



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

Family Court
(Incumbent)

Full Name: William Marsh Robertson

Business Address: P.O. Box 27107, Greenville, SC 29616

Business Telephone: (864) 467-5839

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

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. Serving as a Family Court Judge therefore requires a unique skill set. I have the background, experience, and internal makeup to successfully face the challenges every day, and I truly consider it my calling to do so. I am honored to have been blessed with the opportunity to hold this demanding but rewarding position for the past fourteen years, and aspire to serve this state and its families for another term.

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. 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. 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?

The Code of Judicial Conduct requires recusal if there is the reasonable appearance of impartiality or other impropriety. Under this hypothetical, my disclosure "had the appearance of bias." Accordingly, I am duty-bound to grant the recusal motion if my impartiality might reasonably be questioned, notwithstanding my personal opinion that I could objectively adjudicate the matter.

7. 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.

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

I strictly follow the standards promulgated by Canon 4D(5) of the Code of Judicial Conduct, and in close calls I err on the side of caution. Specifically, I do not accept gifts from anyone except 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 I 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.

9. 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 I observed or gained irrefutable knowledge of a lawyer's violation of the Rules of Professional Responsibility, I would perform my mandatory duty to report the information to the Commission on Lawyer Conduct. 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 ensuing discussion. As to infirmity, I would follow similar protocol but would involve Lawyers Helping Lawyers if appropriate.

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

No

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

No

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

I author multitudes of my own orders weekly, 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 substantive 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.

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

Both my administrative assistant (AA) 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, signed and entered in a timely manner. It is a matter of pride to both my AA and I that each and every month, we are able to successfully fill out the mandatory monthly Matters of Advisement (MUA) report with the word "NONE."

14. 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.

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

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.

16. 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 for multiple 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. For the past several years, I have participated as an instructor at the New Judge's Orientation School, and hope and intend to do so for years to come.

17. 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 after I arrive home. Thus far being a judge has not negatively affected my relationships in any discernable way, and I do not anticipate that it will.

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

No

19. 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.

20. 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

21. 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.

22. 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.

23. 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 _____, 2024.

(Signature)

(Print name)
Notary Public for South Carolina

My commission expires: _____