



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

Circuit Court
(New Candidate)

Full Name: Kyliene Lee Keesley

Business Address: 650 Knox Abbott Drive, Cayce, SC 29033

Business Telephone: (803)785-6267

1. Why do you want to serve as a Circuit Court judge?

Throughout my life, I have had the unique opportunity to experience many perspectives of the legal profession. I have also worked as an employee of all branches of government. My years in private practice involved representation of clients statewide providing me exposure to many legal issues and personalities through varied interactions with lawyers, Judges, and parties in our State. My mediation practice offered me experience as a neutral as well as the opportunity to help parties and their attorneys maneuver the emotions and concerns of a conflict. As a result of my exposure to such varied conflicts and individuals in my practice, I had a desire to educate law students on methods to resolve conflict while ensuring focus on the best interests of their clients and sought employment as a law school adjunct professor. Recently, I was appointed as a Magistrate Court Judge giving me experience in the role of a judicial officer. The position of a Circuit Court Judge would continue to expand my perspective and knowledge by exposure to a constant stream of diverse fact patterns, parties, and legal issues. Due to my broad exposure to judicial officers in our State over my lifetime, I also feel committed to the preservation of integrity, diligence, and fairness in our judiciary. In the position, I can ensure that the qualities and ideals that I believe are essential to our judiciary are maintained.

During my time in private practice and while serving as a neutral, an educator, and now a Judge, I strive to promote civility in the communications and interaction between lawyers, Judges, and parties. The position of a Circuit Court Judge would offer the opportunity to work closely with lawyers to best promote civility and would allow me to exercise the skills developed over my career to serve those involved in judicial proceedings in an empathetic and knowledgeable manner.

2. Do you plan to serve your full term if elected? Yes.

3. Do you have any plans to return to private practice one day?
If elected to a Circuit Court seat, I have no plans to return to private practice other than returning to work as a Mediator upon retirement from my judicial office.
4. Have you met the Constitutional 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?
Generally, *ex parte* communication is unnecessary and unacceptable. There are circumstances in which it is permitted, and these are set forth in Canon 3(B)(7) of the Code of Judicial Conduct, Rule 501 of the South Carolina Appellate Court Rules. In my experience, the most common, acceptable use of *ex parte* communication is that utilized to aid in scheduling, such as coordination of the date and time of a status conference or a settlement approval hearing. However, a Judge must ensure that all parties and attorneys involved in the matter are provided with adequate notice of conferences or proceedings. This rule extends to a Judge's staff and Court officials. There are circumstances in which *ex parte* communication is expressly authorized by law, such as the issuance of a temporary restraining Order as provided by South Carolina Rule of Civil Procedure 65(d). Where the South Carolina Code of Laws and the rules of procedure explicitly provide for communications that are *ex parte*, they are tolerated; but all such communications should be made sparingly and with consideration of the rights of all parties to prevent any implication of partiality or unfairness.
6. 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 a party requested recusal following my disclosure of an issue creating the appearance of bias, a recusal would be granted. All parties are entitled to fairness and impartiality and must feel confident that they are receiving such.
7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I would recuse myself if any appearance of impropriety was applicable to a pending case or a matter before the Court.
8. What standards would you set for yourself regarding the acceptance of gifts

or social hospitality?

I am aware that acceptance of gifts is governed by Canon 4(D)(5), and would not accept any gift that was not incident to an award, lecture, or special occasion. These rules have applied to my family for most of my life, and I am very familiar with the restrictions on gifts received by Judges. If elected, I would continue to engage in minimal, ordinary social hospitality. With either acceptance of gifts or participation in social hospitality, if such activities created a perception of bias towards an attorney or party, I would recuse myself from hearing matters involving that person or entity.

9. How would 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 had personal, first-hand knowledge or observation of misconduct or appearance of infirmity rising to the level of required reporting, I would report it to the appropriate agency or commission. If suspicion of misconduct or infirmity of an attorney or a Judge was reported to me, I would communicate with that attorney or Judge and request that the person self-report the situation or circumstance whenever that person's fitness to conduct his or her job comes into question. I would follow the requirements for reporting set forth in Canon 3(D) and any applicable ethics or advisory opinions or the Rules of Professional Conduct. In matters involving impairment due to substance abuse or mental, emotional, or physical conditions, I would refer the attorney or Judge to the appropriate assistance program or agency, such as Lawyers Helping Lawyers, as provided for by Canon 3(G) and as encouraged by the South Carolina Bar.

