



Hon. J. Michelle Childs

Circuit Judge, U.S. Court of Appeals for the D.C. Circuit

by Hon. Kaymani D. West



U.S. Magistrate Judge Kaymani “Kay” West was appointed to the bench on Jan. 1, 2012, and serves in the Florence Division of the District of South Carolina. She earned her B.A., *summa cum laude*, from Columbia College in Columbia, S.C., and her J.D. from the University of South Carolina School of Law. After graduating from law school, she served for one year as judicial law clerk to Hon. Joseph F. Anderson Jr. She then began practicing law with the civil defense law firm of Nelson Mullins, where she was a partner at the time of her judicial appointment. Judge West is a member of the South Carolina Bar; the ABA, where she serves on the National Conference of Federal Trial Judges and is an ABF Fellow; and the FBA, serving as president of the South Carolina Chapter from 2009-2010.

If you plan to spend the day following Judge Childs, you should take your vitamins, be well rested, and, if possible, rent a pair of roller skates. In addition to all the usual descriptors attributed to judges at her level—such as intelligent, articulate, diligent, and possessing a good judicial temperament—when it comes to Judge Childs, one often hears adjectives like energetic, go-getter, untiring, and unflappable. Behind her dimpled smile is a strong “get it done” attitude that have made her a true force of nature and an asset to South Carolina’s federal bench, and now to the U.S. Court of Appeals.

Judge Childs spent her early childhood in Detroit, and as a child, she aspired to be a police officer like her late father. She later changed her mind and wanted to be a psychologist because she “liked talking to people and analyzing their situations.” Judge Childs’ mother was transferred from Michigan Bell to Southern Bell in 1979, prompting the family to move to Columbia, S.C. Judge Childs notes that her mother was a single parent during most of her childhood, and she considers her to be the person having the greatest influence on her life. “I observed my mother work hard to give me and my sister all that we needed to have better opportunities.” Judge Childs attended the public schools of Richland County School District One. While in high school, Judge Childs was exposed to the legal profession as a result of participating in a mock trial program. She enjoyed the experience of representing a client and attempting to persuade the judge on issues related to her case. It was at that time that she began to notice the need for lawyers in society and “felt a desire to become a part of this noble profession.”

Upon graduation from high school, she matriculated in the University of South Florida Honors Program, earning a B.S. in management. After graduating from college, Judge Childs continued her education by enrolling in a dual-degree program, earning a J.D. from the University of South Carolina School of Law in December 1991 and an M.A. in personnel and employment relations from the University of South Carolina School of Business in



May 1991. During her second summer of law school, she also participated in a summer-study-abroad law program through Cambridge University. Judge Childs said that she decided to do the dual-degree program because she was interested in personnel and employment law and wanted both business and legal perspectives on these issues. Additionally, in thinking about her future, she was considering a shift from a law firm to an in-house counsel position in a corporate human resources department.

As a young lawyer, she received accolades from both programs—the USC Compleat Lawyer Award Silver Medallion (1997) and the USC Moore School of Business Outstanding Young Alumni Award (2005).

Judge Childs began her legal career in one of South Carolina’s largest law firms handling labor and employment and general litigation matters. While she was fortunate to have received many opportunities and resources that allowed her to excel in her legal career, Judge Childs always felt the need to work harder and longer to prove that she was capable of any task. In 2000, when she became partner in her law firm, she was the first African-American female to become partner in a major law firm in the state of South Caro-

lina. Because she was the first in her family to complete college and law school—thus lacking any lawyer role models—she navigated her way to success with the help of various mentors. Judge Childs now reciprocates by serving as a mentor to young lawyers and considers this to be one of her proudest accomplishments. Judge Childs remarked that she wants young lawyers to “recognize their awesome responsibility to represent their client or agency zealously within the confines of the law. I also want them to understand that it is a privilege to practice law, so they always need to do more to help our communities and ‘pay it forward.’”

