



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

Family Court
(Incumbent)

Full Name: David Glenn Guyton

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1. Why do you want to serve another term as a Family Court judge? My 14 years as a Family Court has vindicated my desire to serve the best interests of children and to help people resolve their differences during what is often the most difficult time of their lives. It has been both extremely challenging and rewarding. Being a Family Court Judge is the most wonderful and difficult position I have ever held. I previously turned down an opportunity to seek election to circuit court so I could continue my service in Family Court. I believe I have become more effective and competent with each year of experience, and I still deal with new legal issues every week. By virtue of retirements, illness, and death, I have become a senior Family Court Judge and I train and mentor many of the newly elected Judges each year.
2. Do you plan to serve your full term if re-elected? Yes. A full term would give me 20 years of service and I would retire at age 69.
3. Do you have any plans to return to private practice one day? No. I might consider mediation, or educating young attorneys in some capacity, but not an active practice.
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 are not allowed, but I have signed ex parte orders presented by counsel petitioning the Family Court for emergency situations for cases in which the safety of a child is at risk or when there is a substantial basis to believe a child will be wrongfully removed from the jurisdiction of South Carolina. I have also issued ex parte restraining orders pending an emergency hearing or expedited hearing when there is a substantial showing that lives are at stake or substantial property may be disposed of without immediate intervention and protection from the court. The ex parte orders are issued without prejudice and are limited to the scope and duration of the immediate circumstances.

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 that Party great deference, grant the motion, and get the matter scheduled in front of another Judge as soon as reasonable possible. Now that we have another resident Judge in York County, and more terms of court, such a circumstance should only delay the hearing briefly, and could potentially be given to another Judge the same day or week.
7. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? Until she recently retired my wife was the Principal at a local elementary school. I recused myself when one of her staff was scheduled to appear in front of me. Once aware of the relationship, I request the clerk of court's office to prevent the case from being scheduled in front of me again. I also do not hear cases involving her supervisors or school district Board Members. I also recuse myself from her family members or their close friends.
8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I try to be constantly aware of possible conflicts or appearance of conflicts when I am in public. I almost always buy my own meals, and do not accept gifts. I do not eat with attorneys unless it is with a group such as a Bar Association or presenting at a conference. If I eat with a legislator, I do not pay for that Legislator's meal. The York County Bar Association has provided

food and drinks for my wife and me at various functions such as Bar meetings and the annual Christmas social. As Judges we accept invitations to judicial receptions by Bar Associations or the SC Association For Justice. The SC Bar Association provides free registration to the annual conference in January. We report these on our annual 501 Disclosure statements. These events provide an opportunity to meet and socialize with Judges on a less formal basis and better understand judicial philosophies without communicating on specific cases. I have had to return checks to churches or groups after a speaking engagement on children's issues when they did not realize it was improper, and I simply request they give it to a children's fund of some type.

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 feel it is a minor matter which has not resulted in any harm, I will try to personally address it to prevent it from happening again or getting worse. If it is more than minor then I will report it to the Commission on Lawyer Conduct or the Commission on Judicial Conduct. Any abuse of a child must be reported to the SC Department of Social Services as Judges are mandatory reporters. If substance abuse issues are involved I will make a referral to the Lawyers Caring About Lawyers Committee of the SC Bar, if the clients have not yet been harmed and early intervention is warranted.
10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe. No. I try to be extra aware of any attempt to use me or my status to raise funds. I contribute to, but do not solicit funds for, numerous non-profit, military, or educational organizations.
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? Some Family Court circuits now have a law clerk for Judges, but my 16th judicial circuit does not. I generally require the attorney who volunteers to draft the order to do so in uncontested cases, or require the attorney representing the

prevailing Party to draft the order in accordance with my instructions. I sometimes draft orders myself when neither Party is represented by counsel, or my administrative assistant will use one of our form orders for continuances or Orders of Protection.

13. What methods do you use to ensure that you and your staff meet deadlines? I have a personal calendar on my desk, and a yearly planner in my computer bag. My computer also schedules meeting reminders. My Administrative assistant also keeps a separate calendar for my schedule. We keep a large bulletin board in our courtroom hallway, and the FCCMS assists us with docketing and orders. I keep a notebook with hard copies of my daily docket along with a note sheet for each for each case I hear. The note sheet indicates the date each case was heard, what I ordered, and the attorney to draft the order. My AA keeps the note sheet until the order is signed, and then it is placed in a folder with all my signed order note sheets. I also then note the signature date in my binder which contains my daily dockets. My AA turns in the required MUA to Court Administration on the 10th of each month, noting late orders, and then she sends an email to the attorneys with overdue orders. Our scheduling clerk keeps a 365 day docket to keep up with all cases more than one year old, which must be scheduled for a pre-trial hearing, have a final hearing scheduled, been mediated, or be dismissed.
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 usually have counsel prepare a separate order for the appointment of a guardian ad litem with detailed provisions on the Guardian's rights, duties, and obligations, which reflect the statutory requirements set in place after the Patel v Patel case several years ago. I make sure the Guardians are present and heard at all hearings concerning the children. During the pendency of the action I often set timelines for the Parties and GALs as to payment of fees and reports to attorneys on the progress of the investigation.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges should not engage in judicial activism nor set public policy. My job in Family Court, because we do not have juries, is to determine the facts