10. 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.

I am a member of the South Carolina Women Lawyers Association. I do not believe that this association practices invidious discrimination, as it is a professional organization devoted to the promotion of civic values and professional standards that apply to lawyers. The programs and classes offered by this association do not limit participation to association members.

I am also a member of Delta Delta Delta Sorority, which is a fraternal organization. Based on case law and precedent involving Canon 2(C), I do not believe that these memberships create any appearance of impropriety or diminish public confidence in my integrity or ability to be impartial as required by Canon 2(A).

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

I have participated in a Muscular Dystrophy Association fundraiser that involved online and in-person requests for and collection of charitable

contributions. I have also participated in the Walk for Life that is organized by Prisma Health to support the Prisma Health Breast Cancer Center in Columbia. My participation in the event ensured a donation to the charitable organization by Howser, Newman & Besley, LLC.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No, but I would likely continue to teach at the University of South Carolina Joseph F. Rice School of Law.
13. If elected, how would you handle the drafting of orders?
I plan to draft them myself, but I will request proposed Orders from attorneys involved in actions to assist in expedited issuance of Orders by incorporation of language and citations relevant to the ruling. When appropriate, I will utilize form Orders to provide prompt rulings and to assist the Clerk of Court and other Court staff in advancing matters along the docket. In certain circumstances, a form Order may be followed by a more formal Order should one be required to provide a detailed ruling on specific issues.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
If elected, I plan to incorporate electronic calendar scheduling into routine office operation. I would keep a list of all open matters accessible to me and my staff so that we are all aware of those requiring immediate attention. As a law clerk for a Chief Administrative Judge, I maintained a written record of outstanding matters and proposed Orders. As a Circuit Judge, I would utilize the same methods of organization, but I would also use email reminders and electronic calendar appointments to ensure prompt issuance of rulings and responses to requests. I anticipate establishing a procedure for file sharing of draft Orders and research materials so that my staff and I can coordinate completion and filing of Orders.
15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?
Judges should apply and interpret the law as it exists and not infringe on the separation of powers that is at the core of our system of government set out in the U.S. Constitution. Judges are bound by the law and cannot impose the will of society or assert their personal, political agendas through their position. While evolution of the law is expected, rulings must be consistent with current law. There are specific matters that may require consideration of public policy based on law, and in those instances (such as determining whether insurance coverage exists in declaratory judgment actions) consideration of the public policy of the State is permissible. However, Judges must refrain from imposing their personal will on a case if it conflicts with present statutes or case law. As stated in Canon 3(B)(2) of the Code

of Judicial Conduct, South Carolina Appellate Court Rule 501, "A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism." Also, Judges must refrain from making any public statements regarding their personal views that may give the appearance of impartiality or imply an inability to apply current law.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I serve as an adjunct professor at the University of South Carolina Joseph F. Rice School of Law and have volunteered as a mentor for the University of South Carolina School of Law in the past. Additionally, as a member of the Dispute Resolution Section Council of the South Carolina Bar, I have been planning and moderating continuing legal education courses for the past several years. If elected, I would likely continue to serve as an adjunct and volunteer as a mentor and would complete scheduling of the continuing legal education seminars currently in development.

I would continue to work with educators, the South Carolina Bar, and the American Bar Association to encourage education and resolution of disputes in a reasonable and efficient manner to eliminate stress on the judicial system and the parties, including economic stress. I would work with law students and within the bar to promote the civility of attorneys and candor between attorneys and the judiciary. I would like to participate in continuing legal education courses, relying on my experience in transitioning to the bench, to offer guidance to attorneys as to which communications and actions aid in judicial economy and efficiency.

