



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

**Family Court
(Incumbent)**

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

I have enjoyed my time as a family court judge. The cases can be heart wrenching. In all candor, many days are filled with stress, sadness and despair. We see first-hand the horrors that children in our state face on a daily basis. I would be lying if I did not say that being a family court judge can be a sad and lonely place at times because only your colleagues understand the stress of the situations we face. When I was elected in 2013, I knew the job would be difficult and challenging. However, you cannot fully understand the weight on your shoulders until you are sitting on the bench trying to determine the future of the children before you.

However, it is also an extremely rewarding job and I hope that I am making a difference with the children of our state. We see children placed with loving adoptive homes and get to be the one to finalize their adoptions. We see parents get their lives together and have their children returned to them. I have had juveniles get in trouble who have thanked me for showing them "tough love" and helped them get on the right track. I have also had the privilege of being a part of the first Juvenile Drug Court for Spartanburg County. I am proud to say that we just had our first graduate on July 16, 2018.

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?

Ex Parte communications should be avoided if at all possible. There are circumstances in which *ex parte* communications would be acceptable. If scheduling or administrative issues arise or if an emergency arises then *ex parte* communications may be warranted as long as the communication does not deal with any substantive issues on the case and the judge promptly notifies all parties of the communication and allows a chance for their response.

Upon notice to the parties of the case, a judge may consult with an uninterested expert on the matters of a case. The judge must also convey to the parties the substance discussed with the uninterested expert and give the parties a chance to respond.

A judge may communicate with court personnel or with the other judges in an effort to fulfill their duties and responsibilities.

In addition to the above exceptions, there are rules in South Carolina that allow *ex parte* communications in matters where irreparable harm, injury, damage or loss may occur. Supporting documentation must accompany the request in the form of an affidavit, a verified complaint or a certified writing by an attorney that efforts to give notice to the other party have been made or that such efforts should not be required.

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 should recuse themselves whenever the appearance of impropriety exists. One of the responsibilities of a judge is to be fair and impartial. While a judge may not believe that a personal, professional or political relationship may influence their decision on a case, a judge has a duty to uphold the integrity of the judiciary and enforce high standards of conduct. Therefore, if a situation presents itself that would manifest in the appearance of impropriety, then it would be best for the judge to recuse themselves.

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 believe a party's request for recusal is a serious matter that should be reviewed in detail by the court. As I previously stated, the appearance of impropriety is a concern that should be a serious consideration of any judge. At no time should a judge compromise the public's confidence in the judicial system. However, it is not ethically appropriate for a judge to express how they would rule on possible matters before them in the future. One cannot express how they would rule with any certainty as it could be viewed as unethical and each case and set of circumstances are so very different. As stated before, I believe one of the most important jobs of any judge is to do their utmost to uphold the integrity of the court, which would include recusal from a matter that cast a shadow of impropriety on the South Carolina court 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 believe if the bias of a judge on a matter is questioned the judge should always be and always appear to be fair and impartial. The impression should never be allowed to exist that a party has influence with a judge because of a financial, social or political relationship. A judge should not handle matters wherein their spouse or close relative have a financial involvement or close social involvement with a party.

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

Gifts that are resource materials related to the legal field would be acceptable so long as the gifts are not intended to influence. Social hospitality is acceptable so long as the event is a bar-related function or an activity encouraged to promote the improvement of the legal system.

Gifts, awards and social hospitality extended to a judge or a member of the judge's household are acceptable so long as it is not done nor perceived as being done to gain influence over the judge in judicial proceedings.

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?

It is a judge's judicial responsibility to take action if the judge receives information that another judge has violated the Code of Conduct and such violation presents a question about the judge's fitness for office or if an attorney has violated the Rules of Professional Conduct as laid out in Rule

407of the SCACR. The violations should be reported to the appropriate governing body and should remain privileged because such reporting is considered one of the judge's judicial duties.

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?

My experience in family court has been a combination of orders being drafted by myself or counsel for a party to the action submitting a proposed order. There have also been several occasions that I have drafted certain portions of an order to ensure certain desired language was in the body of the order. Then, there have been occasions where I ask both sides to submit proposed orders and then I draft my own.

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

Meeting deadlines is an imperative part of practicing and administering the law. As a judge, I use a calendaring system that tracks the date a case was heard, if an order is due, the due date and who is responsible for drafting the order. My office then tracks the orders that are due sending out reminder emails to all parties prior to the due date if the order has not been received. If an order is not received by the due date, then a warning letter is sent to all parties explaining the case will be dismissed if the proposed order is not received by a certain date.

