



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

Family Court
(New Candidate)

Full Name: Amanda Frances Whittle
Business Address: 1205 Pendleton Street, Suite 471
Columbia, South Carolina 29201
Business Telephone: 803-315-2251

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

I want to serve as a Family Court Judge, because I believe Family Court Judges serve a critical and consequential role in areas that affect a significant number of our state's citizens. I realized at an early age how impactful judges and lawyers can be in people's lives, and that is what led me to pursue a legal career. When I first became a lawyer, I worked in different areas of the law in private practice including criminal, civil, probate, and domestic relations matters. I quickly recognized that I was most interested in Family Court. This interest led me to seek more intentional roles, from representing individuals in private actions to serving as an attorney with the Department of Social Services at the county and state levels, to serving as the State Child Advocate at a systems level, and to now seeking election to the Family Court bench.

I believe my education and experiences have allowed me to develop a unique perspective which has prepared me to serve as a Family Court Judge. I respect and honor the judiciary, and I think my demeanor and temperament are well-suited for the bench. I am grateful for the opportunity to seek election as Family Court Judge.

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?

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 can violate an individual's Due Process rights and undermine the integrity of the judiciary. It is critical that parties are afforded the opportunity for a full and fair hearing before an impartial judge. For those reasons, *ex parte* communications should be in writing with notice given to any attorney(s) of records and should only be tolerated for emergency actions or procedural matters as contemplated in the Rules of Court and the Code of Judicial Conduct. I would comply with Rule 2(a) of the South Carolina Rules of Family Court, Rule 65(b) of the South Carolina Rules of Civil Procedure, and Canon 3 (B)(7) of the South Carolina Code of Judicial Conduct.

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?

I would give deference to a party that requested my recusal if my impartiality might reasonably be questioned. Even if I did not think the appearance of bias would actually prejudice my impartiality, I would grant such a motion. Canon 3E(1) of the Code of Judicial Conduct explains that "a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."

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 my impartiality might reasonably be questioned as contemplated in Canon 3E(1) of the Code of Judicial Conduct. This includes my Husband's law partners and staff as well as people with whom we attend church.

I would disclose the relationship on the record to the parties and make reasonable efforts to transfer the matter to another judge.

Canon 3E(1) contemplates that "the rule of necessity may override the rule of disqualification." If there was a matter that required a hearing within a designated period of time (such as a 72-hour probable cause hearing or a temporary restraining order) and another Judge was not available during the required time, I would also explain these circumstances. I would inform the parties that we are required to proceed with the hearing, and I would include in the order that the parties have the right to ask for a *de novo* hearing in front of a different Judge without prejudice to the any of the parties.

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

I would accept gifts or social hospitality from close family and friends provided the gifts are "commensurate with the occasion and the relationship" as outlined in Canon 4D(5)(d). I would kindly refuse, return or pay for gifts or social hospitality of value to comply with the Code of Judicial Conduct Canon 4D(5).

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 became aware of misconduct or appearance of infirmity of a lawyer or fellow judge, I would inform the appropriate authority as instructed by Canon 3D of the Code of Judicial Conduct. Canon 3D(1) requires a judge "who receives information indicating a substantial likelihood that another judge has committed a violation of the Code of Judicial Conduct that raises a substantial question as to the other judge's fitness for office" to inform the appropriate authority.

Canon 3D(1) requires a judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct contained in Rule 407, SCACCR, to take appropriate action. "A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority."

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.

No.

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

I have participated in fundraising activities by purchasing tickets, attending events, participating in auctions, and donating my time in connection with fundraising activities for the benefit of Aiken First Baptist Church, Aiken High School's baseball program, Mead Hall School, Crosby-Miller School of Dance, Aiken Civic Ballet Company, Mental Health America, United Way, Children's Place, and the like.

I have not otherwise engaged in fundraising activities with any political, social, community, or religious organizations.

Since becoming a judicial candidate, I have adhered to Canon 5 of the Code of Judicial Conduct regarding political activity and fundraisers.

If elected to serve as a Family Court Judge, I would ensure that I comply with Canon 2, Canon 4, particularly Canon 4C(3)(b), and Canon 5 of the Code of Judicial Conduct regarding any fundraising or political activity.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No.

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

I would provide specific findings of fact and conclusions of law, and I would ask the prevailing attorney to draft the order, send it to the other parties and/or counsel for review, then send it to me for review. I would take notes on cases and compare my notes with the drafted orders.

