. Do you have any business activities that you have remained involved with since your election to the bench?

I do not have any business activities that I have remained involved with since my election to the bench.

13. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I request the lawyers to draft all orders pursuant to my ruling and submit it to me after all parties or attorneys have had an opportunity to review and make requested changes. There are occasions when pro se litigants are on both sides and it is necessary for me to prepare the order.

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

In accordance with Court Administration, I keep a list of all Matters Under Advisement (MUA) and my administrative assistant and I keep this list current. My assistant and I are in constant communication when I travel out of town. I also sign orders daily when my travel allows me to return home at night. It is important to keep a good calendar system with checks and balances in place.

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?

On most occasions the attorneys agree to the appointment of a guardian ad litem because they are familiar with the local guardians and their work.

When a guardian is appointed from the bench, I try to immediately have my assistant notify the guardian by email that the order of appointment is coming and that they should be expecting the order of appointment so that there will not be a delay in beginning the work. The guardians that appear before me are all very familiar with the statutes and guidelines they are to follow.

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

As Judges, we are expected and required to apply the law as written and not to issue rulings on political or personal considerations. There are times when judges have to issue rulings based on training and experience if there is not a specific statute or law governing the issue. However, in this situation the discretionary decision should be limited and not issued to create new rules, procedures or law beyond the existing law.

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 been very active in the schools in educating students about the legal system, particularly in reference to truancy matters. The solicitor, public defender and I have jointly spoken to staff and administration in the school districts in regards to truancy, expectations and the law. I have also spoken to individual classrooms about the legal system and family court. I will continue to speak at Continuing Legal Education Seminars when asked and I welcome any opportunity to educate the public about the legal system and our role as a judge and the role of lawyers.

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 do not feel that serving as a judge strains my personal relationships. I have four children that are all school age and are very active in school and extra-curricular activities. My children are very conscientious of my position and understand the boundaries involved. My husband is a teacher and football coach with Dillon District #4. My entire family has always been very supportive of my position as a Family Court Judge.

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?

The Canons state that a judge should not hear a case in which he or a family member have more than a *de minimis* financial interest in the subject matter. If I or a family member had any financial interest in the matter, I would only hear the case after full disclosure on the record of the interest and waiver by all parties and only if it was for approval of an agreement.

21. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No

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

Yes

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

I feel that a judge should always be polite, patient, professional and courteous at all times to all litigants, lawyers and the general public. Family Court is typically one of the most contentious and emotional courts and requires a serious yet cordial atmosphere. Proper demeanor for judges is necessary both on and off the bench in an effort to preserve the integrity of the judiciary.

24. 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?

Judges are not immune to anger; the issue is how the anger is handled. As judges we can clearly get frustrated with lawyers and litigants. While it is very important to maintain our judicial temperament, it is equally important

to maintain an orderly courtroom. Uncontrolled outbursts are never appropriate and certainly do not promote an orderly courtroom.

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

Salley Huggins McIntyre

Sworn to before me this ____ day of July, 2018.

(Signature)

(Print name)

Notary Public for South Carolina

My commission expires: _____