



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

Family Court
(New Candidate)

Full Name: Edwin Thompson Kinney

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

I want to serve as a Family Court Judge because I believe it would be a fulfilling career that would allow me to serve our state and my community. I would like the opportunity to impact the lives of children and families in a positive manner. I believe I have the temperament and experience to serve as a Family Court Judge.

I have significant experience in all aspects of family law, including equitable distribution, child custody, juvenile justice, and DSS cases. I want to use this experience and knowledge to serve the citizens of our state. I believe that I can serve as an independent, fair, and competent 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?

If elected, I do not plan to return to private practice.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

I meet the statutory requirements to serve as a Family Court Judge with respect to citizenship, age, years of practice, and being a resident of South Carolina for the requisite time. Currently, I live in Columbia but work in Sumter. If elected, I would move to Sumter (my

hometown) and be a resident of the Third Judicial Circuit before assuming the duties of the office, as is required by statute.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

My philosophy regarding *ex parte* communications is that they should be rare, and only in accordance with the Rules of Professional Responsibility and the Code of Judicial Conduct. I would take seriously a Judge's responsibility to discourage *ex parte* communications, unless the Code of Judicial Conduct allows it. In Family Court, I believe that *ex parte* communications may be tolerated in a true emergency, but I would take care to notify the other parties and have a hearing as soon as possible.

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 raised an issue that raised the appearance of bias, I would grant such a motion and recuse myself. I would take great care to follow the Code of Judicial Conduct with respect to the appearance of bias or impartiality. I believe that it is vital to err on the side of caution and to ensure the public confidence in the judicial system.

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 take care to monitor for situations where my spouse, children, or other close relatives had social or financial involvement with a litigant. If there was an appearance of impropriety, I would likely err on the side of caution and recuse myself. I would always review the Code of Judicial Conduct and apply them to the facts of each situation.

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

I would set a very high standard and would accept gifts only in accordance with Judicial Canon 4(D)(5), Rule 501, SCAR.

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 believed that there was substantial likelihood that such misconduct took place, I would follow my ethical obligations as a lawyer and Judge and report such conduct or incapacity.

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 attend Church of the Apostles in Columbia, SC, and have served in various capacities. In my past service on a capital campaign committee, I participated in fundraising for our church. I serve on the Vestry (governing board) and on the Finance Committee. While I am not fund-raising directly, I am part of the group that makes financial decisions for our church.

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?

In most cases, I would direct one of the attorneys appearing before the Court to draft a proposed Order, with specific instructions for a deadline and receiving input from the other side. For Pro Se litigants, I would use form Orders and draft Orders from the bench. In more

complex hearings where I took a case under advisement, I may draft a memorandum of decision and instruct one of the attorneys to draft an Order based on my memorandum. Also, I would utilize Webex or a conference call to announce a decision to the parties and instruct an attorney to prepare an Order.

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

I would create an internal system to ensure that deadlines are met, like how I handle drafting Orders and other pleadings on a deadline in my own law practice. I would continue to use a shared calendar with staff and make sure to use proactive communication with staff.

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?

I would ensure that the guardian ad litem who appear in front of me are filing affidavits of compliance (as is required under the statute) that show that they are fulfilling the requirements to serve. I would take care to ensure that the guardian ad litem who I encounter are familiar with and following the guardian ad litem statute. I like the practice that some Judges use that requires a specific "long form" guardian Order to be in place that clearly lays out the responsibilities and duties of the guardian.

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

I do not think that judicial activism should have any place in the role of a Family Court Judge. The job of a Judge is to apply the law fairly and objectively in cases, not to try to make policy.

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 like to participate in CLE programs to train and educate lawyers to improve our legal system. As a lawyer, I have found the input of Judges at CLEs to be very valuable. I would be interested in participating in law school education to help train the future

members of our profession. Also, I would be interested in learning about family law in other jurisdictions, in particular juvenile justice, in order to improve our legal system in South Carolina.

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 add additional strain that I could not manage. In my solo practice, I am used to working long hours and having to juggle all aspects of practicing law and running a business. I believe I am equipped to work hard and manage the new responsibilities that would come with serving as a Family Court Judge. However, I am aware of new pressures that would come with the job, and the weight of the responsibility that would come with the role. I would ensure to create healthy outlets outside of work, in particular spending quality time with my family.

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

I would treat pro se litigants with kindness and respect and would ensure that I was patient in dealing with them. But I would ensure that the Court rules and the law are followed by pro se litigants.

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?

I would review the facts in accordance with Code of Judicial Conduct 3(E) and make a decision in accordance with the rule. If it was a *de minimis* financial interest, then I would hear the case. I would be sure to disclose the *de minimis* financial interest and always decide whether recusal is appropriate in accordance with the Code of Judicial Conduct.

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?

I believe the appropriate demeanor for a Judge is to be humble, kind, and respectful to all. I believe a Judge must maintain order and ensure proper decorum in the courtroom, but this should be done with respect and without anger. This demeanor should always apply to a Judge, both in and out of the courtroom.

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 feel anger is an appropriate emotion in dealing with any individuals that a Judge may encounter. While there is a role for holding individuals and attorneys accountable for willful contempt or other misconduct, this should be done in a calm and discerning manner where the law is followed. As to criminal defendants in juvenile court, I believe that Judges are charged with adjudicating criminal offenses with a presumption of innocence to the defendant. If a juvenile is found to be guilty, a Judge must order the State to provide care and protection for that child. Anger would not be a helpful emotion for a Family Court Judge in carrying out this important task.

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: _____