

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

Circuit Court
(New Candidate)

Full Name: William Eugene Grove
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1. Why do you want to serve as a Circuit Court judge?

In my nearly fourteen years of practice, I have had the opportunity to appear in front of many different judges in both state and federal court in many different counties throughout South Carolina. Having such a wide array of exposure has provided me insight into different perspectives, different approaches, and different rulings from the bench. One thing, however, has remained the same: each judge has, either implicitly or explicitly, expressed how challenging but rewarding the experience is. My first year of practice was exclusively civil. My next eleven years were exclusively criminal. Since May of 2021, my practice has included a variety of cases in both the Court of Common Pleas and the Court of General Sessions, in addition to magistrates courts all over the Upstate. As a trial practitioner for my entire career with civil and criminal experience, I believe I am uniquely qualified to serve as a Circuit Court judge, and I would be honored to have the opportunity to share in that challenging but rewarding experience.

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 Constitutional 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?

The rules permit some *ex parte* communication, but as a general rule, *ex parte* communication is prohibited, and with good reason: it can serve to undermine the impartiality of a judge's decision and, either consciously or subconsciously, cause a judge's ruling to be based on circumstances other than the law and the merits. *Ex parte* communication can be permitted for scheduling or administrative purposes, but should never be permitted to provide a party a tactical or procedural advantage, or to discuss the merits of a case or a proposed disposition. Furthermore, any *ex parte* communication should be disclosed to the opposing party or parties, or their lawyer, as soon as practicable.

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 rules, specifically Canon 2, require a judge not only avoid actual impropriety, but the appearance of impropriety as well. If a party to an action before me, or a lawyer involved the action, appeared to present a good faith basis or genuine concern regarding my ability to remain impartial, I would recuse myself. However, if the concern appeared on its face to be baseless and inauthentic, I would reserve the right to remain on the case.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would share the information with the parties, or lawyers, ahead of time and give them an opportunity to voice any concerns which may arise from my disclosure. If I were unable to convince all parties of my ability to remain impartial, a similar analysis to my answer to Question 6 would then take place.

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

I would follow the standards issued by Canon 4(D)(5), which allow for the acceptance of traditionally given gifts from family and friends, "ordinary social hospitality," as well as scholarships or loans which would otherwise be available to non-judges and would not be issued for the purpose of influencing my decisions. The primary goal of a restriction like the one found in Canon 4(D)(5) is to preserve the impartiality of the jurist, and to provide confidence to the parties the judge will make his or her decision on the merits and the law, rather than an outside influence.

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?

Canon 3(D)(1) & 3(D)(2) provide guidance on addressing the situation described in Question 9. If I became aware of a situation involving misconduct or the appearance of infirmity, I would, as the Canon suggests, "take appropriate action." Depending on the circumstances, that action would probably begin with approaching the judge or lawyer directly and privately to discuss the matter. If the alleged conduct involved a clear violation of the Canons or Rules of Professional Conduct, the private conversation would likely involve a discussion encouraging the lawyer or judge to self-report the conduct to the Office of Disciplinary Counsel or other appropriate authority. If a private conversation with the lawyer or judge was not possible, or did not result in his or her willingness to self-report, the rules require me to report a clear violation.

10. **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.

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

No.

12. **Do you have any business activities that you would envision remaining involved with if elected to the bench?**

No.

13. **If elected, how would you handle the drafting of orders?**

The drafting of orders would likely be handled in a number of different ways. In my years as a public defender, I have drafted many proposed orders, so I would feel perfectly comfortable preparing orders for my own rulings. If the circumstances warranted it, I may also elect to have the parties prepare proposed orders in advance of a hearing, or upon choosing a winning party, request that party prepare the final order. In the last two scenarios, I would review, and allow for the losing party to review, the proposed order for completeness and accuracy before signing and filing it. In every circumstance, I appreciate that orders should be prepared "promptly, efficiently, and fairly," in accordance with Canon 3(B)(8).

14. **If elected, what methods would you use to ensure that you and your**

staff meet deadlines?

Organization and communication are key to maintaining an efficient workflow, specifically meeting deadlines. Using calendars can be a helpful tool to remaining on track, as well. Delegating some responsibilities, such as the drafting of proposed orders mentioned in response to Question 13, can also be an effective way to ensure a judge is able to meet deadlines and keep things running promptly.

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

It is the job of the General Assembly to create laws and the job of a judge to interpret those laws and see them applied fairly and appropriately. As for "judicial activism," a judge should restrict consideration to the law and the merits. If an existing public policy is relevant to a matter, a judge's analysis of the issues presented should include consideration of that policy to ensure his or her ruling remains consistent with the policy.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

Participating in CLEs is a great way to improve the law and legal system, whether one is engaging in CLEs as an observer, a presenter, or an organizer. Stepping outside of the legal world can also create a benefit. Participating in activities where young people can be encouraged to consider a career in the law is a great way to improve the future of the legal system. Speaking at schools, hosting classes in a courtroom to observe court, and offering time to after school programs which seek to achieve these ideals is a good start. I have previously judged mock trial competitions and would enjoy continuing that.

