



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

Family Court
(Incumbent)

Full Name: William Marsh Robertson

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1. Why do you want to serve another term as a Family Court Judge?

Serving as a Family Court judge is a highly demanding job, but I cannot imagine one more rewarding nor one for which I am better suited. Perhaps more so than in any other position in the judiciary, Family Court judges are called upon, often multiple times daily, to make difficult, often agonizing decisions that will shape and forever change the lives and futures of the litigants and their children. I have the background, experience, and internal makeup to successfully face this challenge every day, and I truly consider it my calling to do so. My tremendous passion and dedication to the job has not waned even slightly since I took to the bench eight years ago. As I frequently tell my non-judge friends who ask me why I would want this position, it is not a job for everyone but it is the perfect job for me.

2. Do you plan to serve your full term if re-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 judge should never discuss the issues or merits of an active or anticipated case with any lawyer or litigant 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 the reasonable 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 and well-founded 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. Factors in making his decision should include the amount of time that has elapsed since the partnership or association, and the nature of the relationship between the judge and the individual since that time. 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. The fact that state judges are elected by the state legislature is not, in and of itself, good cause for 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?

Yes, it is difficult for me to conceive of facts and circumstances under this backdrop that would result in my denial of a request to recuse, as long as the appearance of bias is even remotely reasonably construable.

8. How do 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 close relatives. I would fully disclose the relevant facts to all concerned, and would honor any reasonable request for recusal. Even absent a specific recusal request, I would only proceed after obtaining from all parties their informed, voluntary consents on the record.

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

While this is not something that often arises, I would follow the standards promulgated by Canon 4D(5) of the Code of Judicial Conduct in such instances, and I would invariably err on the side of caution in close calls. Specifically, I would not accept gifts from anyone except from relatives or friends (i.e., those for whom recusal would likely occur even without a gift) 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 do you handle a situation in which you became aware of misconduct or appearance of infirmity 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. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

No. I periodically attend functions hosted by my wife's employer, Public Education Partners (a nonprofit organization), and occasionally volunteer my time, but I do not take an active role in any fundraising activities.

12. Do you have any business activities that you have remained involved with since your election to the bench?

No.

13. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I speculate with some level of confidence that I write more of my own orders than any other South Carolina state judge. I typically author dozens of my own orders yearly, ranging from one-page orders on motions to lengthy, comprehensive orders following multi-day trials. This quite often means working on my own time. Given the reality of crowded dockets and heavy caseloads, however, I have no practical choice but to assign the order-drafting responsibilities in most cases to the attorneys of record. In such instances, I 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. I typically provide very detailed verbal or written instructions of my findings and ultimate rulings. I do not sign any order without first (1) confirming that all parties/attorneys have had the opportunity to review and comment on the proposed order; and (2) personally reviewing the order, along with my hearing notes, to ensure the inclusion of any modifications necessary to clearly and accurately reflect the full intent of my findings of fact and conclusions of law.

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

Both my administrative assistant and I maintain calendars with tickling and alert systems. We also have a comprehensive and reliable "matters under advisement" system with checks and crosschecks designed to ensure that all proposed orders are received and all orders signed and entered in a timely manner. We are very rarely required to report a matter under advisement more than 30 days old.

15. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

I have carefully familiarized myself with Article 7, Chapter 3 of the SC Children's Code relating to Guardians ad litem, and I have a separate icon on my bench computer containing that statute, meaning that my answers to any questions that may arise on the subject are at all times one click away. In child custody cases, I make it clear to all that I will not accept a guardian's recommendation on the ultimate issue unless I specifically request it.

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 suited 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 do you plan to undertake to further this improvement of the legal system?

I have and will continue to volunteer as a presenter in Continuing Legal Education programs, directed to lawyers as well as fellow judges. I have and will continue to participate in the annual Judicial Observation and Experience (JOE) Program. I have and will continue to allow Furman University's Medical Legal Partnership Class to observe court, followed by a Q&A session. I hope to have the opportunity to participate as a presenter at new judge's school.

18. 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?

While this can be a pressure-filled job at times, it is no more so than was my 22-year career in the private practice of law. I am fortunate in that my internal "wiring" is such that I am able to leave work at work

and not dwell on the rigors of the day once I get home. Thus far being a judge has not negatively affected my relationships in any discernable way, and I do not anticipate that it will.

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

No

20. 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 seems unlikely 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.

21. 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 any basis.

No

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

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

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

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." I am certainly human and as such imperfect, but I believe that those who know me best would agree that these traits are part of my natural chemistry. I do my best to exhibit each of these characteristics on a daily basis both on and off the bench.

24. Do you feel that it is ever appropriate to be angry with a member of the public, 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 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 hold himself above angry outbursts.

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 _____, 2018.

(Signature)

(Print name)

Notary Public for South Carolina

My commission expires: _____