

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

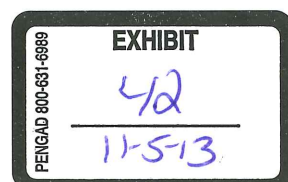
Court, Position, and Seat # for which you are applying:  
Family Court, Thirteenth Judicial Circuit, Seat 5

1. Name: Mr. Robert A. Clark  
Business Address: 5409 Augusta Road  
Greenville, SC 29605  
Telephone Number: 864-335-9730
2. Date of Birth: 1969  
Place of Birth: Lexington, Kentucky
3. Are you a citizen of SC? Yes  
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on September 24, 1994, to Mary Fretwell Clark.  
Never divorced; three children.
6. Have you served in the military? No
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
  - (a) USC, Bachelors of Science in Business Administration Aug 1987 - May 1991;
  - (b) Schiller International University, London, England "Semester Abroad" January-May 1988;
  - (c) USC School of Law, Juris Doctorate, Aug 2001 - Sept 2003;
  - (d) "Summer Abroad" in Sydney, Australia, in June & July 2002.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
 

I was admitted to practice law in the state of SC in May 2004. I am in good standing with the SC Bar and always have been. I took the bar exam one time in the State of SC and passed on the first attempt. I have not taken the bar exam in any other state.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 

I competed for and was accepted to the Environmental Law Journal at the USC School of Law; however, I resigned from the Journal due to school and family schedules conflicting.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.
 

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Annual Judicial Conference	08/21/00;
(b) Ethics 2000	12/13/00;
(c) Representing Volunteer Guardians ad Litem	03/14/2008;
(d) Reconceptualizing Child Custody	04/30/2008;
(e) Representing Volunteer Guardians ad Litem	06/20/2008;



- (f) Hot Tips from the Coolest Domestic Practitioners 09/19/2008;
- (g) Conservation Agreements 09/30/2008;
- (h) Training for Attorneys Appointed in Abuse Cases 10/24/2008;
- (i) Assisting the Volunteer Guardian ad Litem 04/03/2009;
- (j) Representing the Volunteer 05/07/2010;
- (k) SCAJ 2010 Annual Convention (multiple classes) 08/05/2010;
- (l) 2010 Hot Tips from the Coolest Domestic Prac. 10/01/2010;
- (m) SC Adoption Law 10/29/2010;
- (n) Mini Summitt on Justice for Children 12/02/2010;
- (o) Representing the Volunteer GAL 04/15/2011;
- (p) Guardian ad Litem Programs Workshop 06/02/2011;
- (q) Training for New Attorneys 08/05/2011;
- (r) Children Cope with Divorce 09/30/2011;
- (s) Expediting Permanency through Legal Avenues 10/07/2011;
- (t) 2011 SC Family Law 12/02/2011;
- (u) Family Court Mediation for Civil Mediators 2011;
- (v) Statewide GAL Program Attorney Training 05/18/2012;
- (w) SC Family Law Bundle w/ Ethics 07/31/2013;
- (x) Twists and Turns of Child Custody... 10/23/2013\*.

\*Enrolled and paid for, but this is a future CLE not yet attended.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) I have lectured at the 1900 SC Bar Program “Bridge the Gap” for new lawyers.;
  - (b) I have made presentations on the topics of appellate advocacy and domestic relations to lawyers attending the 1900 Annual SC Bar Meeting.;
  - (c) As the contract attorney for the Guardian ad Litem Program in Greenville County, I taught the legal portion of the training for new Guardians every year for the past 8 years.;
  - (d) I taught the full new GAL training program to a group of Charleston Law Students in 2010.;
  - (e) I have given presentations at CLEs as listed below:
    - i. “Pilot Mediation Program for Abuse & Neglect Cases” at Training for Attorneys Appointed in Abuse and Neglect Cases in the 13<sup>th</sup> Judicial Circuit on 10/24/2008;
    - ii. “The Guardian ad Litem Tool Book” at Assisting the Volunteer GAL on 04/03/2009;
    - iii. “Toolkit Manual Review” at Representing the Volunteer Guardian ad Litem on 05/07/2010;
    - iv. “Family Court Mediation for Civil Mediators”;
    - v. “Role of the Volunteer Guardian ad Litem” at Training for New Attorneys Subject to Appointments in Abuse and Neglect Cases in the 13<sup>th</sup> Judicial Circuit on 08/05/2011;
    - vi. “Expediting Permanency Through Legal Avenues” at Volunteer Guardian ad Litem Conference on 10/07/2011;