When necessary, I would personally type or write bench orders. I have a great deal of experience with drafting pleadings and orders.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?

Throughout my career, I have learned various ways to ensure that my staff and I meet deadlines. I would ensure there was a successful method to ensure court orders were timely issued. This would include creating and maintaining a log with each day's hearings to track the submission and signing of court orders. The log would include which attorneys were instructed to prepare the court orders, and our process would include contacting attorneys when orders were due. My staff and I would log when orders were received and signed. For other deadlines, I would calendar deadlines and establish interim internal deadlines to avoid unexpected issues that could derail our timeliness.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

Upon appointing a guardian ad litem, I would require an affidavit from the guardian ad litem to attest to his or her qualifications pursuant to S.C. Code of Laws Ann. Section 63-3-820(D) and disclosure pursuant to Section 63-3-860. In the order of appointment, I would outline the issues the Court needs the Guardian ad Litem to address and include in his or her report. I would establish the court-approved hourly rate for the guardian ad litem's services and method for payment, including the amount each party is to pay and by when, the initial authorization for fees that can be billed to the parties without an additional court order as outlined in Section 63-3-850. When appropriate, I would consider whether to exercise the discretion provided to the court to remove a guardian ad litem from a case.

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

I believe Family Court Judges should apply the law, uphold the Constitution, and refrain from legislating from the bench. I think judges may promote public policy by referring to public policy statements which exist in current statutes.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would plan to speak at CLEs or other judicial trainings as contemplated in Canon 4(B) to contribute to the law, the legal system, and administration of justice.

18. 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 plan to address this?

I do not feel that the pressure of serving as a judge would strain my personal relationships. I have been involved in representing clients and agencies for approximately twenty-nine years, and I have learned to exercise discretion, confidentiality, and propriety. This role will require me to be more perceptive and more concerned with an appearance of impropriety or conflicts of interest. I have shared these requirements and expectations with my husband, children, and close family and friends, and they are supportive.

19. Would you give any special considerations to a pro se litigant in family court?

Whether I would give special considerations in terms of accommodations to a pro se litigant would depend on the circumstances, and I would avoid allowing special considerations to the detriment or injury of another party. I recognize that pro se litigants may choose self-representation, because they cannot afford an attorney and may not qualify for a court-appointed attorney. When litigants choose self-representation, they are held to the same standard as a lawyer. I would exercise respect and patience for the pro se litigant as for a represented litigant or an attorney.

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

No.

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

Yes, if that was the only issue. Canon 3B(1) requires, "A judge *shall* hear and decide matters assigned to the judge *except those in which disqualification is required.*" Canon 3E(1) of the Code of Judicial Conduct explains that "a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might *reasonably* be questioned."

As outlined in the Code of Judicial Conduct, "*de minimis*" means "an insignificant interest that could not raise *reasonable* question as to a judge's impartiality," and this is further clarified in Sections 3E(1)(c) and 3E(1)(d) of the Code of Judicial Conduct.

Disqualification is not required in matters where there is a *de minimis* financial interest in a party involved, and, because disqualification is not required, I should hear the case unless there are other factors which may require recusal for another reason.

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?

The appropriate demeanor for a judge includes acting at all times in a manner that promotes public confidence and avoids the appearance of impropriety. A judge should not use the position for his or her personal advancement and should be fair, impartial, independent, diligent, patient, dignified, courteous, and professionally competent in the law. A judge should not be biased or give the appearance of bias and should be able to maintain control and decorum in the courtroom.

A judge should maintain confidentiality and avoid ex parte communications except as appropriate and allowed. Judges should be patient and allow parties to be heard but also prompt, efficient and fair in disposing of judicial matters.

24. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

I do not think it is ever appropriate for a Judge to be angry in terms of displaying hostility toward a person who appears before him or her or losing the ability to make rational decisions about the issues before the court. I think it is unreasonable to think judges will be without emotion, but judges should regulate and control their emotions and use an even-handed approach. It is appropriate for a judge to be clear, decisive, and sometimes stern, particularly when outlining findings of fact and conclusions of law that deal with credibility, severity of harm to others, and the court's authority. Litigants deserve to know why the court ruled as it did.

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

Commanda A. Little

Sworn to before me this 22 day of August, 2024.

Katie Yance

(Signature)

Katie Yance

(Print name)

Notary Public for South Carolina

My commission expires: 2/2/32