Not long after making partner at her firm, she was recruited by the then-governor to serve as the deputy director of the South Carolina Department of Labor, Licensing and Regulation (LLR), where she was responsible for managing the programs of Wages and Child Labor, Occupational Safety and Health, Occupational Safety and Health Voluntary Programs, Migrant Labor, and Elevators and Amusement Rides. Two years later the governor appointed her to the South Carolina Workers’ Compensation Commission, where she served as a commissioner for four years until throwing her hat into the ring to run for an at-large seat on South Carolina’s state circuit court bench. While she was happy being a lawyer, Judge Childs says she started thinking about becoming a judge after she made partner in her law firm. “My mentors and close friends placed this idea in my head, and I started to give it some serious consideration. I really did not know how to go about becoming a judge, but I knew that hard work and a great reputation were key ingredients.”

In South Carolina, unlike most jurisdictions, candidates for state court judgeships are first screened and, if found qualified by the Judicial Merit Selection Commission, then presented for election by the state legislature (general assembly). Judge Childs was elected by the general assembly in 2006. As a circuit court judge, she served as the chief administrative judge for general sessions (criminal court) for Richland and Lexington counties, the state grand jury, and the business court. The now-retired chief justice of the S.C. Supreme Court, Jean Hoefler Toal, often extols Judge Childs’ work ethic and tells the story of how one night she asked Judge Childs to work late to handle a very confidential matter involving the court. Judge Childs completed the project and continued to work right up to giving birth to her only child.

Judge Childs was nominated by President Barack Obama for one of two open seats as federal district judge for the District of South Carolina. Upon her appointment in August 2010, her waiting docket included a long list of pending motions that, based on the Civil Justice Reform Act deadlines, had to be resolved by March 2011. Overwhelmed but undaunted, Judge Childs put her shoulder to the proverbial wheel and, with the help of her judicial law clerks, disposed of over 300 motions by the March deadline. Meanwhile, she also completed

a three-week trial in December 2010. She acknowledges that it is an awesome responsibility to be a judge and that there will be decisions that weigh heavily on your conscience. However, “you will just have to do your best to be considerate, thoughtful, and patient as you make tough and sometimes unpopular decisions.”

As if she did not have enough to do as a federal district court judge, Judge Childs enrolled in the Master of Laws program at Duke University and earned her LLM in judicial studies in May 2016. She notes that “as the law continues to evolve, judges have to be eternal students of the law and always eager to learn.” She wrote her thesis on the life and legacy of the late Matthew J. Perry, Jr., a noted civil rights attorney and the first African-American U.S. district judge in South Carolina. Judge Perry administered the oath to Judge Childs when she became a federal judge, and Judge Childs occupied Judge Perry’s chambers in the Columbia courthouse that bears his name. She kept much of the décor as Judge Perry left it, including the U.S. seal in his chambers and the red carpet and red bench chair in his courtroom. Red was Judge Perry’s favorite color, and his was the only courtroom in the courthouse with that color theme. Judge Childs opened her chambers to school children and other visitors and informed them about the life of the iconic judge. Bringing the Perry/Childs saga full circle, in December 2019, the Richland County Bar Association presented Judge Childs with the prestigious Matthew J. Perry, Jr. Civility Award, which is presented to attorneys and judges who, in the opinion of the Executive Committee of the Richland County Bar Association, best exemplify the word “civility.”

Judge Childs has always been active in professional and civic organizations and has served on numerous boards as a member, chair, or president. In addition to the South Carolina Chapter of the FBA, some of these have included the ABA, the American Law Institute, the South Carolina Bar, the John Belton O’Neill Inn of Court, the Columbia Urban League, the Columbia Chapter of The Links, Inc., and the ETV Endowment of South Carolina, Inc. She is often asked to assume leadership roles in these organizations and, somehow, she does it all and makes it seem effortless. When asked the secret to doing them all so well, she responded, “I try to choose and commit to activities that I care about so that I can dedicate the appropriate amount of time to make a difference. I also try to balance work and my volunteer activities to be as effective as I can for both.” Based on the number of awards and accolades Judge Childs has received from these organizations and from the community—too numerous to list here—it is obvious she has found the right balance.

