



JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be Included in Transcript of Public Hearing

Administrative Law Court
(Incumbent)

Full Name: Shirley Canty Robinson

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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 statutory 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?

I do not believe *ex parte* communications should ever be allowed. My staff and I strictly adhere the provisions of Canon 3B(7) of the Code of Judicial Conduct, which provides that “[a] judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding ...” There are instances when my law clerk may, out of necessity, communicate with an attorney to confirm their availability when scheduling a hearing; however, the opposing side is immediately notified of the call and its purpose. Canon 3B(7)(a) authorizes *ex parte* communications for scheduling purposes.

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

I’ve heard several cases in which a party was represented by a lawyer-legislator and I did not recuse, nor was recusal requested. If a party

reasonably believes that my relationship with an attorney, lawyer-legislator or otherwise, will have an impact upon my ability to be fair and impartial in my rulings, and requested my recusal, I would probably grant the request. I would, however, give consideration to the timing of the request and the impact recusal would have on other parties in 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 the party had a reasonable belief that I could not be fair and impartial in my decision-making, I would grant the request to recuse, provided the recusal would not cause undue delay or prejudice.

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

I only accept gifts from close relatives, usually on holidays and special occasions such as birthdays. Gifts from others are declined, regardless of value. I occasionally accept invitations from family and friends to attend social gatherings.

8. 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?

If the lawyer or fellow judge and I shared a close cordial relationship, I would initiate a discussion and encourage the individual to self-report. However, if the matter is not self-reported within a reasonable length of time, I would personally report the individual.

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

My only fund-raising activity since becoming an Administrative Law Judge has been to assist my niece when she participates in a class fundraiser at her school. Even then, my role is usually limited to purchasing whatever she is selling.

10. How do you handle the drafting of orders?

I have a law clerk and a staff attorney who assist me with the drafting of orders. Because the Administrative Law Court's jurisdiction includes

contested and appeal cases, I am assigned multiple cases weekly. Whenever time permits, I draft some of my orders, and I closely review the orders that are drafted by the law clerk and staff attorney and make necessary revisions.

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

The Court has a case management system that allows me and my staff to track motions due from litigants and orders that have a timeframe.

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

Administrative Law Judges are not activists. The ALJ's role, and duty, is to apply the laws enacted by the General Assembly. If there is ambiguity, the ALJ can look at the Legislature's intent and how the particular statute was interpreted by appellate courts, and sometimes the agency, to ensure the law is applied properly.

13. 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 intend to continue being active in my community and in church related activities. Also, I will continue my affiliation with law related groups whose goals include improvement of the legal system.

14. 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?

Being an Administrative Law Judge has not strained my personal relationships with my family or friends. My family and friends are supportive and understand that my judicial responsibilities are a priority.

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

No.

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

Although Canon 3E requires disqualification where the economic interest is "any other more than *de minimis*" I would nevertheless notify the parties and recuse if a party had a reasonable believe that I could not be fair and impartial.

17. 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 these bases.

No.

18. Have you met the mandatory minimum hours requirement for continuing legal education courses for this reporting period?

Yes.

19. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Canon 3B(4) of the Code of Judicial Conduct states that "[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 reflects my personal opinion of the appropriate demeanor for judges whenever they are dealing with the public, whether in their official capacity or otherwise.

20. 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?

Displays of anger towards those appearing before me, or when dealing with attorneys or *pro se* litigants, is never appropriate. While it is sometimes necessary to be stern to maintain order in the courtroom, sternness should never deteriorate into anger.

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 _____, 2017.

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____