

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

Family Court
(New Candidate)

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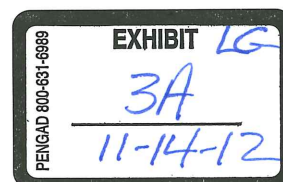
1. Why do you want to serve as a Family Court Judge?
If given the opportunity, I would seek to serve the public as a member of our Judiciary and apply my experience and abilities to assist with the administration of justice for the citizens of South Carolina.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day? No
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?

A judge is not a party to any action and should not be involved in conversation with either party regarding a pending or impending proceeding unless the communication is dealt with as prescribed by Canon 3(7)(a).

Ex parte communications are inherently unfair to the party absent from the communication. As such these communications undermine the integrity of and confidence in our judiciary.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

When a former associate or law partner appears before a judge and there is an opportunity for the appearance of impropriety where at least one party has a legitimate concern that there could be an issue requiring recusal, that judge should take the appropriate measures to alert the court of that concern and disqualify himself or herself. As for lawyer-legislators, all judges are elected by lawyer-legislators and passing the case to another judge, who may also seek reelection, would not serve the same purpose as in the case of lawyers who had a



personal relationship with the judge prior to his or her election to the bench.

7. 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?

Assuming that I disclose something that creates the appearance of bias to counsel and the parties, then if any of the attorneys or their clients independently decides that they would want me to disqualify myself, I would. However, if they all agree independently that I should not be disqualified from the matter, and I still feel I can participate without prejudicing either party, I would place on the record the agreement with the involvement of all concerned.

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

If there is a question as to my impartiality I would remove myself from that matter. The judge has no place in determining the outcome of the case outside the limits of the law.

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

I would accept gifts only as allowed under the Judicial Cannons.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I have assisted the Office of Disciplinary Counsel for the past eight years. The members of the bench and bar are responsible to uphold the rules and ethics under which we all operate together. If one of us conducts himself or herself in a manner other than what is expected and required, that lawyer or judge has made the decision to be reported. As for other judges, if I receive information indicating a substantial likelihood that a violation of the rules set out under the Judicial Cannons raises a substantial question of the judge's fitness, I would report the act to the appropriate authority. If an attorney violates the Rules of Professional Conduct contained in Rule 407, SCACR, and that violation raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer, I would notify the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No
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?

There are various situations that dictate different methods of preparing an order. If there is a matter with a *pro se* litigant and a represented party, I believe the Court should prepare the order and distribute it to the parties. When there are two represented parties, after deciding what the issue is and what the applicable law is, I would prepare a memorandum and distribute it to both parties requesting that the prevailing party prepare an order pursuant to my instructions.

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

My office meets on a regular basis to discuss our current cases and schedule what needs to be completed to move the case forward. When I was a law clerk, we maintained a list of cases and the progress on each case. I would have my office keep a similar type of schedule as we currently maintain in my law office. I would have my administrative assistant keep a list of the cases we are responsible for and insure the cases are handled in a timely manner.

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?

The Initial order issued by the court, appointing the *Guardian ad Litem*, should outline the responsibilities and duties for the Guardian to insure they have the necessary framework to work with. If the Guardian does not carry out the obligations as set out in the order or those set out in S.C. Code Ann. §63-3-830, it is the attorneys' obligation to raise the issue to the court. If the court, after given the opportunity to review the evidence, finds the Guardian has failed to properly carry out their duties, the court may, depending on the severity of the Guardian's failures, issue a specific ruling setting time limitations to complete specific tasks, or take the drastic measure of having the Guardian removed from the matter.

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

Judges are in place to insure the law created by the legislature is followed. In addition to the law created by the legislative body, the court has rules of court and judicial precedent to help insure that matters are properly followed. Our system does not intend for judges to be activists, but to be the guardians of the law to insure the letter of the law is followed in judicial proceedings.

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?

If I were fortunate enough to be elected to our State's judiciary, I would make myself available to speak to appropriate groups and make myself available to teach students about the operation of our court system.

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?

I believe the service of a judge does include pressure; however, I also realize that the practice of law involves long hours and stressful adversarial confrontation. I would continue to maintain my relationships with my spouse and children as I have as an attorney. Although I know the type of litigation that occurs in our family court is highly emotional and contentious, I will seek to reduce the amount of adversity in our adversarial system.

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

Family court is a court of equity, of fairness. I believe all litigants are required to operate under the same rules and that the court is bound by the applicable rules and laws. It is incumbent upon the court to insure all parties have the opportunity to present their positions, under the law. However, the court is bound by the Judicial Cannons and there is only so far the court can reach to insure the parties are on equal footing. *Pro se'* litigants are entitled to represent themselves, if I find they are capable of sworn stmtdoing so, but I would not give them any additional consideration when making a decision regarding 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. Do you belong to any organizations that discriminate based on race, religion, or gender? No

23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

a. Divorce and equitable distribution: A large part of my domestic practice involves divorce and division or marital property. I have handled all types of divorces including prosecuting and defending allegations for all fault based divorces as well as one year continuous separation. I have also had broad experience with equitable distribution of marital property including businesses, liquid assets, investments, retirement accounts and determining what assets were marital and non-marital.

b. Child custody: Unfortunately, children are caught up in many divorces and are fought over by the parties as if they were property. My philosophy has always been to put the children first and do for them what needs to be done. I have handled cases where custody of the children has been granted to parties who are relatives, grandparents and even the children's step-parents.

c. Adoption: I have handled adoptions for families, step parents, grandparents and other relatives of the children. I have assisted with agency adoptions. I have also successfully defended against parties who have attempted to terminate my client's parental rights.

d. Abuse and neglect: I have handled dozens of abuse and neglect actions brought by the department of social services. I have been appointed by the court to represent parties as well as been retained by private parties to defend them against allegations of abuse and neglect.

e. Juvenile cases: While a solicitor I assisted in a number of juvenile cases. While in private practice I have represented approximately a dozen juveniles with their criminal matters which were brought before the family court. In addition to the juvenile matters I have for years handled matters in general sessions as an assistant solicitor and while in private practice with matters which include drug offenses, theft, criminal sexual conduct, assault, arson, alcohol offenses, computer crimes, weapons offenses and offenses involving schools. I believe my extensive background in criminal matters will aid me with the criminal matters brought before me as a family court judge.

25. What do you feel is the appropriate demeanor for a judge?

To be firm, kind, patient, fair and understanding.

26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

A judge is someone the public will recognize. I would act with an appropriate demeanor at all times.

27. 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?

Cannon 3(B)(4) dictates that a judge shall be patient, dignified and courteous to all before them. Judges have no reason to become angry but should perform the functions of their position without allowing their emotions to become involved.

