

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

Master-in-Equity
(New Candidate)

Full Name: Robert Goodwin Jones
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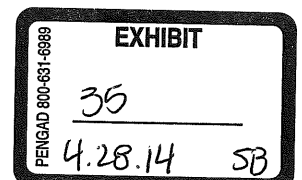
1. Do you plan to serve your full term if appointed?
Yes
2. If appointed, do you have any plans to return to private practice one day?
No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes

4. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?

Generally, 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. Under very limited circumstances, ex parte communications may be permitted by law, such as the issuance of a writ of supersedeas under exigent circumstances. Furthermore, when unique circumstances require ex parte communications for scheduling, administrative purposes or emergencies, the communication should not deal with the substantive matters or issues on the merits; and in such circumstances, the judge must reasonably believe that no party will gain an advantage as a result, the judge must make provision to promptly notify all other parties of the substance of the communication, and the judge must allow the other parties an opportunity to respond.

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

Under Canon 3(E) of the Code of Judicial Conduct a judge must disqualify himself in "a proceeding in which the judge's impartiality might reasonably be questioned." According to advisory opinions, some questions a judge should consider in determining if his partiality might be questioned are: How long has it been since the judge left the



firm? Has the judge maintained a close relationship with the remaining member of the firm? Does the judge still have any business interests with the members of the firm? Is the judge still receiving any sums of money from the firm? I will apply this test impartially based on the facts and circumstances presented. If the judge has not been a member of the firm for years and has divested himself of all business interests in that firm there would be no prohibition against the judge hearing the matter.

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?

Under Payne v. Holiday Towers, Inc., 321 S.E.2d 179 (S.C. Ct. App. 1984) the decision whether to grant or deny a motion to recuse is within the sound discretion of the challenged judge. Canon 3 of the Code of Judicial Conduct mandates that, “[a] judge shall hear and decide matters assigned to the judge except those in which disqualification is required.” Keeping these rules/laws in mind, I would hear the motion and make a decision based on the facts. The law is clear that a mere unsupported accusation of bias is not sufficient to require recusal. However, under the facts presented here, it appears that there is more than just an allegation of bias. Instead, the question assumes that there is an actual “appearance of bias.” In light of that established fact, I would probably grant the motion.

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

I will follow the Code of Judicial Conduct. Canon 4(D) of the Code provides in relevant part that a judge shall not accept, and shall urge members of the judge’s family residing in the judge’s household not to accept a gift, bequest, favor or loan from anyone. However, “ordinary social hospitality,” or gifts from a relative or friend for a special occasion, such as a birthday, or a gift incident to a public testimonial are not prohibited.

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

Under Canon 3(D) a judge having actual knowledge that a lawyer or judge has committed a violation of the rules of professional conduct that raises a substantial question as to the lawyer or judge’s honesty, trustworthiness or fitness shall inform the appropriate authority. But if the judge does not have actual knowledge of the alleged misconduct but only receives information regarding allegations of misconduct, the judge may take appropriate action. Appropriate action may include direct communication with the judge or lawyer who has committed the alleged violation and/or reporting the violation

to the appropriate authority or other agency or body. These are the rules I would follow.

9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?

No

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

No

11. If appointed, how would you handle the drafting of orders?

I would draft routine/Form Orders myself. In other situations, where a form order is not sufficient, I would ask the lawyers for each side to submit draft, proposed Orders, and I would edit the Orders as appropriate. For instance, as a consequence of the recession/economic downturn, there has been a huge number of foreclosure proceedings referred to the Master. It would be impractical and inefficient for the Master to draft each foreclosure order from scratch.

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

I will have a computerized tickle and calendar system in place and personally monitor that system. Furthermore, I will maintain contact with the staff and hold regular staff meetings.

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

Judicial activism, as I understand the term, is when a judge does not follow the law, but strays from the law to suit a personal agenda. A judge should not make decisions based on personal preference or personal agendas.

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?

To the extent that time permits, I will participate in judicial conferences through the state or local bar associations.

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

No. Serving as Master-In-Equity will not strain my personal relationships. My family and I are used to the heavy work load, duties, stress and responsibilities associated with the profession.

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?

Rule 501 of the Code of Judicial Conduct indicates that “[d]e minimis denotes an insignificant interest that could not raise reasonable question as to a judge’s impartiality.” As such, a de minimis interest does not require disqualification, and I would hear the case.

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?

Patient, Dignified, Kind and Courteous.

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?

These rules apply at all times; seven days a week, twenty-four hours a day.

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?

A judge shall maintain the dignity appropriate to the judicial office. While anger is a natural, human emotion that is a direct response to unique circumstances, a judge should be able to control his anger and show restraint and maturity while being firm with a litigant or lawyer that is being disrespectful or contemptuous.

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?

\$0

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

n/a

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

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

s/Robert G. Jones

Sworn to before me this 14th day of March, 2014.

James D. Waring

Notary Public for S.C.

My Commission Expires: November 26, 2018