- vii. "Online Case Management" at Statewide GAL Program Attorney Training on 05/18/2012.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) S.C. Appellate Practice Handbook (S.C. Bar CLE 1900), Contributing Author;
  - (b) Marital Litigation in SC, Roy T. Stuckey and F. Glenn Smith (SC Bar CLE 1900), Editorial Board.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the State Courts of SC in 1900;
  - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1900;
  - (c) Admitted to practice before the State Courts of SC in 2004.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

All of my legal career has concentrated in domestic practice:

- (a) Sole Practitioner, Robert A. Clark, Attorney at Law, 2004-present;
- (b) Contract Attorney for the SC Cass Elias McCarter Guardian ad Litem Program, June 2005 – present;
- (c) Certified Family Court Mediator 2007 to present.

I have devoted about 50-55% of my practice to the GAL program and 45-50% of my practice to private cases. About 2/3 of my private cases have been me serving as a private Guardian ad Litem in contested custody cases where other issues are in contest as well. Being able to talk with both sides of the case and review all of the materials from other attorneys helped me learn from some of the best family law practitioners around. I would fully participate in depositions, mediations and trials. I believe serving as a private Guardian is great training ground for being a judge.

Aside from private Guardian cases, I have represented husbands and wives in almost every type of case in Family Court. I listed the more interesting cases I have worked on in my PDQ. Additional experience has been by serving as a Certified Family Court Mediator, both paid and as a volunteer at Upstate Mediation Center where all issues can and do arise. In addition to working on equitable distribution cases, I have a great deal of experience in running a closely held multi-million dollar business and understand sound accounting practices, financial issues and basic taxation.

I believe I have worked on or been exposed to almost every issue that comes before Family Court.

Below is a table of my work broken down by type as it relates to percentage of total income. I do not have 2005 and 2006 statistics readily available.

Robert A. Clark Income by %	Private Cases – NOT GAL related	Private Cases – as a GAL	Contract Attorney for the SCGAL Program Representing volunteers
2007	39%	29%	32%
2008	22%	46%	32%

2009	24%	44%	32%
2010	20%	43%	37%
2011	28%	33%	39%
2012	32%	36%	32%

(a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

My experience in law has been almost completely in Family Court. I have represented women, men and children. I have handled over 750 family court cases as an attorney or a private Guardian ad Litem. I have handled over 6,000 hearings as the attorney for the Volunteer GAL in abuse and neglect cases. In my private cases, I have worked in the following areas extensively: separate maintenance and support; divorce; custody; equitable division of property; adoptions; adult name change; minor child name change; legal services clients; pro bono clients; mediation of family court cases; mediation of abuse and neglect cases; child support; alimony; grandparent custody/visitation; visitation issues; contempt; paternity; private guardian ad litem in custody cases; guardian for adults; termination of parental rights; QDRO orders; relinquishment of parental rights. Although I have interacted with DJJ a great deal as GAL Attorney, I have less experience in Juvenile cases than all others listed above. I will certainly learn with due speed any area that is needed. In question 19 below, I have listed some interesting cases I have handled.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I am not rated. In the past, I have not needed the resource to market my practice; therefore I have never pursued a rating.

16. What was the frequency of your court appearances during the past five years?

- (a) federal: None;
- (b) state: 3-4 days per week.

17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?

- (a) civil: 4%;
- (b) criminal: 1%;
- (c) domestic: 95%;
- (d) other: 0%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?

