



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

Family Court
(New Candidate)

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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 am genuinely committed to the well-being and fair treatment of families and most importantly, children. My background in family law has provided me with a strong, deep understanding of the complex issues that arise in these cases, and I have seen firsthand the positive impact that thoughtful, deliberate, and empathetic judge can have on families navigating difficult times.

I am also drawn to the role of a family court judge because it's hard work. I believe it's going to be challenging and thought provoking and this attracts me to the position very much.

My goal is to uphold the law and support the system, programs and initiatives that can help families build healthier futures. I am eager to leverage my skills and passion to ensure that every case is approached with the utmost respect for the individuals involved and a focus on the best outcomes for children and families.

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

Yes, absolutely.

3. Do you have any plans to return to private practice one day?

No, I do not.

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?

As a fundamental, overarching rule, *ex-parte* communications and what is and what is not allowed are guided by Judicial Canon 3(B)(7) and my goal is to follow this Canon, and all Canons, strictly.

To further answer the question, *ex-parte* communications should almost always discouraged. They negatively affect the appearance of impropriety and transparency and can call upon the community to question the fairness of the process. However, there are limited circumstances in which *ex-parte* communications may be appropriate. There are a few circumstances that would relate more to the work of a family court judge than to any other judicial position. First, in emergency situations where urgent action is needed to protect the safety or welfare of an individual, *ex-parte* communications with a judge may be permitted. For example, in cases involving domestic violence or child abuse, a party may need to seek an emergency restraining order or protective order without notifying the other party. With that being said, a judge must meet the obligations of Judicial Canon 3(B)(7) even in emergency situations.

Second, there are times where procedural matters substantiate *ex-parte* communications. Calling chambers to schedule hearings or to address administrative issues such as the status of an order, at times, may be appropriate. Judges must always be mindful to never discussing substantive matters or issues outside the presence of both parties. As a caveat, I would state that the nature and scope of the administrative communications should be strictly limited in scope.

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?

Yes. Lawyers and judges work in a world where not only must we avoid actual impropriety, but we must also avoid its appearance. As such, I would almost always recuse myself per Canon 3(E)(1)

where my impartiality could be reasonably questioned and even if I personally believed there is no basis for disqualification.

However, I do recognize that there could be situations that arise where necessity may override the need for disqualification. If for example, I were the only judge available for an emergency order of protection hearing, I would do everything in my power to transfer the matter to another judge, but might have to rule on the issue for the safety of a child or party. The matter should then be quickly transferred to another judge. Any time I believed recusal would be appropriate, I would place the issue on the record. I also recognize that there are situations where the parties could consent to me hearing a case despite what would otherwise require me to disqualify myself. However, these situations are rare, and if I had any sense that my continued presence on the bench could adversely affect a party or the public's perception of the bench, I would recuse myself even if the parties consented. Canon 3E(1), Commentary.

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

The best way to handle it is to attempt to avoid it. The appearance of impropriety must be avoided to the fullest extent possible. I also believe that judges should have conversations with spouses and close relatives about their duties, restraints, and ethical obligations. Canon 4D. Ultimately, avoidance and recusal (by way of Canon 3E) would be the primary tools a judge could use to handle or avoid the appearance of impropriety from invading the courtroom.

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

Judicial Canon 4D(5) specifically outlines when gifts and social hospitality are appropriate. Canon 4D(5) would be the standard I would set for myself at a minimum. Given the current public narrative regarding the US Supreme Court, I am very much aware that gifts to judges, whether allowed or not, are ripe for scrutiny by the public. As such, I would be more cautious than required per the Cannons. Outside of a gift from a relative or friend for a special occasion such as a birthday or an anniversary that is fairly

commensurate with the occasion and relationship, I will not accept gifts from any other individuals. I also plan to respectfully decline any invitations to any social events that are not ordinary and in line with my values as a judge.

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?

ANSWER: I would take the facts and circumstances and view them through the lens of Canon 3(D) and 3(G) as well as Rule 8.3 of the South Carolina Rules of Professional Conduct. Based on those rules, if there is a reasonable basis to conclude that there is a "substantial likelihood" that a judge or attorney has violated the Canons or the Rules of Professional Conduct, then I would approach said individual, express my concern, and ask them to self-report. If they failed to self-report in a timely manner, then I would report the conduct to 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 never solicited any donations for any of the above listed organizations. However, if political contributions count as political fundraising activities, then yes. I have contributed to a number of State and Local campaigns. A spreadsheet of these contributions is attached as Exhibit C of my PDQ submitted to JMISC. I have looked extensively through SC government websites and databases to locate all political contributions ever made, and this spread sheet is the best, most comprehensive list I was able to compile. I do not recall contributing to any Federal campaigns, however I have a vague memory of possibly contributing to Congressman William Timmons congressional campaign, but I cannot find any record of that.