and then apply those facts under the law. This means I may render a decision which I personally may not feel is fair, but is required under current law. At any level, I do not set law but simply apply it. I will always apply the "best interests of the child" standard when children are involved, but rule within what the law allows or prescribes. This sometimes happens in DSS cases when a parent has completed a treatment plan, and the child is returned to the parent, even when it is probable that removal of the child will occur again in the future.

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 have presented Family Law topics at Continuing Legal Education seminars. Spoken to Bar associations, given classes to educators and school resource officers, spoken to civic groups, and drafted materials on Family Court law and issues. I've drafted a script for victims of domestic violence at Order of Protection hearings. I've spoken to Fatherhood program groups on child support. I co-authored an article in SC Lawyer magazine on the Military Parent Equal Protection Act. I meet with our local GAL group and swear in and speak to volunteer GALs for neglect and abuse cases. I've spoken on our local daily radio talk show about Family Court, the role of the Judge, the law, and the needs of children. I was appointed to serve on the Family Court Judges Advisory Committee in 2018 and appointed as the Chairman in 2021. That role places the responsibility of New Judge Orientation on me and the Family Court liaison from Court Administration each May. I also have taught Law School for Non-Lawyers at York Technical College. I have served as the only judicial member of the Governor's Judicial Justice Advisory Council for many years. I also assist in coordinating a local Veteran's Legal Assistance clinic with the Attorney General's SCVALOR program and the York County Bar and County Veterans office. I speak when requested to the military Staff Judge Advocates office at Ft. Jackson in Columbia, SC. I recently hosted a law school student in court for 8 days as part of the Judicial Observation Experience program

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 takes an almost daily, and cumulative, emotional toll which results in strained personal relationships. Hearing the horror stories of child abuse, domestic

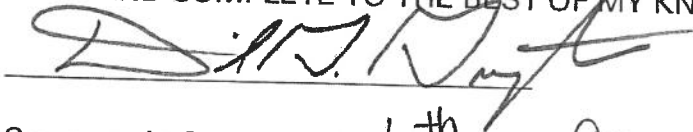
violence, and seeing pictures and videos of bruises, blood, broken bones, and pornography, presented during testimony, results in strong feelings of anger and sympathy at the same time. The stress of the death of a fellow family court judge and handling court during Covid, over the last 5 years has been very difficult. I handle the stress through a consistent physical and spiritual regimen. I work out early mornings with a men's group called F3 (Fitness, Fellowship, and Faith) and lift weights at the YMCA, usually 6 days a week. I have always attended church on a regular basis with my family since born 63 years ago. I try to have a devotional time each day and I lead a coffee and conversation men's group on Monday mornings. My fitness group finishes workouts with a circle of trust for prayer time. I try to be purposeful in balancing family, fitness, and my faith. My wife and I have been married 32 years, and she recently retired from a career in education, which had been very stressful for her.

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 as it may leave the appearance of bias and the Parties to the action would always wonder whether it had an effect on my decision. Fortunately in Family Court we are dealing with individuals, not entities, and I cannot ever recall this type of situation ever arising.
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 must exercise great patience and be

polite, courteous, and calm, while maintaining control of the courtroom. The rules apply all the time, in the courtroom, and in our personal lives.

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 have adult criminal defendants in my courtroom. I do have juvenile defendants in Family Court, and I sometimes get frustrated with them, but anger is not an effective tool for them, given their usual difficult background including trauma. I will raise the tone of my voice to pro se litigants, and on a very rare basis to attorneys, but only to gain control of the courtroom or emphasize a point. I will recess the proceeding if I think I am getting angry. I am told by my bailiffs, court reporters, and law enforcement, that I am very patient with pro se litigants and attorneys.

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 6th day of August, 2024.



(Signature)

Deborah S. Ghent

(Print name)

Notary Public for South Carolina

My commission expires: 05/13/2030

05/13/2030