



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

**Family Court**  
**(Incumbent)**

Full Name: Michael Scott McElhannon

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100 S. Main Street  
Anderson, South Carolina 29624

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

I have thoroughly enjoyed my first term serving as a Family Court judge. I am honored to serve the citizens of South Carolina in that capacity. I greatly appreciate the trust of the South Carolina legislature to elect me to that position. I truly believe that I have much more to give to the State of South Carolina and its citizens by serving another term as a Family Court judge.

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?

The best practice is to avoid ex-parte communications. A judge shall avoid ex-parte communications in substantive matters in a case. If certain ex-parte communications are permitted by the Rules of Practice and the Judicial Canons, such as administrative or

scheduling matters, or emergencies, all parties should be notified and given an opportunity to respond.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what you grant such a motion?

I would recuse myself if there was an appearance of bias. I believe that for the judicial system to function properly it is paramount that all parties that are in court feel that they are being treated equally and fairly.

7. 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 if my spouse or close relative had a financial interest or social involvement in the case. I would also recuse myself if my spouse or close relative was likely to be a witness in the case.

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

I would not accept gifts or meals unless allowed by the Judicial Canons. Occasional ordinary social hospitality is allowed under Judicial Canon 4. Reimbursement of expenses for attendance at extra-judicial activities is permitted by Judicial Canon 4. Also, gifts from a family member or friend for a special occasion is permitted if it is commensurate with the occasion.

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 there was a substantial likelihood that a fellow judge violated the Code of Judicial Conduct or that an attorney violated the Rules of Professional Conduct, I would take appropriate action. Appropriate action may include direct communication with the judge or lawyer or informing the appropriate authority. If I had actual knowledge that a judge or lawyer committed a violation that raises a question as to the

judge's or attorney's fitness to practice I would inform the appropriate authority.

10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? No
11. Do you have any business activities that you have remained involved with since your election to the bench? No
12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I usually request the prevailing party's attorney to draft the proposed order, and to circulate it to opposing counsel prior to submission for my review and signature. When both parties are self-represented I typically prepare the order.

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

My Administrative Assistant and I keep copies of all of my dockets. As orders are signed, we both mark our dockets accordingly. My Administrative Assistant submits a monthly Matters Under Advisement (MUA) form to Court Administration detailing any orders that are outstanding and overdue. My Administrative Assistant makes telephone calls and sends emails to attorneys as the deadline for submitting orders approaches.

14. 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?

A guardian ad litem shall be appointed in all cases in which the interest of a child is an issue. The guardian ad litem is required to submit an affidavit to the court attesting that he/she has met the qualifications as set forth in the guardian ad litem statutes. The guardian ad litem should be present at all court hearings. The guardian ad litem shall submit a written report regarding the

investigation and the child's best interest. The guardian ad litem should provide written disclosure of any relationship or interest that may cause either party to question the impartiality of the guardian ad litem.

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

It is not the Judicial branch's job to engage in judicial activism. The Legislature is the branch of government that enacts legislation. The judiciary is tasked with construing the legislative enactment in a clear and unambiguous way, and in making every presumption in favor of the constitutionality of the enactment.

16. 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 continue to speak at Family Law seminars.

17. 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 a stressful job at times. However, my wife is aware of how much I enjoy serving the citizens of South Carolina in that capacity. She fully supports my decision to seek re-election to the bench.

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

No

19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No

20. 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? No

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?

A judge should be polite, courteous, patient and dignified. However, this does not mean that a judge should lose control of the courtroom. These rules apply to a judge at all times, whether in the courtroom or outside the courtroom.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? No. Is anger ever appropriate in dealing with attorneys or a pro se litigant? No

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 \_\_\_\_\_, 2024.

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print name)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_