



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

Family Court
(Incumbent)

Full Name: Deborah Ann Malphrus

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1. Why do you want to serve another term as a Family Court Judge?
I have enjoyed my time on the Family Court Bench. I believe I am a good judge, and am making a valuable contribution to our State and its citizens.
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? I believe that I comply with Canon 3 of the Code of Judicial conduct; that is to say, I do not engage in *ex parte* communications except when narrowly permitted. I am a Family Court Judge, so I do have to consider *ex parte* applications for Emergency Relief when a child or person is believed to be in imminent and substantial danger.
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 do not believe I have had a lawyer-legislator in my Circuit appear before me. I have had lawyer-legislators appear before me in other circuits. I did not feel the need to recuse myself. I believe I ruled fairly and impartially in all instances. As to former associates or law partners, first I would disclose the matter to all parties. If for some reason I did not believe I could be fair and impartial, I would recuse myself. If I made the disclosure to all parties and counsel, all parties consented, and I felt I could be fair and impartial, I would hear the matter. If I made the

disclosure and one of the attorneys or litigants did not believe I could be fair and impartial, I would likely recuse myself to avoid the appearance of impropriety.

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 absolutely recuse myself if my impartiality might reasonably be questioned from an objective standpoint.
8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? Again, I would recuse myself if my impartiality might reasonably be questioned from an objective standpoint.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I do not receive gifts from attorneys. I do occasionally attend state and local functions that are open to all members of the bar and members of the judiciary. I never socialize with attorneys who have matters pending before me. Living in a small community on occasion I do socialize with attorneys, such as at our local festivals, particularly when a road race/jog/walk is involved. I have attended the annual South Carolina Bar convention in past years and the South Carolina Bar had paid for my hotel accommodations and registration, as it does for all Family Court Judges who attend. I have also attended the annual South Carolina Association for Justice annual convention and the Association has paid for my hotel accommodations and registration as it does for all Family Court Judges who attend.
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? If I have knowledge that a fellow judge or lawyer has committed misconduct, I have an ethical duty to report the misconduct, and I would report it to the Grievance Committee. If I believe there is a substantial likelihood of misconduct, I would take appropriate action. The appropriate action would have to be evaluated on a case by case basis. The action may be to counsel further with the attorney or judge or the appropriate action may be to report.
11. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe. I have made anonymous donations to charitable organizations, and I have donated my time at the local animal shelter. I have never engaged in any fund-raising activities for any such organization.

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? When parties are represented by attorneys, I generally have the attorney in whose favor I ruled draft a proposed Order and submit the proposed order to opposing counsel prior to submitting to me, to ensure it is consistent with my ruling. When the parties are pro se, I draft the order myself.
14. What methods do you use to ensure that you and your staff meet deadlines? We weekly review my dockets for all matters with outstanding orders.
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? The clerks of court keep a list of all individuals who meet the qualifications to serve as guardian ad litem. The guardian ad litem also files an affidavit certifying they have met all qualifications to serve, which I review. I review the statute and review the guardian reports to ensure compliance. I also question the parties when approving agreements or at the end of the trial regarding their satisfaction with the guardian ad litem and whether or not they have any complaints to make regarding the guardian ad litem.
16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy? I am opposed to judicial activism. It is the Judge’s responsibility to follow clear and unambiguous laws. It is for the legislature to make the laws and for the judiciary to apply the laws as written. It is not the job of a judge to try and make law from the bench. We follow the law. We do not make it.
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 serve on the family court’s self-represented litigant committee. Anything we can do to ensure that everyone has access to justice is important. I have also served as a mentor for the Judicial Observation Experience each year since I have been on the bench. When asked, I have spoken at conferences and at local 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? Serving as a family court judge can be isolating, particularly in a small community, because

often times people who have been life-long acquaintances or former clients want my legal advice or opinion on matters. My close friends and family respect and understand my position. When I am with close friends and family what I do on a day to day basis is not discussed. They, and my two dogs are my reprieve.

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? A judge must always be respectful and courteous to the parties, attorneys, and other court personnel. A judge should appear dignified at all times, and show that the judge has knowledge of the law and issues before him. Regardless of the ruling, a judge should show kindness and civility to all. When off the bench, a judge must always be mindful of his or her conduct and continue to act with dignity and respect.
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 never believe it is appropriate to express anger with a member of the public. I do not have criminal defendants in my court room. I have juveniles, and I have people under certain obligations to their children and other people, such as a former spouse. I do not have a jury present. I do not express anger, however, I have expressed disappointment. When I do so, I try to do so with humility and sincerity.

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: _____