



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

**Family Court  
(Incumbent)**

Full Name: Kimaka Nichols-Graham  
Business Address: PO Box 27107  
Greenville, South Carolina 29616  
Business Telephone: (864) 467-8074

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

I would like to serve another term as a Family Court Judge because I am honest, fair, respectful to all, committed to the administration of justice and maintaining the integrity of the court. I am prepared to provide many years of service to all regardless of their circumstances or the nature of their background.

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?

Exceptional circumstances are required to justify an *ex parte* communication and the party without the privilege of the communication are notified as soon as possible and given a full and fair opportunity to participate in the process. An exceptional circumstance would be to protect a child in imminent danger. Some administrative matters are allowed if it does not prejudice the other party or influence the outcome of a controversy.

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 the party requesting the recusal makes an argument that a reasonable person would agree shows prejudice or impartiality then the motion would be granted.

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 disclose the financial or social involvement to the parties and ask them for their opinion on the issue of recusal. If a reasonable argument is made then I will recuse myself.

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

I attend standard and routine events provided by local and state Bar associations and receptions or breaks sponsored by law firms during conferences that invite other members of the bar as well as members of the judiciary. I do not allow social relationships to influence my judgment or conduct. I routinely review and comply with Judicial Canon 4.

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?

I would report it to the appropriate authority.

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?

I routinely select one of the attorneys to draft the order. If neither party is represented by an attorney but can afford legal representation, I may direct them to consult with an attorney or retain the services of an attorney to assist them with drafting the order. There are times when I prepare the order if neither party has an attorney or when the parties are represented by attorneys but the matter is contentious or sensitive. I routinely use form orders

provided by the judicial department, when necessary or possible. I have asked the one law clerk employed by court administration and shared with all of the family court judges that reside in Greenville and Pickens counties since August of 2023 to assist with drafting orders.

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

I use computer software like Excel and Microsoft Office to ensure deadlines are met.

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?

In thirteenth judicial circuit, I appoint people to serve as a Guardian ad Litem when I know that person is qualified to serve in that capacity, familiar with the responsibility, restrictions, and expectations, pursuant to the statute. When I am a visiting judge and not familiar with the individuals serving as guardians in that I area, I only appoint individuals to serve as Guardians if they are routinely appointed to serve as a Guardian by the resident judges who are familiar with those people. Guardians are not present when they are appointed during a hearing but they file a form to certify their qualifications after they are appointed.

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

Judicial activism is when judges use their position to create laws or promote personal or political views. Judges should not act as policy makers nor use their position to promote public policies that have not been codified. Family court is a statutorily created court. I am aware that family court judges do not have the authority to issue relief without statutory authority.

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?

When invited, I participate on commissions or on committees created or managed by local bar associations, the SC Bar the Supreme Court and the Children’s Law Center, as allowed. I have also provided legal

education for some non-profit organizations that have similar goals, as allowed.

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?

The pressure of serving as a judge has not strained my personal relationships because I already displayed certain moral characteristics like integrity, respect for all individuals, and high moral standards. My friends understand that I maintain those characteristics and I have been fortunate that since high school my friends have not exposed to things could be harmful. Our family and friends assist and support my spouse, child and aging parents when I am away for a significant period of time or not available to be there to provide assistance that I would have otherwise been able to provide before I became a judge.

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. I would not hear the case if a reasonable argument is made that I would not be impartial.

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 be confident and knowledgeable, without being arrogant, and ensure motions and cases are heard while maintaining integrity and respect for the process, the court, and for each person in involved. Judicial ethics apply to my professional and personal activities.

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 it is appropriate to display anger in the courtroom. Anger is not an appropriate emotion to display towards an attorney or pro se litigant.

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: \_\_\_\_\_