

**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement To Be Included In Transcript Of Public Hearings**

**Administrative Law Court**  
**(Incumbent)**

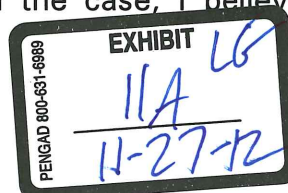
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1. Do you plan to serve your full term if re-elected? Yes.
2. Do you have any plans to return to private practice one day? No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

With respect to *ex parte* communications, as a general rule my staff and I adhere to the requirements of Canon 3 of the Rules of Judicial Conduct. Specifically, I do not discuss matters relating to a case pending before me with a party or the party's attorney unless all parties or their representatives are present. There are instances when my Law Clerk will follow up an email with a telephone call to an attorney to confirm the attorney's availability when scheduling a hearing, however the opposing party or attorney is immediately informed of the call and the purpose of the call.

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

In situations where lawyer-legislators, former associates, or law partners appear in cases coming before me, I do not believe recusal is necessary or appropriate, unless my relationship with the individual is such that my ability to render an impartial decision is questionable. And if this is the case, the relationship should be disclosed and I should withdraw from the case. However, in situations where I know the attorney or party, but believe that I can be fair and impartial, while disclosure may be appropriate, recusal, if requested, may not be an option. There are factors that must be considered such as undue delay, which may prejudice the non-requesting party, that should be considered when reviewing a request for recusal. In situations where I have personal knowledge of facts in the case, I believe there is an



obligation to immediately notify the parties of this, and withdraw from the case.

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?

If my recusal would not significantly delay the proceeding or prejudice the non-requesting party, I would recuse myself from the case to protect the integrity of the court as well as to enhance public trust in our system of justice.

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

I only accept gifts from family members on holidays and special occasions such as birthdays. Gifts from other individuals are rejected regardless of value.

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

If I shared a close or cordial relationship with the lawyer or fellow judge, I would initiate a discussion about the matter and encourage the lawyer or judge to self-report. However, if the matter was not reported within a reasonable period of time, I would make a report to appropriate officials.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated? No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.

11. How do you handle the drafting of orders?

I draft some of my orders, and others are drafted by a law clerk and a staff attorney that I share with another judge. Of course, I review, and sometimes tweak, the orders that I do not write personally.

12. What methods do you use to ensure that you and your staff meet deadlines?

My office staff and I use the Court's case management system to track any outstanding motions or orders on cases assigned to me. The system allows us to receive pop-up reminders of things due from my office as well as filings due from the parties.

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

Judicial activism by judges is never appropriate. A judge's role and duty is to interpret and apply the laws as enacted by the General Assembly. In cases where the law is ambiguous, a judge may look at the legislature's intent as well as how the law was interpreted by the appellate courts.

14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I will continue to be active in my community and in church related activities, as well as continue my affiliation with law related groups that are geared to improving our legal system.

15. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

My serving as an Administrative Law Judge has not caused any strains in my household. When my father lived with us, we adjusted our schedules to accommodate his needs, but we made it work.

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

No.

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

Yes, the Code of Judicial Conduct defines *de minimis* as denoting an insignificant interest that could not raise reasonable questions as to a judge's impartiality.

18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

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

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

As stated in Rule 501, Canon 3(B)(4) of the Code of Judicial Conduct, "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity...." This Canon aptly reflects my personal feelings on the appropriate demeanor for a judge, which is critical to maintaining the dignity and integrity of the judiciary.

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

A Judge is a Judge 24/7, and appropriate demeanor applies at all times.

22. Do you feel that it is ever appropriate to be angry with a member of the public, appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

Anger towards members of the public, or in dealings with attorneys or pro se litigants is not appropriate. However, it is sometimes necessary to exercise sternness to maintain control, order and decorum in the courtroom.

23. 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.
24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No.
25. Have you sought or received the pledge of any legislator prior to this date? No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
27. 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.
28. Have you contacted any members of the Judicial Merit Selection Commission? No.
29. 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, very familiar.

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

Shirley Canty Robinson

Sworn to before me this 7 day of August 2012.

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Notary Public for S.C.

My Commission Expires: 06/27/18