



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

**Family Court
(Incumbent)**

Full Name: Gerald C. Smoak, Jr.

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

I enjoy public service. I am privileged to be a member of South Carolina's excellent Family Court bench. I enjoy being a Family Court Judge and believe I do a good job.

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? My policy on *ex parte* communications is that there should be none. The few instances I could envision *ex parte* communications are if a child or other person is in imminent danger or threatened with imminent danger or harm.

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 regards to lawyer-legislators, I really don't know any of them personally where I would recuse myself. There are no former associates or partners I would have to recuse myself from.

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 it gave a reasonable appearance of bias, I would recuse myself. If it does not, I would not recuse myself.
8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I would recuse myself from hearing the case.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I do not accept gifts from lawyers. I would, however, accept ordinary social hospitality.
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 am required under the ethic rules to report them to the ethics commission.
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? Attorneys usually draft the Order, however, if I do not like a particular Order, I will prepare the Order myself.
14. What methods do you use to ensure that you and your staff meet deadlines? My staff and I keep calendars and lists to ensure no deadlines are missed.
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 review the file and make sure all guardians and professionals comply with the Guardian ad Litem statute, and the Rules of Evidence.

16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? It is my philosophy that Judges are supposed to enforce and follow the laws of South Carolina.

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?
 1. Lecture to high schools.
 2. Judge more competitions for the National High School Mock Trial Championships.
 3. Continue to participate in the Judicial Observation and Experience (JOE) program through the law schools.

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? Yes. I try to leave my work at the office. There are times when friends or relatives may bring up a certain case and I have to tell them that I cannot comment. One of the best ways I have found to deal with the strain is being actively involved in my children's and grandchild's life.

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? Be patient and kind, but firm.
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? No. The rules apply at all times. The public should have confidence in the judiciary.

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: _____