My service as a mediator has taught me to maintain neutrality while applying methods of dispute resolution to legal conflicts. This permits the parties and attorneys involved in a dispute to reach a resolution that they craft themselves and can sometimes include remedies that the Court cannot order. An opportunity to reach the most beneficial result for both sides of a conflict should be afforded when possible. I believe that certain claims and causes of action can be resolved by implementing my mediation abilities to the extent permitted by the Judicial Code of Conduct and as referenced in Canon 3(B)(7)(d). As a Magistrate, I attempt to permit the parties to resolve their disputes prior to judicial involvement. However, I do and would continue to take extreme caution to avoid inappropriate *ex parte* communication or assertion of inappropriate influence.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

If elected, I do not anticipate any additional strain in my relationships with relatives or close, personal friends. I am very familiar with the potential

pressure of the office and am prepared for the time commitment and social restrictions that it may present.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders: I believe that given the opportunity to correct or avoid a behavior, one should be open to doing so to avoid penalty. The fact that someone may disregard that opportunity or repeatedly take advantage of it is disappointing and not acceptable. Although I support efforts to diminish recidivism, I would not sentence repeat offenders lightly. I would follow relevant sentencing guidelines to impose a sentence that I believe adequately corresponds to the crime committed. Discouraging future crimes would be my primary consideration but the severity of the crimes committed would also be considered.

b. Juveniles (that have been waived to the Circuit Court):
In my experience, juveniles are viewed as having a diminished capacity to comprehend the effects of their crimes or the penalties that they will incur. While I understand this perception, I believe that there are certain circumstances in which juveniles are able to comprehend the impact of their actions and commit crimes with callous disregard for the potential penalties. In these circumstances, I would sentence a juvenile as permitted by law without much deference to their age. I do believe that juveniles deserve a chance to mature and would be cautious in sentencing to avoid imposing penalties that impair the ability of a minor to alter his or her behavior when such an opportunity is warranted. Additional factors such as the likelihood of future crime and contribution of the minor to his or her community and family would be taken into consideration in sentencing.

c. White collar criminals:
The punishment should be sufficient to deter the offender and others from committing such crimes. The penalty imposed must provide comparable hardship to that suffered by the victim or any negative impact on society or the community resulting from the crime.

d. Defendants with a socially and/or economically disadvantaged background:
There must be consistency in application of the law. The purpose of criminal penalties is to punish the criminal and deter others from committing crime. Compassion should be exercised, but sentences must be comparable to the crime and consistent with the law. When reasonable, I would work with the attorneys involved to ensure that any sentence imposed would not preclude the individual from efforts to improve their social or financial situation. To the extent possible, I would encourage

continued employment to improve the social and economic disadvantages of those before the Court and to decrease recidivism.

e. Elderly defendants or those with some infirmity:

Consideration of their condition would be taken into account during sentencing. If the condition or infirmity requires constant medical treatment, certain punishment may be cost prohibitive. A reasonable and fair means of punishment must be determined. I would take their condition, cost of treatment, likelihood of future crime, and recommendations of medical professionals into account in determining what sentence could be practically applied to adequately punish the offender and deter future offenses.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No. If any appearance of impartiality came to my attention in judicial office, I would recuse myself.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

As to immediate family members, no. I would act in accordance with Canon 3(E). If I were aware of a *de minimis* interest of a relative outside of my immediate family, I would disclose my knowledge to the parties and permit them an opportunity to object to my hearing the case should they believe that bias exists. Although recusal is not required, I would be cautious to avoid any suspicion of bias.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes.

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Judges should be calm and attentive during legal proceedings. A Judge should not communicate insults or become overly agitated when on the bench or during interactions with Court staff. Although Judges must maintain order in the courtroom, they should practice patience and remain composed. The practice of patience and respectfulness should extend to interactions outside of the courtroom. Judges must exercise civility and diligence and encourage those around them to do so as well.

23. 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 pro se litigants?

No. Judges must maintain fairness and impartiality in judicial proceedings. Anger should not be expressed. Such an expression results in the notion that the Court proceedings or processes are not fair and unbiased. If a

Judge becomes angry, he or she must recess to collect their thoughts and communicate frustrations in a rational and calm manner. Judges should also refrain from publicly expressing anger with any attorney or party following conclusion of a Court proceeding. The expression could provoke suspicion of bias or prejudice.

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

Kyliene L. Keesley

Sworn to before me this 29 day of August, 2024.

Ray M. Caywood
(Signature)

Ray M. Caywood
(Print Name)

Notary Public for South Carolina

My Commission Expires: 2-22-2032