Upon receipt of an order, my office notes in three places the date the order was received, the date the order was signed and to whom the order was sent to after signing. The information is stored electronically in two places and also a hard copy is kept in case there is ever a technical difficulty and the information cannot be retrieved electronically.

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 files of the cases set before me. In private cases if the final hearing is set before me I review the file to make sure the guardian ad litem order is in the file. In addition, I make sure the report has been filed timely. However, I do not read the report until it has been entered into evidence at the trial. There may be portions of the report that a party argues should be redacted and until those arguments are heard and ruled upon, the report is not into evidence and I do not read it. I also make sure the affidavit of qualifications is in the file. In private cases the guardians do not offer opinions on placement of the children. The court can ask for their opinion if good cause is shown and those reasons are clearly stated on the record.

I sit in Spartanburg County. We have the highest number of children in foster care than any other county in South Carolina. The guardian ad litem in DSS cases serve on a volunteer bases, except for the ones that work for the guardian program, which are not many. Most of the time their reports are provided to the court the day of the DSS hearing, which I have accepted given their case load and their volunteer status. In Spartanburg we are fortunate to have guardians that are dedicated to the program, do thorough investigations to uphold their obligation to be the voice of the children in the courtroom and bring to the court's attention any needs of the children that are not being met.

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

A judge should decide issues in a case based on the law and not be influenced by their personal, political or social beliefs.

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 believe court liaison meetings are beneficial in any circuit and in any court. These meetings open the lines of communication and provide an avenue for judges to hear from attorneys and other judicially invested individuals on ways they feel the system could be improved.

Since July 2013, I have worked with the Spartanburg Clerk of Court, Solicitor's Office, Public Defender's Office, Sheriff's Office, DJJ and The Forrester Center to start the first Spartanburg County Juvenile Drug Court. The program just had its first graduate on July 16, 2018.

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?

My close friends and relatives have always been respectful of my profession and that has not changed since becoming a family court judge. Prior to becoming a family court judge, they have on occasion asked me to review a document or asked for advice and I have so without charge. I have never felt my willingness to help has been abused. Since becoming a judge, I have not reviewed documents or provided advice. If a situation arose where a close family member asked for legal advice or to review a document, I would do so to the extent allowed by the Code of Conduct.

During a portion of my time as an attorney in private practice, I was also a single mother. I handled cases throughout the state and sometimes traveled a good bit. I am blessed to have very supportive parents. I now live across from my parents and childhood home. During my time as a single parent, my parents helped me tremendously with my daughter. However, I am a firm believer that we make time for the things that are important to us. There would be times that I would drive to Charleston and take depositions or argue motions in a case and drive back the same day to attend an event for my daughter. I would get up the next morning and drive back to Charleston. I was elected to the family court bench in January 2013. In May 2013 I married my husband, Jody Black. He was extremely supportive of me as my fiancé when I ran for family court in 2013. He has continued to be supportive, loving and understanding of my career.

Being successful as a mother and in my career is very important to me. I want to be a role model for my daughter. It is not always easy and there are many long days, but I want to set an example that hard work and determination are keys to happiness and success.

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?

According to the Judicial Code of Conduct, a judge may hear a matter where they or a member of their family does not have more than a *de minimis* interest in the matter. If this became an issue, I would make all parties aware of the situation and would recuse myself if either party requested me do so. Again, upholding the judicial integrity of our courts is of

utmost importance to me and any appearance of impropriety should be dealt with and handled so as not to compromise our judicial integrity.

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?

A judge should be patient, a good listener and open to the views of others. Punctuality is important so that court proceeds efficiently as possible. A judge must be courteous and compassionate, but know when it is appropriate to be stern. A family court judge sees a diversity of cases and therefore, should be able to communicate effectively with people of all educational and socio-economic backgrounds.

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?

It is only human to be angered by some of the things we witness in this world. Judges are human and it should be anticipated that there will be moments while sitting on the bench that events of a case will upset you. However, it is how you deal with those situations that determines your capability as a judge. My personal beliefs must be set aside when dealing with a case. As a judge, I evaluate the facts of the case and make decisions based upon the evidence that is presented in conjunction with the applicable laws.

There have been times while on the bench that I have been shocked and angered by the facts of a case. I have actually taken a break during a case to step off the bench, take a breather, regroup and start back to hearing cases. There have been times that pro se litigants have been frustrating and time consuming. They have even been extremely rude and

disrespectful. I try to handle them with patience, respect and consideration.
Less is accomplished when anger and impatience take the lead.

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: _____