As an example of her effectiveness, in 2018, while serving as chair of the ABA’s National Conference of Federal Trial Judges and as executive board member of the S.C. Chapter of the FBA, Judge Childs took the lead on creating a joint CLE Seminar with participants from both organizations—the first of its kind in the state. The

highly successful seminar was held at the Greenville Federal Courthouse and included judges from around the country presiding over hearings in actual cases. True to her nature, when at the last minute one of the judges was unable to attend, Judge Childs stepped in and presided over the hearing herself—while making sure the rest of the hearings and panels proceeded smoothly.

As a much sought-after speaker, Judge Childs has traveled extensively to give presentations regarding the rule of law or other specialized areas of the law. She has visited South Africa, Turkey, and Canada, and she has much respect for the judges in other countries, particularly those in countries that do not emulate the democracy of the U.S. legal system or those challenged by not having the appropriate resources to administer justice or laws. When she traveled to South Africa in 2000, its bar organizations had just desegregated and the country was still feeling the residual effects of apartheid. She noticed that the female African students she encountered held their heads down when speaking to the presenters, and she learned that the students were required to do so as a sign of respect. “It was very apparent to me how fortunate I was to live in a democratic society and not experience the fears of those women in South Africa,” she remarked.

Regarding diversity in the legal profession here in the United States, Judge Childs feels that it is something much needed in our judiciary. “In order for people to have a fair perception of the courts and the administration of justice, they need to perceive that judges are appointed and elected fairly and have broad experiences and perspectives regarding the issues that come before them.”

Judge Childs certainly has had many broad experiences that have helped shape her perspective. “Having had so many roles in the law, both in the private and public sector, has afforded me the opportunity to view

society through many lenses. As a result, I have continued to respect the need for the public’s perception of the fair administration of justice in our courts, and I continue to try to execute that arduous responsibility.” As to her more personal experiences, Judge Childs is the wife of a physician. She and her husband have very busy work schedules and even busier schedules at home as their young daughter keeps them on the go with her many extracurricular activities. Judge Childs says that being a wife and mother has “really helped me to understand that, in many instances, the decisions that I make impact more than just the individuals or parties that are before me. Therefore, I try to bring that perspective with me as I make decisions.”

In the 12 years she has been on the federal bench, Judge Childs has presided over a variety of cases. When asked what types of cases are the most memorable, she said, “I mostly remember cases that have an impact on our societal norms and expectations, for example, same-sex marriage, discrimination, environmental claims, and significant criminal matters. These cases require a lot of thought and objectivity.”

When asked what makes a good judge, Judge Childs offered the following: “A good judge is always prepared and willing to listen intently to the issues and arguments presented by the parties. She ensures that the parties are afforded due process in a fair forum in which the outcome does not appear to be pre-determined. She is kind, considerate, and deliberate as she respects the parties’ positions and fears throughout the process.” Because of her not-so-straightforward career path, Judge Childs says that she does not have a “formula” for someone aspiring to become a federal judge. However, what has worked for her is to have faith that you will meet your destiny, be genuine, work diligently, and serve others. As to her legacy, Judge Childs hopes that all those who appeared before her believe that they had a fair opportunity to present their issues, that she was deliberate and well-reasoned in her decisions, and that she was kind and courteous. I have no doubt that she will fulfill that legacy.

As a testament to her judicial acumen and cachet, earlier this year, President Biden placed Judge Childs on his short list of individuals considered for nomination to the U.S. Supreme Court. Although another judge was eventually nominated for that position, President Biden nominated Judge Childs for a seat on the U.S. Court of Appeals for the District of Columbia, and she was confirmed by the Senate in a strong bipartisan vote on July 19, 2022. ☺

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