



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

Family Court
(Incumbent)

Full Name: Alice Anne Richter

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

It has been an honor to serve the people of South Carolina as a member of the Judiciary and I would like to continue to draw on the knowledge and experience I have attained as a lawyer and as a judge in service to all those who come into the Family Court. I can think of no greater way to be fulfilled and successful professionally than in service of others as a Family Court Judge.

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?

Avoiding any appearance of impropriety is of great concern to me. The court system has rules and procedures established to address emergency motions, motions for supersedeas, and any situations involving scheduling or other emergent situations. I comply with all state law, rules of procedure, Rules of Judicial Conduct, and Judicial Canons. Canon 3 (B) (7) is particularly helpful. My staff is well trained and she and I are diligent in ensuring that any attempts at such communication are handled properly. I

would note that it is quite rare that any such communications are attempted and that it is generally self represented litigants or their family members who are unfamiliar with the proscription against such communication who attempt to contact our office directly and they are at that point directed to the Clerk of Court's office.

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

If there is a possibility that my impartiality may be questioned or there may be an appearance of bias I recuse myself. I maintain a current list of all individuals whose cases I am recused from hearing. This list includes all those I have practiced law with and other lawyers or parties whose cases I am recused from hearing. It is not required that a judge recuse themselves from hearing cases in which lawyer legislators appear and it would be impracticable to do so in all cases. However, it is appropriate to handle any concerns raised as to this issue with due seriousness. Impartiality is the cornerstone of the integrity of our judicial system, is key to the issuance of fair and unbiased rulings, and I endeavor to ensure I recuse myself as necessary to protect this key element of our system.

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?

As I have stated above, I believe that impartiality and also the appearance of impartiality are of utmost importance and would defer to such a request. Although I may believe I am able to be fair in a given situation, if a party or counsel could reasonably believe I would be otherwise then I would recuse myself. A judge should balance the duty to sit with the need to avoid the appearance of partiality or impropriety in order to protect our system of justice.

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

Social or financial involvement would almost certainly create an appearance of impropriety and in such cases I do and would continue to recuse myself.

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

I adhere to Judicial Canon 4 which clearly details which gifts and invitations may appropriately be accepted. I only accept ordinary social hospitality with friends and relatives and err on the side of avoiding any situation which could reasonably raise any concerns.

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?

In accordance with the Judicial Canons, particularly Canon 3(D), if I had a reasonable belief that there was a substantial likelihood that a judge or lawyer had violated the applicable rules of conduct I would take all appropriate action. This could consist of communication with the individual and/or referral to the appropriate authority handling discipline for such issues. If I knew that such a violation had taken place I would take appropriate action including possibly sanctions and/or referral to the appropriate disciplinary authority.

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

No.

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

No.

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

I begin by timely issuing my rulings. Then I either prepare orders myself or instruct one of the attorneys to prepare an order to be submitted within a specified time. Additionally, Clerks of Court in some counties have their staff prepare certain form orders which are submitted to Family Court judges.

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

My staff and I maintain a shared calendar and meet regularly to communicate about and monitor deadlines.

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?

I maintain my familiarity with the applicable statutes for guardians ad litem in both private and agency cases, apply the statutory mandates to the facts and circumstances of a particular case, and instruct action or provide guidance as is appropriate in any case that comes before me.

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

The role of a judge is to interpret and enforce the law based upon existing statutes and caselaw. I do not believe that judicial activism is appropriate and endeavor to avoid the appearance of judicial activism in my rulings. Where my ruling may have relation to or be dependent in some way on public policy, I look to the public policy stated in prior appellate law in this state and ultimately to the intent of our state legislature in enacting the 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 will continue to be involved in a number of ways. I have been and will continue to be a participant and a speaker at Continuing Legal Education programs. I serve on the South Carolina Bar’s Pro Bono Committee as a Judicial Member for the Ninth Circuit and will continue to look for opportunities to serve. I also participate in the Judicial Observation Externship Program which allows law students to sit with judges and observe the courts of our state. I have continued my involvement with the Charleston County Bar and participate in opportunities to remain engaged with members of the bar and the public. I have been a guest speaker for classes of law students, have spoken to paralegals, attorney and lay guardian ad litem groups and have judged oral arguments for law students, and I will continue to seek opportunities to be involved with educational opportunities for the community, law students, attorneys, and judges.

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 believe my service as a judge has strained my personal relationships with my family or friends. Many of my friends and family, including my husband, are lawyers and they have all been very aware of the demands of my position and the stresses that are a part of judicial service. Likewise, I am very aware of the potential stress my job could place on our relationships and work to prevent such a strain. My service as a judge has meant that I draw more upon the support of my family and friends and has deepened my appreciation for each of them. I believe my service has also given me the ability to be a better support for my friends and family and has helped me to prioritize creating a healthy balance of work and family.

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?

No.

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 the rules and best practices as to demeanor apply at all times. Judges should be respectful of counsel, litigants, and all who come before the court, and should be respectful of court staff and the public. Judges also need to be able to maintain decorum in the courtroom and this may require firmness and decisiveness at times, while still maintaining a respectful demeanor. A judge should be calm and respectful, demonstrate a sincere interest in matters before the court, and a diligence in her service. I find kindness and patience are very important in interacting with everyone I come into contact with each day, both inside and outside the courthouse.

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?

Anger is neither appropriate nor effective when dealing with parties to a case, members of the public, attorneys, or court personnel. Judges must maintain civility and avoid allowing emotions to influence their reason. It is at times important to communicate the seriousness of a given case or situation, or even to be firm at times, but anger is far different and is not appropriate.

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: _____