



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

Family Court
(Incumbent)

Full Name: Angela W. Abstance

Business Address: Post Office Box 615, Barnwell, South Carolina 29812

Business Telephone: 803-541-1033

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

Although I was elected on February 7, 2018 to fill the unexpired term of the Honorable Dale Moore Gable, I did not begin serving my first term as Family Court Judge until July 2, 2018. I have practiced extensively in Family Court and look forward to experiencing Family Court from the other side of the bench. I enjoy helping people solve problems. I have been fortunate to practice before some outstanding Family Court judges who handle their dockets with patience, compassion, dignity, and respect. I want to serve competently, efficiently, courteously, and with empathy for the litigants who appear before the Court. I want to protect the due process rights of those involved in litigation before the Court while moving the cases through the system efficiently and protecting the best interests of children involved in those cases. I am grateful to have been chosen to serve and would like the chance to serve a full term.

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? 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?

Everyone with an interest in the case is entitled to be heard. Generally, a judge should not initiate, permit, or consider *ex parte* communications, because such conduct would erode public confidence in the impartiality of the judiciary. However, certain *ex parte* communications are authorized by law (such as the issuance of temporary restraining orders and requests for emergency hearings) and are permissible in those limited circumstances, which almost always require subsequent hearings to ensure the other side has a chance to respond and present its side of the case. *Ex parte* communications concerning scheduling or administration of a case that do not deal with the merits of the action, especially in emergency situations, may be allowed if the judge reasonably believes no party will gain an advantage and the communication is promptly disclosed to the other parties, who are then given an opportunity to respond. In all instances, a judge should be mindful of the impression the communication would make to the litigants, and a judge should seek to ensure that his or her conduct does not violate the public trust and confidence in the judiciary.

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

In situations in which the judge's impartiality might reasonably be questioned, the judge is required to disqualify himself or herself. It is best to avoid any appearance of impropriety. A judge should disclose the association or other facts on the record, even if the judge believes there is no real basis for disqualification. If the facts could lead a reasonable person to question the judge's impartiality, the judge should disqualify himself or herself.

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 request for recusal. It is important that the public have confidence in the judiciary, and it is not worth undermining that public trust to move a case along the docket.

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

If my spouse or close relative was financially involved with one of the parties involved in the case, I would disclose the matter and recuse myself. Likewise, if the social involvement of a spouse or close relative was significant enough that it rose to the level of creating an appearance of impropriety, I would recuse myself from the case.

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

I would not accept, or allow my family members to accept, gifts, bequests, favors, or loans that could create an appearance of bias or impropriety. I would accept ordinary social hospitality, but I would not accept any exclusive invitations or items of value from attorneys or parties who could appear before me in court that could create an appearance of favoritism or bias. If the gift-giver is a family member or a friend, the gift is permissible if it is commensurate with the occasion and the relationship.

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?

My actions would depend upon the circumstances. If possible, I would try to speak to the lawyer or judge involved about remedying the situation, would notify the person's supervisor (if applicable), or make a referral to a program like Lawyers Helping Lawyers or the South Carolina Bar. However, if the conduct was serious enough (such as conduct that raised questions as to the person's honesty, trustworthiness, or fitness to practice), Rule 407 may require that I report the judge or lawyer to the appropriate disciplinary authority.

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

Since my election as a judge, I have not engaged in any fund-raising activities, besides giving regularly to my church.

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

I was elected in February 2018 to begin serving in July of 2018. From February until June 2018, I was involved in the winding up of my solo law practice. I am not currently involved in any other business activities.

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

I plan to take notes during the hearings and request the prevailing attorney draft a proposed order for my review. I would feel free to make changes to that proposed order to reflect my findings of fact and ruling. I will work with my administrative assistant to track the timeliness of orders to ensure they are signed within thirty days of the date of the hearing. If necessary, I can prepare my own order.

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

I plan to keep a copy of my docket for each week. On that docket, I will indicate whether an order has been signed or if a proposed order is to be submitted by an attorney for review. If the order has not been received within 21 days of the date of the hearing, my administrative assistant will contact the attorney concerning the status of the order so it can be signed within thirty days of the date of the hearing.

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?

In each case in which there is a substantial dispute about custody and I believe that without a guardian ad litem the court would not be fully informed about the relevant facts, I would appoint a guardian ad litem. The appointment order should list the guardian ad litem's responsibilities and should provide the guardian ad litem access to all records concerning the minor children and all necessary records concerning the parties to the action. The appointment order should set deadlines for initial reports. I would require the guardian ad litem to file an affidavit of his or her qualifications as required by statute. The court file should be reviewed prior to the start of a hearing in which a guardian ad litem is actively serving to ensure the affidavit has been filed and served on all parties. I have noticed that often parties go to court for a temporary hearing and a guardian ad litem is appointed, but the attorneys fail to notify the guardian ad litem of the appointment in a timely manner. To remedy this situation, I would require the attorney responsible for drafting the order to notify the guardian ad litem of the appointment and the contact information for the parties in writing within a certain amount of time, which would

depend on the facts of the case. At a final hearing, I would inquire as to whether the guardian's final report was provided to all parties in accordance with the statutory timelines.

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

I believe the legislature should make the law and judges should apply the law to the facts. Judges should not set or promote public policy by bending the law in a way that would frustrate the intent of the legislature.

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?

If requested, I would participate in Continuing Legal Education seminars and presentations to improve the administration of justice as allowed by Canon 4. I will participate in judicial conferences and will serve as requested by the Judicial Department in any activities to improve the functioning of the court system.

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 realize serving as a judge carries great responsibility, and the decisions judges are required to make can weigh heavily on the mind. However, I have the support of my family and friends to help deal with the stress of the job. I understand I will have to make it a priority to separate the job from home life as much as possible and to develop coping mechanisms to help with this, such as exercise and preserving family time.

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?

If the *de minimis* financial interest in a party could reasonably give rise to a question of my impartiality, I believe the rule requires that I disqualify myself from the proceeding. I would not hear a case if I had a financial interest in a party involved in the case.

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 believe a judge should be calm, deliberate, thoughtful, and respectful at all times. A judge should act at all times in a way that promotes public confidence in the impartiality and integrity of the judiciary. This means that even when the judge is not on the bench, the judge should still act in a dignified manner and should respect and comply with the law at all times.

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?

I do not believe it is ever appropriate to express anger toward those who appear before you in court, whether the anger is directed at an attorney or a pro se litigant. I believe that strong emotions like anger can cloud judgment, and a judge needs to consider the facts of the case and apply the law in a calm, deliberate manner. I realize the behavior of those in court may at times cause feelings of anger to

arise, and when that happens, a judge should use caution to make sure that anger is not expressed toward the litigant and that those feelings do not interfere with the ability to calmly and rationally assess the facts of the case and apply the law to the facts. If necessary, the judge may need to take a short recess to calm down and attempt to defuse the situation so that emotions do not interfere with the administration of justice.

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

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

(Signature)

(Print name)

Notary Public for South Carolina

My commission expires: _____