

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

Family Court  
(New Candidate)

Full Name: Robert Allison Clark  
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Greenville, SC 29605  
Business Telephone: 864-335-9730

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

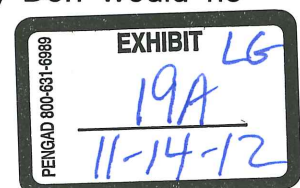
I would like to be a family court judge to help families and children. After successfully running a family heating and air conditioning company, I decided to volunteer in the community. I love kids and chose to volunteer as a Guardian ad Litem. I saw how I could help even more by becoming an attorney, so I applied and was accepted to the University of South Carolina School of Law. The Greenville County GAL program hired me as their contract attorney just one year after being sworn in to the SC Bar. After many years of practice, I now feel I can again help children and families even more by becoming a judge. I love the law and love helping.

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?

I would follow Judicial Conduct Canon 3(B)(7) strictly. *Ex Parte* communications should not happen at all except for dire emergencies and possibly scheduling issues. All *ex parte* communications, as stated above, should immediately be disclosed to the other parties and the other parties given a chance to respond.

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

Any time there is even an appearance of impropriety to a litigant or attorney, one should consider recusal. I do not believe there would be any need to recuse myself for a lawyer-legislator. I have never had associates or partners in my legal career. I have worked with another attorney, Don Stevenson, as co-contract attorneys for the Cass Elias McCarter Guardian ad Litem Program in Greenville County and Don has also rented an office space from me. If elected, Don would no



longer rent office space from me. I would disclose the relationship and offer to recuse myself from any cases with Don that the attorneys or litigants request that I do so. I would also recuse myself from any case involving employees from General Air Conditioning, since this is a business that I own. I would also recuse myself from any family or personal friends that may have a case before me.

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?

I would hear the merits of the motion and make an appropriate ruling. I would not recuse myself lightly on an appearance of bias. We all have life bias and as a judge, one must put aside personal bias and make decisions based on the law and equity to the particular facts of the case. I also recognize that the judiciary must maintain confidence with the litigants and public. I would not jeopardize the integrity of the judiciary.

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

I would hear the merits of the motion and make an appropriate ruling. I would not recuse myself lightly on an appearance of impropriety of this nature if there is no connection to the case. I would strictly follow Judicial Conduct Canon 2(B) and Canon 3(E).

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

I would follow Judicial Conduct Canon 4(D)(5) strictly and not accept gifts other than allowed in the Canon.

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

I would follow Judicial Conduct Canon 3(D)(1) and 3(D)(2) and either communicate directly with the judge or lawyer and reporting to appropriate authority when required under the Canon.

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?

Yes. I own General Air Conditioning Service Corporation. I do not have any day to day responsibility and have a full management staff in place which includes family. I have successfully run a full time law practice for the past eight years without adverse effect on General Air; therefore, I do not believe my ownership will impede any judicial responsibility nor devotion to the bench.

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

I will draft any short orders from the bench using forms to save time. Longer orders will be assigned to an attorney and then reviewed and altered (if necessary) by me before signing.

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

I am a hard worker. Since 1992 I normally work from 7:00 a.m. until 5:00 or 6:00 p.m., if not later. Work will be completed on time. I also love technology and will encourage its use in and out of the court room to process the work. I have a very experienced and trustworthy paralegal who would also help track all 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?

There are two Guardian ad Litem Statutes: one for private Guardians and one for lay Guardians in abuse and neglect cases. My legal career has largely been spent serving as a Guardian ad Litem in both private and lay cases. I have taught CLEs on the statutes covering both types of Guardians. I would actively evaluate and take any needed action to ensure compliance with the code concerning Guardians ad Litem.

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

I do not believe in "judicial activism." A judge should apply the law as written and make a fair and equitable decision based on the facts of the case. I do believe, and the Canon's allow, that we (Legal World) should always promote, educate and improve the judicial system within each of our capacities.

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?

I would like to continue speaking to volunteer Guardians about the legal system and continue to teach at CLEs on children's issues in 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?

I do not feel that serving as a judge would strain my personal life or relationships. I have always been a hard, dedicated worker. By swapping private practice with being a judge, I do not see any additional stresses that I have not already experienced over the past eight years.

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

I think some patience is always needed with *pro se* litigants; however, they must be held to the same standards as other attorneys and litigants in following the Rules and Law.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No. As stated above, I am the CEO an owner of General Air Conditioning Service Corporation and I would recuse myself for any cases involving employees of General Air and thereby removing all appearances of impartiality.

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: 20%

b. Child custody: 30%

c. Adoption: 5%

d. Abuse and neglect: 43%

e. Juvenile cases: 2%

I have worked with DJJ a great deal as the Contract attorney for the GAL program; however, I have not represented very many children in Juvenile cases. As a judge, I will study the code, case law and other materials to make sure I am up to full speed handling Juvenile cases. I have a great deal of experience in all other areas of family court.

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

A judge should always show respect and compassion for all parties, attorneys and court personnel.

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?

Being a judge is full time around the clock and one's conduct should always reflect the position, inside and outside of the court room and 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?

It is never appropriate to be angry with anyone as a judge.

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? None.

29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A.

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 and 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 Allison Clark

Sworn to before me this 8 day of August, 2012.

Notary Public for South Carolina

My commission expires: 11/12/20