

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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Greenwood, SC 29648
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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.

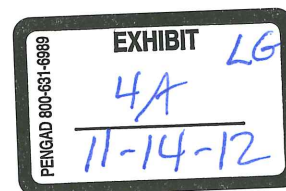
3. Do you have any plans to return to private practice one day?

I recently closed my private practice so I could take a full-time position with the Department of Social Services. I do not anticipate returning to private practice in the future, whether I am selected as a Family Court Judge or not.

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

Under the Rules of judicial conduct, I would be obliged to disclose my connection with these type individuals to all parties to the case, and give them an opportunity to discuss outside my presence whether they want to waive my disqualification, provided that I believe I can be fair and impartial to all parties in the case.

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?

For people to have confidence in the integrity of the legal process, a Judge must avoid the appearance of impropriety at all costs. Under the circumstances described in this question, I would grant the motion for recusal.

8. 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.

9. 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.

10. How would you handle a situation in which you became aware of misconduct 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.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?

I currently serve as the chairman of the Greenwood County Library Board. Should I be elected Family Court Judge, I would be obligated to resign from the board.

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?

In most cases, I would have the attorney for one side prepare a proposed order, and circulate a copy of that order to all parties before sending it to me. I would then review the proposed order along with

my own notes from the hearing, and if the order was consistent, I would sign the order. In the case of pro se or unrepresented litigants, I would prepare my own orders, making use of standard form orders to the extent they were available.

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

I would use a case tracking system, similar to the one I used in private practice to keep a daily record of the cases heard and the deadline set for submission of proposed orders. My secretary and I would maintain regular contact with the attorneys involved in those cases, and would use electronic communications such as e-mail or faxes to ensure they comply with the deadline for submission of orders. If they were serious, unexcused delays in the submission of orders, I would impose sanctions on the litigants and their attorneys if they willfully disregarded the court's deadlines.

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?

Is the role of judges to interpret the law, and to apply the law to the facts and circumstances of disputes that are presented to the court for adjudication. It is not the role of the judge to write laws, or make public policy. Even if I disagree with a law, it is not my place to substitute my own judgment for that of our elected officials who are tasked with writing laws. Certainly their cases where the law may not specifically address a given situation, but even in those circumstances, I would still make every effort to follow the law as closely as possible, rather than attempt to make new law without reference to existing statutes and cases.

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, or 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 14 years, and having served as a municipal court judge for the last four years, 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?

None.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

If it is truly a *de minimis* interest, I would hear the case, but I would make sure that said interest was truly *de minimis*.

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: 15%
 - b. Child custody: 20%
 - c. Adoption: 10%
 - d. Abuse and neglect: 50%
 - e. Juvenile cases: 5%
25. What do you feel is the appropriate demeanor for a judge?
I believe the judge's demeanor should be one of calm, dignified authority. I occasionally interject some humor when I'm on the bench, but I am never irreverent. I 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.
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 always a judge. These rules would apply 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?
Anger is never an appropriate response to anything that takes place in the courtroom. Even when litigants engage in combative or belligerent behavior, it's important for the judge to remain calm and levelheaded, while taking decisive action to stop the inappropriate behavior
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
To date, I have spent approximately \$3 on postage for my campaign.
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No.
30. Have you sought or received the pledge of any legislator prior to this date? No.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.

- 32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
- 33. Have you contacted any members of the Judicial Merit Selection Commission? No.
- 34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Robert Wallis Cone

Sworn to before me this 28 day of August, 2012.

Laura Love Cone

Notary Public for South Carolina

My commission expires: 10/07/21