



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

**Family Court
(Incumbent)**

Full Name: David James Brousseau

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

To date, I have thoroughly enjoyed my short time serving as Family Court Judge. It is a challenging but fulfilling job. Every day I hear new cases, with differing facts and legal issues. I also believe that I am making an impact on individual's lives. I take that responsibility seriously. I believe I have provided a courtroom where litigants and lawyers can be heard in a courteous and respectful manner. Additionally, I have done my best to provide thoughtful decisions based upon the evidence and applicable law. I am always mindful that my decisions may affect families and children for many years. I look forward to coming to work every day, and I truly hope that I will be able to continue to serve the citizens of our State in this role.

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 and only tolerated under the very limited circumstances prescribed in Judicial Canon 3(B)(7). In the Family Court setting, most *ex parte* requests are for

scheduling purposes or dire emergency situations affecting the immediate safety of a child. In those very limited situations, a hearing should be held as soon as possible to afford all sides an opportunity to be heard so that no party is prejudiced. In general, however, I would discourage *ex parte* communication and only allow it if the criteria outlined in Canon 3(B)(7) is clearly met.

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?

It depends on the facts of that particular situation. If I disclosed something that had the appearance of bias, then I would follow the procedures outlined in Judicial Canon 3(F) for remittal by allowing the parties to consider recusal or waiver of recusal outside of my presence. My decision would also be guided by Canons 3(B)(1) and 3(B)(8) which require a judge to promptly dispose of and decide matters assigned to that judge.

7. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

First, I would make reasonable attempts to keep informed of such activities on behalf of my spouse and minor child residing in my home pursuant to Judicial Canon 3(E)(2). Second, it depends on the level of financial or social involvement. The issue depends on whether the appearance is more than a *de minimis* interest. Some instances would require recusal, and other instances may require disclosure under the remittal process provided in Judicial Canon 3(F). Under the remittal scenario, if after consideration outside of my presence, the parties feel comfortable moving forward, then I would have them state as such on the record.

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

Judicial Canon 4(D)(5) covers the standards regarding gifts and social hospitality. I follow those standards, and err on the side of caution and not accept gifts unless they clearly fall under one of the exceptions provided in Canon 4(D)(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?

It would depend on the situation and the gravity of the misconduct. I would likely first speak to that judge or attorney. (See comments to Judicial Canon 3(D)). However, if the conduct rose to the level of a substantial question as to the lawyer's "honesty, trustworthiness or fitness" or a substantial question as to the judge's "fitness" then I would be required to contact the appropriate authorities, such as the Office of Disciplinary Counsel or the Commission on Judicial Conduct. See Judicial Canons 3(D)(1) and 3(D)(2).

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

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?

In most instances, I instruct one of the lawyers to draft an order in line with my decision and instructions. I direct that lawyer present a copy of the proposed order to the other side for input prior to submitting the order to me. In cases involving self-represented litigants, I draft my own orders. I have also drafted orders in contentious cases where I want to be sure that the order says what I want it to say.

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

My administrative assistant uses a tickler system in order to track and ensure that deadlines are properly met. We also utilize a paper calendaring system as a back-up to provide additional safeguards for meeting deadlines.

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?

I am familiar with the statutes and case law governing Guardian ad Litem. If I feel that a Guardian ad Litem is violating their statutory obligations, I would hold a hearing to address the matter so all parties could be heard. If it becomes clear the Guardian ad Litem has violated their statutory obligations then I would remove that

Guardian ad Litem from the case and appoint a new Guardian ad Litem.

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

The Legislature passes laws, and sets public policy. A judge’s role is to implement or interpret the law and policy as set out by the Legislature in conjunction with legal precedent. A Family Court judge should not engage in “judicial activism” or set public policy.

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 am so new at this job that I have not yet been asked to serve on any committees or panels, but I would certainly welcome that opportunity. Additionally, if asked, I would be glad to participate in CLEs or lectures at institutions of higher learning. I would welcome any opportunity to serve and improve the legal system.

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?

To date, it has not strained any of those personal relationships. I have a wonderful family and close set of friends. My rule when I was an attorney is that I do not speak about work outside of the office. I have carried over that same rule since becoming a judge. If I had a personal friend or family member do something that violated that rule, I would quickly address it.

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?

Holding a *de minimis* financial interest in a party involved is not a reason for disqualification or recusal pursuant to Judicial Canon 3(E)(1)(c). Additionally, a judge is to promptly hear and decide matters assigned to him pursuant to Judicial Canon 3(B)(1) and 3(B)(8). However, if the interest is more than a *de minimis* interest, then the judge may have to disqualify or discuss remittal with the parties pursuant to Judicial Canons 3(E) and 3(F). When in doubt, I

would go through the remittal process described in Judicial Canon 3(F) and then make my decision after hearing from the lawyers.

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? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No

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

Yes

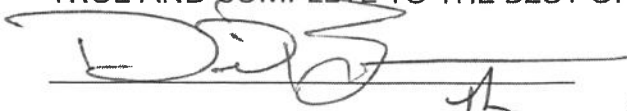
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge should be courteous and respectful to the parties and lawyers that come before him or her. A judge should be attentive, and the court proceedings should run in a professional and serious manner. There may be times when a judge has to be firm. However, a judge can be firm while also being respectful and courteous. These rules apply both inside and outside a courtroom, and at all times.

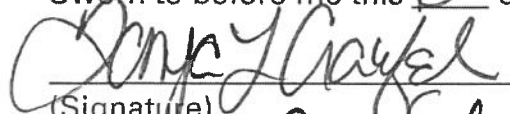
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

I do not believe anger is ever appropriate. Anger inhibits proper judgment, and is not appropriate for a courtroom setting. Judges, specifically, Family Court judges, are making decisions that have a substantial impact on people's lives and the lives of their minor children. Litigants deserve a judge who will make these decisions absent anger. The only criminal defendants that would come before a Family Court judge are juveniles. Anger would not be appropriate in dealing with these young individuals.

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 15th day of August, 2024.



(Signature)

Tonya L. Crawford

(Print name)

Notary Public for South Carolina

My commission expires: 1-29-2034