- (a) jury: 1%;
- (b) non-jury: 99%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
- (a) As a PAI (Private Attorney Involvement) attorney for S.C. Legal Services, I took on a client in an alimony reduction case. I represented the former wife who received alimony. The trial judge did not consider all of the required factors in making his determination and focused instead on the advanced age of the former husband. I proffered significant evidence to the court. Legal Services (Kirby Mitchell) appealed the case on behalf of my client and won the appeal. June T. Fuller v. James T. Fuller Op. No. 4931 (S.C. Ct. App. Filed January 25, 2012) (Shearouse Adv. Sh. No. 3 at 49).
  - (b) As contract attorney for the Greenville County Guardian Ad Litem Program, I was the sole attorney representing volunteer GALs. I had court for DSS cases all day every Tuesday and Thursday. When a five-day trial was scheduled for one DSS case, I hired another attorney to handle the trial so I would not have to get 25-30 cases continued in order for me to do the trial. I then motioned the court for GAL Attorney fees and was awarded those fees. This was appealed, along with other issues, and reversed. The court found I and the GAL program were responsible for payment, not the litigants. SCDSS v. Mary C., Op. No. 4891 (S.C. Ct. App. Filed Sept.21, 2011) (Shearouse Adv. Sh. No. 33 at 84).
  - (c) I represented a grandfather who had custody of three grandchildren through a prior DSS action. He first wanted to terminate the parents' rights and adopt. The mother relinquished her rights. The father was incarcerated. The Grandfather later became ill and three different families each took a child. These families intervened and we prosecuted the TPR and won. The adoption took place on the same day. On appeal, the case was reversed. This is an interesting case due to the father being incarcerated and the issues of failure to support and failure to visit. It also shows how important wording is in the DSS closing orders and how they are interpreted in later cases. John and Jane Doe, Johnny and Janie Roe and Jonathan and Janet Moe v. Mother and Father, Unp. Op. No. 2009-UP-397 (S.C. Ct. App. Filed July 29, 2009).
  - (d) I handled a custody action for a foreign child brought into America for medical needs. The party bringing the child into the USA then attempted to adopt the child out to my clients, who were hosting the child for the medical treatment. The parties did not agree on how things were to be handled and I helped the host family gain legal custody of the child until an adoption can be completed in the original country. I learned a great deal about international adoptions as well as state adoption laws.
  - (e) As contract attorney for the GAL program in Greenville, I ultimately had to file several contempt actions against DSS for failing to file Termination of Parental Rights actions timely. The cases settled and DSS got back on track filing TPRs timely.
20. List up to five civil appeals you have personally handled. None
21. List up to five criminal appeals that you have personally handled. None
22. Have you ever held judicial office? I have never held judicial office.
24. Have you ever held public office other than judicial office? I have never held public office.
25. List all employment you had while serving as a judge. I have never served as a judge.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

- Yes. I ran for the Family Court At-Large Seat number four in the Fall of 2012 and was found Qualified, but not Nominated. I have not run for any other elective public office.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

- I am the owner/CEO of General Air Conditioning Service Corporation and have been since January 1, 1992, to the present. I hold an "unlimited" mechanical license in SC.
28. Are you now an officer or director or involved in the management of any business enterprise?

- (a) General Air Conditioning, CEO and sole stock holder. I have no day-to-day responsibilities due to having a full management staff in place. I review monthly and quarterly financial information and operational updates with the management staff;
- (b) I am a partner in Clark Family Partnership. This is a family LLC which holds property and I hold no management responsibilities;
- (c) I am a 25% partner in MarJam Investments LLC. There is a rental house that is the sole asset of the LLC and I have no day to day responsibilities;
- (d) I am the Vice Chairman of the Board at Upstate Mediation Center. This is a volunteer position held since July 2013. The previous year, I was the Chairman of the Board. I meet approximately once per month with the board members and consult with the executive director as needed;
- (e) I am a member of Family Court Bench Bar Committee. We meet quarterly and I have no day to day responsibilities.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

Any past or current employees of General Air Conditioning--I would necessarily recuse myself due to being the owner of the business. Any other arms-length vendors or business associates would be disclosed if they appeared before me and recusal considered if there is even an appearance of impropriety.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?

Citation 568637W for Hunting Doves Over Bait, issued - September 1, 1997, disposition - Guilty, disposition date - October 3, 1997.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

As owner and officer of General AC I have been involved in lawsuits for miscellaneous alleged damages caused during the repair or replacement work of HVAC by the company employees.

There was one breach of contract law suit brought against General Air: BSI (Building Services Institute) v. General Air Conditioning Service Corp. The case was brought in New Hampshire. The case was settled at mediation. BSI was a consulting company which General Air hired then terminated their contract early with what it believed was just cause.

There was a lawsuit entitled General Air Conditioning Service Corp. v. B&B Development, et al. (Anderson County). General Air was granted summary judgment on a breach of contract / mechanic's lien wherein General Air sought payment for work performed. The bonding company for B&B appealed. The Court of Appeals reversed the trial court and remanded for trial. Before trial, B & B settled the case with General Air on the same terms as the original Order from the Trial Court.

36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect?

No, except, my wife and I were investigated by DSS for the purposes of being Foster Parents. We were subsequently investigated by DSS in order to be approved to adopt our foster child. We adopted our foster child on October 14, 2011.) My name has never been enrolled on the Central Registry of Child Abuse and Neglect.

37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?

Yes, I have had malpractice insurance continuously since being sworn in on May 2004. I have not been covered by a tail policy. I am covered by ALPS with a \$1,000,000 aggregate limit and \$500,000 per claim limit. My deductible is \$5,000.

38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?

Yes, I have a Facebook page and a LinkedIn page. If elected, I would close both accounts and not use social media, without any regrets.

39. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No

40. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? None

41. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." None

42. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." None

43. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None

44. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None
45. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No
48. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No
49. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SC Bar since 2004;
  - (b) Upstate Mediation Center, Board Member since 2009; Chairman of the Board July 2012- July 2013; currently Vice Chairman of the Board;
  - (c) Family Court Bench-Bar Committee in Columbia since 2007;
  - (d) Greenville County Bar since 2004;
  - (e) American Bar Association since 2004;
  - (f) National Council of Juvenile and Family Court Judges (NCJFCJ);
  - (g) National Association of Counsel for Children (NACC).
50. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Poinsett Club of Greenville SC;
  - (b) Upstate Mediation Center – volunteer since 2007, board member since 2009, Chairman of the Board from 7/2012 – 7/2013 and currently Vice Chairman of the Board.
51. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

I have lived in Greenville my entire life. Both of my parents are from Abbeville and my mother lives in Greenville. I grew up in the Gower Estates area attending First Baptist Church, Sara Collins Elementary, Beck Middle and J.L. Mann High. I went on to attend the University of SC and graduated in 1991 with a Bachelor of Science in Business Administration. During college, I received a scholarship to attend one semester abroad in London, England. After college, I came back to Greenville to work in my family's heating and air conditioning business. I have two older brothers, so my father split the company. I took over the service and replacement company (General Air Conditioning Service Corp.) while my brothers ran the new construction company (General Heating & Air Conditioning of Greenville, Inc.). Just a few short years later, my father passed away in 1995.



So far, I have led a remarkable life. I am grateful for the opportunities I have been given and the family and friends I have around me. I am married to Mary Fretwell Clark from both Anderson and Greenville and have three great kids: Mary Myers, Alex, and Christopher. Christopher was our foster child whom we adopted in 2011. Our children also attended or will attend Sara Collins, Beck and J.L. Mann. As a family, we enjoy going to the mountains, going on RV trips across the United States, international travel, bike riding, and just hanging out together.

When I reached 30 years old, I had been successfully running the family business and decided I wanted to start giving back to our community that had been so giving to my family. I volunteered for the Greenville County Guardian Ad Litem Program to help abused and neglected children. I fell in love with my role and determined I could do more as attorney. So, I applied for and was accepted to the USC School of Law. I was accepted to the SC Bar in 2004 and the GAL Program hired me as the Greenville County Contract Attorney in 2005.

I again fell in love with the law and helping families in times of need. I believe I will be a compassionate judge who applies the law as written while being respectful of the litigants and attorneys. I have experience in business management, dealing with employees and customers and seeing life outside of being an attorney. I like using technology and automation and I am considered by many the Apple geek with the latest gadget.

I have successfully converted the legal files for the Guardian Program to paperless and utilize an online case management system to store virtual files, which the volunteer Guardians can access and collaborate with myself, my paralegal and the case manager at the Guardian Office. I now use an iPad from Apple in the court room to access case history and documents. These innovations have greatly improved communication, collaboration, efficiency and reduced costs. I would be eager to increase the use of technology both in and out of the court room to improve the judiciary.

Since becoming an attorney, I no longer have any day-to-day responsibilities in the heating and air conditioning company and have fully focused on being an attorney. I have also volunteered as a Judge in Youth Court; volunteered as a mediator; volunteered at Mock Trial; Pro-bono work with the Fatherhood Coalition; volunteered as a board member (prior Chairman, currently Vice Chairman) at Upstate Mediation Center; implemented the Pilot Mediation Program in Greenville for DSS cases; and Volunteered training at CLEs and GAL programs. I am currently a member of the Family Court Bench Bar Committee in Columbia.

I will work hard and get the job done as I have done all of my life.

52. References:

- (a) Fred Gilmer III, Executive Vice President, Sr. Principal  
Greenville First Bank / Southern First  
100 Verdae Blvd  
Greenville, SC 29607  
864-679-9000
- (b) Bobby H. Mann, Jr., Esq.  
Temple and Mann, Attorneys  
819 E. North St.  
Greenville, SC 29601  
864-242-4995

- (c) Treneice Flowers, Esq.  
Children's Law Center - USC  
1600 Hampton St., Ste. 502  
Columbia, SC 29208  
803-777-1646
- (d) Ms. Nell Stewart  
26 E. Montclair Ave.  
Greenville, SC 29609  
864-275-4884
- (e) Lisa Mobley, Esq.  
Mobley Law Firm  
11 Whitsett Street  
Greenville, SC 29601  
864-233-1657

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

Signature: R.A. Clark

Date: August 5, 2013