

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



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

Full Name: Michael Scott Rankin

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

Over the past 25 years, I have thoroughly enjoyed practicing family law. It has been so rewarding to help someone solve a difficult problem. Family Court deals with a lot of stress and turmoil. It is very rarely, with adoptions being the exception, a pleasant experience. People come to Family Court when their lives are turned upside down through divorce, custody actions, domestic abuse, or a juvenile proceeding. Since there is no jury, litigants look to the judge to fix their problem. That is an awesome burden to bear but a burden I want to have. One part of my law practice consists of mediation and it is an area where I have found success. I like when I can help people resolve their problems. While being a mediator is completely different than being the Judge, I believe I can take what I have learned in mediation and use it to dispense justice and hopefully fairness. I want people who come in my courtroom to feel like they have been given a fair trial and that they were treated with respect.

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 would consider a private mediation practice once I retired from the judiciary.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes. I am 52 years old. I have resided in Kershaw County, South Carolina for the past twenty-four (24) years, and I was licensed to practice law in South Carolina in November, 1993.

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

As a part-time magistrate for Kershaw County since 2006, I am cognizant of the potential pitfalls with *ex parte* communications. I have had occasions where pro se litigants call my law office in an effort to speak with me concerning their case. My staff has been instructed to not let those calls through and to refer them to a clerk with the Magistrate's Court. Even though the phone calls could be perfectly innocent, I do not want to give even the slightest appearance of impropriety. I do believe *ex parte* communications may be acceptable in certain limited circumstances to address scheduling or the filing of an emergency hearing.

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 a judge must, at all times, avoid the appearance of impropriety. In doing so, he or she must be careful in hearing cases with former associates or partners. Fortunately, I have been a sole practitioner for the past 23 years and my only associate is currently working for a state agency. As Magistrate, I have recused myself in situations where I have previously represented a litigant in an unrelated matter. To not do so, would have been improper. Regarding lawyer-legislators, I don't believe automatic recusal is proper. If recusal was automatic, who would hear their cases? Recusal should be handled on a case-by-case basis with consideration for the relationship between the judge and the lawyer-legislator.

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 have had experience with this issue as Magistrate. There have been a few occasions where I believed I could remain impartial but recused

myself at the request of the litigant. Even though I was confident in my impartiality, the litigant was not and I granted the motion. However, I have denied motions for recusal when some litigant requests it due to my ruling against them in a prior matter. Recusal should be handled on a case-by-case basis with impartiality being the ultimate goal.

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

Even if I thought I could remain impartial, I would recuse myself. I would make a full disclosure on the record and then bow out. I believe the standard is not whether I acted improperly but whether it could appear that I acted improperly.

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

I don't believe it is acceptable to receive gifts from someone that I didn't previously receive a gift prior to my being elected as a judge. I would refuse a gift or offering unless there was a special circumstance warranting acceptance and was allowed under the Judicial Canons. Further, the receiving of such gifts or offerings must not give the appearance of impropriety.

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

If I become aware of misconduct which was a violation of the Judicial Canons or the Rules of Professional Conduct, I have a duty to report said misconduct to the appropriate authority. It doesn't matter whether they are a judge or a lawyer. As to the appearance of infirmity (i.e. alcoholism, depression, dementia), I would attempt to speak with the lawyer or judge in an effort to assess the problem and possibly refer them for treatment. I would use all resources available to make sure they were getting the help they needed. If, despite my efforts, I believed their behavior was still affecting their job performance, I would have no choice but to report said behavior to the appropriate authority.

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

Prior to my becoming Magistrate in 2006, I participated in fundraising for United Way and Habitat for Humanity as I served on the Board of Directors for each organization. Once I became a Judge, I no longer took an active role with fundraising on any committee or charitable organization I was associated with. In the mid to late 90's and early 2000's, my wife and I participated in co-hosting various fundraisers for several political candidates.

13. Do you have any business activities that you would envision remaining involved with if elected to the bench?

My wife and I own rental property which she currently manages. In addition, I own rental property with two (2) other people. I anticipate continuing to own several of the properties if elected to the bench. My wife would continue to handle the management of said properties.

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

The drafting of orders should be handled on a case-determinative basis. If I have a hearing with only pro se litigants, then drafting the order would be my responsibility. In orders on motions or other routine matters, I would ask the prevailing party to draft the order, copy opposing counsel, and submit to me in a timely manner ensuring the order is finalized within thirty (30) days. In more complex cases or matters which I have taken under advisement, I would prepare a memorandum as to my ruling, submit the memorandum to counsel, and request counsel for the prevailing party to submit the proposed order to me. I would then edit said order if necessary.

