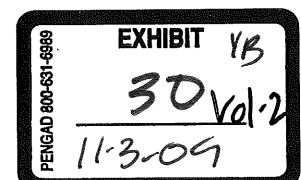


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: William Marsh Robertson
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1. Why do you want to serve as a Family Court Judge?
This past November I began my twenty-first year of legal practice. For the past 18 years, I have practiced exclusively in the area of family law, meaning quite literally that I have not accepted a single case falling outside of the Family Court arena. My long-term plan has been to reach the highest level I am capable of reaching as a family law practitioner, then concentrate my efforts on being elected to a family court judgeship and serving in that capacity. I believe that time has arrived. In my private practice, I have represented countless husbands and wives, mothers and fathers, children and the elderly. I have acted as counselor, advocate, adversary, and mediator. I have represented scores of clients who are disabled, downtrodden and impoverished; and I have also represented a number of the wealthiest and most privileged citizens in the Upstate. Throughout this process, I have learned that I am passionate about family law and about families in general. I could not have survived for so long practicing exclusively in this field if this were not the case. I have achieved professional success and respect among my peers, as is reflected by my induction in 1999 as a Fellow in the prestigious American Academy of Matrimonial Lawyers, and by my AV rating in Martindale-Hubbell. In recent years, I have devoted a significant portion of my practice to mediating family law cases, and have enjoyed and thrived in that role. I am proud of my accomplishments as a private family law attorney, but have always believed that my nature, temperament and overall skill-set are best suited to the role of judge.
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?
My philosophy regarding *ex parte* communications is consistent with the applicable provisions of our state's Rules of Professional Conduct,



Code of Judicial Conduct, and statutory law. In a nutshell, a lawyer and a judge should never discuss the issues or merits of an active or anticipated case unless all opposing parties have simultaneous and equal access, or unless the situation falls under an exception provided by law, such as emergency *ex parte* proceedings.

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

Our Code of Judicial Conduct provides appropriate guidelines for disqualification of a judge. In simple terms, a judge should recuse himself or herself if there is even the slightest appearance of impartiality or other impropriety. In such instances, the judge should first determine whether he believes in earnest that he will be able to adjudicate the matter in a completely unbiased matter. If yes, the judge should next fully disclose the prior association to all parties and attorneys involved, and withdraw from the matter upon the reasonable request of any party or attorney. This philosophy includes situations in which a former law partner or associate appears before the judge. While the judge does not have an automatic duty to disqualify himself from a case solely on the basis that one of the attorneys is a former partner or associate, he should proceed with caution in such instances to ensure that his impartiality may not reasonably be questioned. The judge should without exception disqualify himself if he worked with the former partner or associate on the matter in controversy. This standard likewise applies to situations involving lawyer-legislators. A judge has no mandated duty to disqualify himself from a case simply because a lawyer in the case happens to also serve in the state's General Assembly. On the other hand, if a party offers a reasonable, fact-supported concern for the judge's ability to adjudicate the matter in an impartial manner, the best course of action is recusal.

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?

If faced with this scenario, I would carefully consider arguments made in support of the request. If I could ascertain even a hint of merit in the movant's position, I would err on the side caution and grant the motion for recusal, notwithstanding my personal beliefs. On the other hand, if I deemed the Movant's position to be void of merit, I would honor the duty of a judge to sit.

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 not hesitate to disqualify myself in any circumstance where there is the appearance of impropriety, including potential conflicts of

interest involving my wife or relatives. I would fully disclose the relevant facts to all concerned, and would honor any reasonable request for recusal. We are fortunate in Greenville County to have many excellent family court judges, any one of whom would be more than capable of presiding over the matter in my stead.

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

I would follow the standards promulgated by Canon 4D(5) of the Code of Judicial Conduct, and would err on the side of caution in "close calls." Specifically, I would not accept gifts from anyone except from relatives or friends on normal gift-giving occasions (e.g., birthdays), and would accept only ordinary social hospitality. Under no circumstances would I accept any benefit from any person or entity that could reasonably be construed as influential to my performance as a judge.

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

If I observed or gained irrefutable knowledge of a lawyer's violation of the Rules of Professional Responsibility, I would be duty-bound to report the information to the Commission on Lawyer Conduct and would do so. Likewise, if I knew with certainty of a fellow judge's violation of the Code of Judicial Conduct, I would act upon my duty to report the matter to the appropriate Supreme Court authorities. If I only suspected misconduct, I would confront the individual in question to ascertain his or her side of the story, and would follow through as dictated by the response.

