



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

Family Court
(New Candidate)

Full Name: Robert Wallis Cone

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1. Why do you want to serve as a Family Court Judge?

I have practiced family law since my graduation from law school. I find family law to be intellectually and emotionally challenging, but also very fulfilling. In the last few years I've focused my law practice on Family Court matters, particularly child abuse and neglect cases after I became an attorney for the Department of Social Services. Having served part-time as a municipal court judge for the last several years, I believe that serving as a Family Court Judge would make the best use of my skills, experience, and abilities.

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

3. Do you have any plans to return to private practice one day? No, I plan on continuing my service with the state until retirement.

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?

There are certain circumstances in Family Court where *ex parte* communications are necessary. In the cases of child abuse, child neglect, or when there is a substantial and imminent threat to the life, health, or safety of children, or adults in some circumstances, the court has to take emergency action on an *ex parte* basis. However, a Judge must make sure that any relief ordered is limited to only what is necessary to address the imminent safety risk, and afford all parties affected by the court's order

an opportunity to be heard as quickly as possible. Preferably, a follow up hearing would take place within 24 hours or as soon as possible thereafter.

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 for recusal, as a judge must always avoid any appearance of bias in their conduct.

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

If my spouse or a relative were involved, I would be obliged to recuse myself from participating in any case where they had a financial or social involvement.

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

I could not accept gifts or social hospitality from lawyers or their firms who appear before me or may appear before me. I would not accept gifts or hospitality from attorneys other than members of my immediate family.

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 be obligated to report such misconduct to either the Commission on Lawyer Conduct or the Commission on Judicial Conduct.

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.

I serve as an adult leader with Scouting BSA, traditionally referred to as the Boy Scouts of America. The particular Troop I assist with only accepts male scouts, but the national organization does allow female Troops. I have no objection to female Scouts, but as I only have a son, I would not be participating in female Scouting programs.

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

Up until 2016, I participated in fundraisers for the Greenwood County Friends of the Library to raise money for literacy programs. I currently assist with fundraising efforts to support Scouting programs in my local area.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.

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

I have drafted my own orders for 21 years, and see no problem continuing to do so on the bench. For complex matters, I would have the attorneys on the case submit proposed orders for me to review and revise as needed.

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

I currently use the Getting Things Done task management strategy, which includes maintaining online "to-do" lists, calendaring deadlines for task completion, and having an email management system to prioritize communications. I would use a similar system as a judge to manage my workload.

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 would ensure that any Guardian Ad Litem appointed met the qualifications under §63-3-820. I would also require that Guardians maintain regular contact with the parties and attorneys on the case. I would require that GAL reports be submitted to the parties in accordance with the statutory deadlines. Regular communication and reporting gives the attorneys and litigants an opportunity to assess the Guardian's efforts in the case, and also demonstrate whether the Guardian is engaging in

improper conduct or showing an improper bias in favor of one side versus another.

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

The role of Judges is to interpret the law and make sure it is properly applied to the facts and conditions present in any given case. Judges are not policymakers, and should not try to legislate through judicial decree.

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?

As often as possible, I would participate in committees and advisory panels established by the Chief Justice, the South Carolina Bar, the Children’s Law Center, and other entities to recommend amendments or changes to statutes, regulations, and court rules that would facilitate more efficient and consistent administration of justice for all parties who seek relief in the Family Courts. I would also participate in any available opportunity to have discussions with agencies such as the Department of Social Services or the Department of Juvenile Justice on more efficient and effective ways to handle their cases in Family Court.

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?

Having practiced family law for more than 21 years, and having served as a municipal court judge and DSS attorney, I believe my personal relationships can handle any stress that might come from serving as a Family Court Judge. My wife and I have a good relationship that we work at every day, and we have always made our family a priority, making sure we give our son time and attention even when we are both busy with work.

My family and my faith have given me the strength to overcome far greater challenges than work-related stress in the past, and I have no doubt will continue to do so in the future.

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

I am prohibited from giving special consideration to any person appearing in my court. I cannot grant one litigant an unfair advantage over another just because they are not represented by an attorney. It is the

right of individuals to represent themselves in court, but it is not the judge's role to advise or assist those individuals as to how to handle their case.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No.
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?

I believe the judge's demeanor should be one of calm, dignified authority. It would be important treat everyone who comes before me with respect and courtesy, and require that they do likewise. I make every effort to ensure that nothing about my words, gestures or expression gives anyone the impression that I am biased or favoring one side over another.

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? No.

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 _____, 2019.

(Signature)

(Print name)

Notary Public for South Carolina

My commission expires: _____