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

First, I would make sure my staff and I each had a checklist and due dates for each term of Court. I would have contact information for counsel for the parties so my staff could contact counsel if a deadline was approaching. I would meet weekly with my staff (by phone or in person) to update the status of all outstanding orders. Second, I would try to rule from the bench as much as possible without taking Matters Under Advisement. Unfortunately, given certain time constraints, it may be necessary to take more time to formulate a decision. In those cases, I would create a separate MUA list which would be reported to Court Administration.

16. 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?

In private actions, initially, I would ensure the guardian ad litem has filed the initial affidavit. During the pendency of the action, I believe I can determine whether the guardian ad litem is performing his or her statutory duties by the very nature of the court appearance. If I believe the guardian ad litem has gaps in the investigation, I can direct the guardian ad litem to focus their investigation on those areas which give me concern. I would also ensure the guardian ad litem is included in all applicable hearings. Too many times, attorneys neglect to include the guardian ad litem in scheduling and fail to provide them with timely notice. I would also make sure the guardian ad litem is adhering to the statutory cap on fees and is making timely submissions to the Court. In addition, once I have reviewed the guardian ad litem's final report, I would have a checklist to ensure they have complied with their mandated duties and that they conducted a full and fair investigation based on those duties.

In cases involving DSS, the role of the guardian ad litem is different than in private cases. For one, they are typically volunteers who have little to no legal background. Further, their reporting is different. I would ensure that a guardian ad litem has been appointed and that they are receiving proper notice for all hearings and orders because they have a duty to ensure compliance and enforcement of all orders.

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

I believe my role as judge is to interpret and apply the laws, not make them. I should make decisions within the confines of the law, not based on my personal opinions or beliefs. Typically, policy decisions

should be made by the Legislature. That being said, if a statute or case law was too broad, I could see my considering a public policy argument in conjunction with other factors in reaching a decision which set or promoted public policy. However, a judge should never manipulate the law to achieve a result based on his or her personal beliefs. To do so, undermines that judge's neutrality and ultimately erodes the faith in our judicial system.

18. 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 like to be involved in improving the docketing system and participating in periodic meetings with local bar associations to discuss their issues and concerns. I believe it is vitally important to the health of our system that a good working relationship exists between judges and lawyers. Additionally, I would like to benefit the legal system by speaking at CLE's and by serving on committees with other judges and lawyers, such as the South Carolina Family Court Bench/Bar committee.

19. 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 believe that by serving as a judge, my personal relationships would grow stronger. Having practiced family law for the past 25 years, my family and friends have witnessed the significant amount of time and hard work I have put in in effectively representing my clients. They have seen the long hours, the stress on my face, and the occasional grumpiness. They have seen me "take my work home with me." They also understand when I tell them "I can't discuss that with you." They have also seen the pure joy on my face when I have had a successfully outcome for a client. While being a family law practitioner has at times been very stressful, it has also been very rewarding. Fortunately, I have been able to maintain a proper balance over the years between my workload and my family. I have a very supportive network of family and friends who understand what I do but most importantly, they appreciate what I do. If I were fortunate to be elected as a judge, I believe that understanding and appreciation would only increase. Also, while being a judge is not a stress-free job,

I believe my stress level would decrease, thereby further enhancing my personal relationships.

20. Would you give any special considerations to a *pro se* litigant in Family Court?

As Magistrate, I typically give consideration to a *pro se* litigant. By that, I mean that when a lawyer is on the other side, I take all the time necessary to explain court procedures, decorum, terminology, and what the applicable legal standards are. I would do the same as Family Court Judge. However, I must not give any special considerations. To do otherwise, would create an imbalance between propriety, fairness, and the requirement to remain neutral to all parties.

21. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No.

22. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No.

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

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

I believe that a judge should always demonstrate courtesy, patience, respect, and impartiality both in the courtroom as well as out. Once a judge is elected, he or she is a judge whether they're conducting a hearing or at a restaurant eating dinner with family. A judge should always strive to conduct themselves in a manner which would give honor and dignity to the judiciary no matter what the situation.

25. 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?

While frustration with a litigant or lawyer is a normal reaction, anger is never acceptable. Situations will arise which will cause frustration but a judge should always maintain patience and decorum. If a judge resorts to anger, then bias comes into play potentially resulting in an unjust decision.

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

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

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

Notary Public for South Carolina

My commission expires: \_\_\_\_\_