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? No.

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

I take great pride in my ability to draft well-crafted, well-written orders, and my preference would be to personally draft every order I issue. Given the reality of crowded dockets and heavy caseloads, however, I recognize that more often than not I will be compelled to assign the order-drafting responsibilities to the attorneys of record. In such instances, I would most often delegate the job to the prevailing party's attorney (or to the attorney for the Movant or Plaintiff if all else is equal), subject to the other party's inspection and approval. There may be times -- in close or particularly complex cases -- when I would consider having both parties draft proposed orders from which I would construct my own. Under no circumstances would I sign any order without first carefully reviewing it and ensuring the inclusion of

any modifications necessary to clearly and accurately reflect the full intent of my findings of fact and conclusions of law.

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

I would implement a calendar and "tickling" system similar to the one I have successfully relied upon in private practice. It would include both electronic and paper calendaring.

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?

The key to ensuring compliance with the GAL statutes is, of course, to remain fully versed in the terms of the statute. I have read the statute on more than one occasion, and would do so again before assuming the bench. In any case involving a guardian, I would run down the check-list of applicable requirements to ensure compliance in the particular case.

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

My philosophy on "judicial activism" is simple. Under this country's system of checks and balances, the role of the judiciary is to interpret and enforce the law based on existing statutes and case law precedent. It is not the role of the judiciary to create new law or to "tweak" existing law to suit one's own agenda. A person who is unable to separate his or her personal beliefs or political convictions from the performance of his or her judicial duties is ill-qualified to be a judge.

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 plan to write family law-related articles for publication to bar members and/or the public at large. I would volunteer to speak at family law continuing legal education seminars from time to time as I have done in the past. I would actively participate in the monthly Bench-Bar Liaison Committee meetings in Greenville County. If and when asked, I would willingly take on the role of Administrative Judge in our county.

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?

While a career as a family court judge would no doubt alter the nature of my personal relationships, I do not believe that it would significantly strain them. I am fortunate to have a very supportive wife, children and friends who are all quite excited about the prospect of me becoming a judge.

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

I would not give any form of favoritism or legal advantage to a *pro se* litigant. When dealing with procedural or court formalities that do not impact the ultimate disposition of the merits, however, I might hold the *pro se* litigant to a somewhat less rigid standard than an attorney or represented party if doing so would promote the ends of justice without prejudice to any party.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

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

This situation is probably less likely to arise in the Family Court setting, but I would not hear any case that would give the appearance of a potential financial conflict of interest, no matter how small, without first disclosing the pertinent facts to the parties involved and obtaining their consent to proceed.

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, I have done so in a timely manner my entire career.

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: Approximately 80%, assuming I include separation actions and post-divorce modification and enforcement actions in this category.

b. Child custody: Approximately 25% if I include ongoing divorce cases that involve contested child custody and visitation issues (hence the total percentage exceeding 100%) as well as custody cases that are not part of an ongoing divorce action.

c. Adoption: <5%. Over my career I have probably been involved in an average of two to three adoption actions per year.

d. Abuse and neglect: 1-2% estimated. My involvement in these cases normally involves court-appointments, and averages about 2 cases per year.

e. Juvenile cases: 0%. I have and would continue to work diligently to bring myself up to speed on Juvenile Law by studying the applicable Code statutes and case law, attending or viewing on-line CLE seminars, monitoring juvenile cases before sitting judges, and discussing the law with attorneys who practice regularly in the area.

25. What do you feel is the appropriate demeanor for a judge?
I agree completely with the evaluation criteria of the Judicial Merit Selection Committee that a judge's demeanor should reflect "patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility." The judges with the demeanor I admire the most are those that strive to make everyone in the courtroom as comfortable as possible given the typically uncomfortable circumstances that surround their presence.
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?
I am certainly human and as such imperfect, but I believe that those who know me best would agree that the traits written above are part of my natural chemistry. If elected to the Family Court Bench, I will do my best to exhibit each of these characteristics on a daily basis both on and off the bench.
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?
Showing anger in the courtroom is never acceptable behavior for a trial judge, regardless of whether the anger is directed at a represented or unrepresented party or at an attorney. To maintain the dignity and respect of the tribunal in which he sits, a judge must be able to check his emotions and put himself above angry outbursts.
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?
I am not a sitting judge.
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.

s/ W. Marsh Robertson

Sworn to before me this 1st day of August, 2009

Notary Public for South Carolina

My commission expires: 09-05-2011