



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

Family Court
(Incumbent)

Full Name: Timothy Eugene Madden

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

I want to serve another term as a Family Court Judge to continue a personal commitment to public service, to give back to the profession, to help as many people as I can find reasonable solutions to the most difficult of personal challenges, and to meaningfully improve the Family Court experience.

The primary focus of my entire almost 36-year legal career has been serving people in Family Court, first as a lawyer, and, for the past four years, as a judge. There is no trial-level court in our legal system which has the depth and breadth of impact comparable to the Family Court. After now presiding in more than 7000 hearings across 30 counties, I want to continue to apply a lifetime of experiences, training, knowledge, and abilities to continue to help thousands more adults and children find solutions to problems they cannot find without the help of the court system. There has been no greater honor than serving as family court judge. Through this service I want devote my professional time for the greater good of our state.

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 are generally improper and should not occur except and unless specifically permitted as detailed in the Code of Judicial Conduct. There are infrequent circumstances where such communications may be tolerated, as long as there is adherence to all applicable rules and law.

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 grant the motion to recuse. Judges should avoid even the appearance of bias or impropriety.

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

I recuse myself and will not hear the matter.

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

I do not accept gifts or social hospitality except as permitted by the Code of Judicial Conduct.

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 acquired personal knowledge of facts of professional misconduct or infirmity of a lawyer I would report the facts to the Office of Disciplinary Counsel, and may, under appropriate circumstances, confront the lawyer and encourage the lawyer to also self-report. If I acquired personal knowledge of facts of professional misconduct or infirmity of a fellow judge I would report the facts to the Office of Disciplinary Counsel, and may, under appropriate circumstances, confront the judge and ask the judge to self-report. When the circumstances of the lawyer or judge are within the area where Lawyers Helping Lawyers could assist, I would also confidentially notify this group.

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

No. Although I serve on the Board of Trustees of Wofford College, I deliberately avoid any committee assignments related to fund-raising and/or direct involvement in any fund-raising efforts.

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?

Depending on the circumstances, I either (a) announce a ruling in open court and ask counsel for one of the parties to prepare a proposed order, share the proposed order with opposing counsel, and submit the proposed order to me for consideration and review; or (b) issue a memorandum to all counsel with appropriate instructions for the preparation and submission of a proposed order as outlined in (a) above; or (c) draft my own order.

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

In every term of court I emphasize to the bailiffs, deputies, court reporter/monitor, and/or others working in the courtroom the need to start and end each hearing on the schedule posted on the docket. After every hearing I designate in writing the person to whom preparation of the order is assigned. My administrative assistant is assigned the task to follow up with counsel for receipt of any order which has not been received within about 2 weeks of the date of the hearing.

As Chief Judge for Administrative Purposes in Greenville County in 2024, I changed the start time for court to begin at 9 a.m., designated time each day to hear initial motions for temporary relief (so that all such hearings were set within 28 days of request as required by a Supreme Court administrative order), restructured some traditional docketing practices to create more time for contested hearings, and scheduled as many as five one and multi-day trials at the same time to avoid lost docket time due to settlements. I also worked with our Clerk's office to administratively dismiss appropriate cases older than one year.

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?

When asked to appoint a Guardian I make a reasonable inquiry to determine if a Guardian is necessary or will be beneficial. If not, I elect not to appoint a Guardian. Sometimes I order an early mediation and delay appointment of a Guardian until after the early mediation if there is no agreement. When a Guardian is appointed, if there are extraordinary circumstances which could benefit from an early investigation and preliminary report, I require such investigation and report. If during the pendency of a case I have the opportunity to hear an interim matter (such as a discovery motion) I make inquiry about the progress of the Guardian. If it appears the Guardian is not aiding the court or creating unnecessary hostilities in a case, I will remove and replace the Guardian. If I conduct a pretrial

for a case which involves a Guardian I try to include in the pretrial order the date by which the Guardian's report should be filed. If I am the trial judge, before reviewing any written report of the Guardian, I inquire to determine if all statutory requirements and deadlines were met, and give counsel for the litigants the opportunity to object to all or any part of the Guardian's report. If the Guardian did not comply with the statutory requirements and deadlines and a party objects to the written report, I do not read or consider the written report. In those circumstances I have reduced the fees the parties are required to pay the Guardian because of the failure to comply with the statute. If there are evidentiary objections to the Guardian's report I rule on those objections, and such rulings may cause parts of the report to be redacted.

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

I believe each case should be decided on the merits based on the admissible evidence and applicable law. I do not believe judges have the authority to set public policy, nor should judges attempt to do so. To the extent there is established public policy which is relevant in a particular case, I believe a judge should consider such policy and issue rulings which are consistent with and not contradictory to such 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 plan to continue to teach and present at continuing education programs, particularly those which target improvement of courtroom skills and advocacy. I intend to continue to frequently host college and law school interns. I expect to continue to seek ways to improve scheduling and docketing concerns. Overall, I believe we can all do better, and will continue to work diligently with this goal in mind.

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?

I do not believe serving as a judge in and of itself strains personal relationships among family and close friends, but certainly believe judicial service can have an impact on some aspects of these relationships. To the extent circumstances arise which could strain these relationships, I will set appropriate boundaries, avoid unnecessary conversations, and excuse myself from communications, settings or other involvement which could be perceived as improper, or which could cause undue stress for any involved.

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

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 set the tone in every hearing with patience, courtesy, a calm and dignified disposition, and a willingness to listen. A judge should be courteous to all. Outside of a courtroom a judge should exhibit humility, courtesy, and respect for everyone.

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?

No. While anger is not appropriate, when emotions run high in a courtroom, or rules of court are violated, a judge may need to be stern to keep and maintain order.

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: _____