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

I own MT3, LLC which is involved in real estate investing. The LLC currently own's three (3) rental properties that provide my family and I passive income. The properties are managed by a professional property management group out of Greer, SC. I pay this management company for their services. I plan on continuing this activity if I were elected. MT3, LLC also owns brokerage accounts that inure to my benefit that the LLC will continue to manage.

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

With Canon 3(B) in mind, I would have the attorneys appearing before me draft orders on lesser complicated matters. Over the last ten years that I have been appearing before the family court, I have been asked hundreds of times to draft temporary orders, orders on motions to compel, orders on motions to continue, scheduling orders, etc. I believe I would continue the practice of having the attorneys help in the drafting of orders.

As for trial orders or final orders, I would use my discretion and allow the attorneys to draft orders if the trial or final hearing was less than complex. For trials that dealt with complex issues or for an order that I felt addressed a matter of first impression or was likely to get appealed, I would draft the order(s) myself.

Lastly, form orders are also very helpful, and have been approved by the Supreme Court and court administration, so I would incorporate them into my procedures and processes.

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

Ensuring deadlines are met in family court is crucial for maintaining the efficiency and effectiveness of the judicial process. I believe that a combination of the following would be best:

A. Calendar Reminders: Setting up electronic calendar reminders for important dates and deadlines can help ensure nothing is overlooked. This might include reminders for filing deadlines,

hearing dates, and required follow-ups especially with attorney's that have been asked to draft orders.

B. **Reviews:** Periodically reviewing case dockets and deadlines to ensure that all cases are progressing as scheduled. This might involve holding status conferences or reviews of the caseload.

C. **Clear Communication:** Ensuring that all parties involved in a case are clear on deadlines and required actions. This can involve providing written orders with specific deadlines and ensuring that all parties receive and understand these instructions.

D. **Order Prioritization:** Prioritizing orders and rulings based on urgency and complexity can help manage workload effectively. This might involve setting priority deadlines for more critical or complex cases while managing less urgent matters accordingly.

E. **Time Management:** Developing and adhering to a structured schedule for reviewing cases, making decisions, and issuing rulings. This involves setting aside dedicated time for these tasks and minimizing distractions during these periods.

F. **Monitoring Compliance:** Regularly checking that parties involved are meeting their deadlines and taking appropriate actions when they are not. This could involve issuing reminders, scheduling additional hearings, or imposing sanctions if necessary.

G. **Feedback:** Establishing a system for receiving and addressing feedback from court staff, attorneys, and parties about the management of deadlines and case progress. This helps in identifying any potential issues and making necessary adjustments.

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 believe that guardian *ad litem*'s are a critical, yet undervalued asset to the family court system. It is critical that a judge understand the statute(s) governing GAL's and clearly communicate their authority in orders of appointment so that all persons involved are following the statute.

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

If by judicial activism, the question is asking about legislating from the bench, then I would refrain from judicial activism entirely. As a judge, I would be a member of the judicial branch. It is the judicial

branch's responsibility to interpret the law and apply the law the way the Legislature has intended. I believe that if a judge engages in judicial activism or legislating from the bench, he or she has exceeded their constitutional authority. I am a firm believer in the separation of powers. It is a cornerstone of our Republic. Legislating from the bench undermines the idea of separation of powers and encroaches upon the province and authority intended for the legislative branch. Judges are elected to interpret and apply the law impartially, not to enact new laws based on personal beliefs or policy preferences. In other words, legislating from the bench undermines the democratic process by bypassing the role of elected representatives in making laws. It is my firm belief that judicial decisions should be guided by legal principles, precedent, and the facts of the case, rather than personal biases or ideological agendas. Legislating from the bench can undermine the perception of judicial impartiality and fairness, eroding public confidence in the judiciary.

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 really like to participate in CLE's and speak publicly about my experiences on the bench, especially as a new judge, if I were elected. I really care about the members of the Bar, and I will never forget what it is like to be a practicing attorney and some of the best advice or lessons that I received were from judges at CLE's. I plan on engaging in these CLE's, within the confines of the Canons.

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?