17. 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 address this?

No, I do not believe the pressure of serving as a judge would strain those relationships. Every job in the legal field comes with stress, and I am confident being a judge is no exception. I am applying for this position with the full support of my family and friends and I know that support will remain if I am selected to serve as a Circuit Court judge, especially on days which might prove particularly stressful.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on

sentencing for these classes of offenders.

a. Repeat offenders:

Important things to consider on repeat offenders are included, but not limited to: the nature of the offenses (drugs, property crimes, assaults, burglaries); the impact, if presented to the Court, of the crime against any potential victims; the length of time from the first offense to the most recent offense; the actual number of offenses; any lengthy lapse in time between the current offense and previous offenses; any proposed or obvious impetus behind the commission of the crimes (e.g., drug addiction, untreated or under-treated mental health issues, etc); any proactive steps taken by the defendant post arrest and/or any potential additional charges accumulated post arrest, and; prior sentences handed down on similar offenses. Considering all these things (specific to the repeat nature of the offenses) along with the individual facts of the present case, a judge should fashion a sentence which strikes a balance between penalizing a person for their conduct, factoring in how the sentence may impact any victims involved, and attempting to rehabilitate the person in an effort to prevent future conduct.

b. Juveniles (that have been waived to the Circuit Court):

A judge should consider the age of the defendant, the conduct for which the defendant has been convicted and, much like section (a), how to balance the punishment aspect of sentencing with the impact upon the victim all the while contemplating rehabilitation and reform. A judge should also take care to apply the standard set forth in Aiken v. Byers to ensure a thorough mitigation review is conducted before sentencing a juvenile defendant in Circuit Court.

c. White collar criminals:

The impact on victims, emotionally but also financially, is an important consideration. With white collar criminals, it's important to punish the behavior for which they are convicted, but to also consider an avenue by which the victims of the crime might be made whole.

d. Defendants with a socially and/or economically disadvantaged background:

A judge should consider whether, or how much, of an impact the defendant's background contributed to their actions. A judge should also consider a defendant's ability to satisfy the sentence imposed. If a

defendant presents with a severe learning disability, perhaps making a condition of a sentence completing a GED program creates a situation where the defendant may not be able to satisfy the sentence. Instead, perhaps enrolling and completing a job corps program could create an opportunity for a defendant to learn a new skill and seek gainful employment during or at the completion of their sentence.

e. **Elderly defendants or those with some infirmity:**

A judge should make sure to fashion a sentence which factors in the age or infirmity of the defendant and the defendant's ability to satisfy whatever sort of sentence the judge may impose. Additionally, the judge should be aware that a sentence which may be imposed on a younger or healthier defendant may have a disparate impact on an elderly or infirm defendant. An evaluation as to whether that sentence is still reasonable and appropriate, based on those factors, should be made prior to imposing the sentence.

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?**

It would depend on the circumstances. I would disclose the information to the parties and, if the parties and I were comfortable in my ability to remain impartial in the proceedings, I may agree to hear the case. However, if either of the parties or I felt uncomfortable moving forward, I would recuse myself. Canon 3(E)(1)(c) requires a judge disqualify him- or herself when more than a *de minimus* financial interest is at stake. To avoid the appearance of impropriety, it is important to disclose even a *de minimus* financial interest prior to a hearing (or immediately upon becoming aware of the interest) so the parties and judge can assess whether anyone has an objection and whether anyone has concerns regarding the judge's ability to remain impartial.

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

Yes.

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

Patience, politeness, and humility are the most important traits for a judge to

maintain. If a judge exudes these qualities, all other qualities which a litigant or third party (witness, courtroom staff, etc.) should want in a judge will follow. Perhaps unfortunately for judges, these rules apply and should be expected always and everywhere. Judicial demeanor is not limited to those moments when a judge is sitting on the bench. Judicial demeanor applies in every aspect of a judge's life, whether that be in trial, in chambers, at the grocery store, or at home.

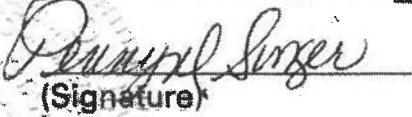
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

No, anger is never an appropriate emotional response from a jurist. A judge's role is to absorb the relevant facts of a particular issue and apply the law as it is written. To respond in anger in any situation where a judge sits in their official capacity could suggest a judge's decisions are being made on personal or emotional grounds, rather than the particular facts and the appropriate law. This includes when judges are handling criminal matters or when they are responding to pro se litigants.

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 5 day of July, 2023.



(Signature)

Penny D. Singer

(Print Name)

Notary Public for South Carolina
My Commission Expires: 12/20/21