No, I do not believe that serving as a judge will put any strain on my personal relationships. I have a loving wife, parents, siblings, who understand what I want to accomplish and as a family we are all prepared for this next step.

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

I do not know if I would qualify them as "special considerations" but I certainly recognize that pro se litigants, who often lack the legal

training and resources that attorneys have, are at a disadvantage in understanding and navigating the legal system. Given these challenges, I believe that the court may extend certain courtesies to a pro se litigant when it comes to administrative procedures and possibly, a reasonable relaxation of certain court rules. However, the court must always be cognizant of maintaining fairness and consistency in the legal process. Providing too many concessions might be seen as giving one party an unfair advantage or undermining the integrity of the judicial system.

I believe that the key is to strike a balance by offering some level of assistance while upholding the rules of procedure and ensuring that the legal process remains fair and efficient.

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

ANSWER: I interpret the term "active investment" as an investment that requires my attention, skill, input, etc. As such, the answer would be no, I am not involved in any active investments.

As previously stated, I do receive passive income by way of MT3, LLC. The LLC owns three (3) rental properties, which are all independently managed by a third-party property management group. The LLC also owns brokerage accounts through Raymond James that are handled by a financial advisor.

I do not believe this additional, passive income can be reasonably seen or perceived as a basis for a lack of impartiality.

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

If I was aware that I, or a member of my family, held a *de minimis* financial interest in the subject matter of a lawsuit or party involved in litigation, I would almost always recuse myself, even where Canon 3E(1)(c) and 3E(1)(d) would likely permit me to stay on the case. Those two Canons state that a judge shall recuse himself if either he or a family member hold more than a *de minimis* financial interest. The question, as written, only asks about a *de minimis* interest which is not equivalent to more than a *de minimis* interest.

A *de minimis* interest is defined as an insignificant interest that could not raise reasonable question as to a judge's impartiality, and I understand that definition. However, judges have to avoid more than impropriety, they must avoid its appearance, and I personally believe that the appearance of impropriety is risked if a judge rules on an matters where he or she, or a family member, holds a pecuniary interest, regardless of how small or insignificant. Therefore, out of an abundance of caution, I would recuse myself unless the "rule of necessity" requires me to stay on.

All situations concerning my recusal, or lack thereof, would be placed on the record and if I felt compelled to stay on the case, I would transfer the case to another judge as soon as possible.

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?

A judge should be patient, dignified, and respectful of others. Canon 3B(4). In light of that, I feel that the following are all demeanors or characteristics that a judge should have or maintain:

A. **Neutrality and impartiality** so that he or she maintains an unbiased and impartial stance throughout proceedings. Judges must avoid any behavior or comments that could be perceived as favoritism or prejudice. Judges must also ensure that all parties feel they are being treated fairly.

B. A judge must show **respect** to all individuals in the courtroom, including parties, attorneys, and witnesses. He or she must strive to use polite and considerate language, and address everyone in a professional manner.

C. An effective judge demonstrates **empathy**, especially given the often emotional and personal nature of family court cases. He or she must understand the stress and emotional challenges faced by families and show sensitivity to their situations.

D. Judges must actively and intentionally practice **patience**, particularly in complex or contentious cases, allowing parties to

present their cases fully, and give them the opportunity to express their views without undue interruption.

E. I believe that many errors in family court by litigants, lawyers, and the court can be resolved with effective **communication**. Communicating decisions, instructions, and legal principles clearly and understandably is of high importance to me. I would strive to ensure that parties comprehend the court's rulings and the rationale behind them.

F. I believe that a judge, while empathetic, patient and understanding, must be firm and confident in decision-making while ensuring that decisions are well-considered and based on the evidence and applicable law. I will never forget what it is like to practice law as an attorney, so I will strive to be **decisive** and avoid unnecessary delays in rulings or actions.

G. Lastly, I believe that a judge must be able to maintain the **confidentiality** of the parties and private matters discussed in court. Family court proceedings often bring out the most embarrassing moments in people's lives and the court must be able to respect the privacy of individuals involved in family court proceedings.

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?

ANSWER: No, judges are human, they get frustrated. However, anger is never the solution. A judge must have the composure to maintain professionalism at all times and must respect all individuals in the courtroom. I personally believe that anger blinds an individual's ability to rule impartially.

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

[Handwritten Signature]

Sworn to before me this 26 day of Aug, 2024.

[Handwritten Signature]
(Signature)

Susan Davis Gibson
(Print name)

Notary Public for South Carolina

My commission expires: 6/19/26