



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

Circuit Court
(New Candidate)

Full Name: Robert Bruce Wallace
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1. Why do you want to serve as a Circuit Court judge?
My grandfather served as Master-in-Equity for Charleston County. I grew up hearing stories of how he presided over cases, listened to the litigants, and issued rulings that were fair and impartial. My dad served as Solicitor for the Ninth Judicial Circuit. He often shared with me cases he prosecuted, explaining the circumstances of the crime, the offenders' stories, the victims' losses, and the way he sought the right result for the state. Both these men gave me a keen desire for justice, and a strong respect for the rule of law. My first job after law school was working as a law clerk for a trial judge, and I enjoyed the work of the trial court: the motions, hearings, and trials. I believe that Circuit Court judges help the legal system run efficiently, promote justice, and truly resolve disputes. I want to serve in that role.

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?
I do not have plans to return to private practice.

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?

A Circuit Court judge should not engage in *ex parte* communications with counsel who are to appear before the Court. Exceptions to that rule would involve circumstances where *ex parte* communication is expressly allowed by law, such as Rule 65(b), SCRCP. Also, the Judicial Canons allow communication about administrative or scheduling matters, as long as the communication does not provide an advantage to one party, and the judge notifies all parties of the communication and allows an opportunity to respond. The Canons also allow *ex parte* communications in an emergency situation.

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?
If a party felt strongly enough to request recusal, I would treat the request impartially and fairly. I would listen carefully to their request and develop a record of the facts and arguments. I would then allow the other party an opportunity to respond. However, I do not know how I would rule on such a hypothetical.
7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
In the case of my spouse or a close relative as defined in Canon 3E, I would bring my relationship to the attention of the parties and recuse myself.
8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would follow the Judicial Canons regarding gifts and social hospitality, particularly Canon 4.
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?
In the case of misconduct, assuming it does not rise to the level of contempt of court, I would contact the lawyer or judge first, to give him or her the opportunity to self-report the misconduct. If the misconduct raises a substantial question as to the lawyer's or judge's honesty, trustworthiness or fitness as a lawyer, I have to report the misconduct. In the case of infirmity, I would again contact the lawyer or judge first to inquire whether the apparent infirmity was part of an ongoing problem or pattern. If so, I would recommend the lawyer or judge seek help and, if appropriate, self-report.

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.
I am not a member of any such organizations or associations.
11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.
I participated in the capital campaign at my church, St. Andrews in Mt. Pleasant, to build a new ministry center. I did not solicit funds on behalf of the church, but my spouse and I contributed to the capital campaign. Also, as a member of the Board of Directors of the North Charleston Dental Outreach Clinic, I have attended fund-raising events, but have not actively solicited funds for the Clinic.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
I am a member or partner in two family entities that own real property. I would continue my activities in the ownership and management of those two entities.
13. If elected, how would you handle the drafting of orders?
If elected, I plan to draft all orders.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
In my law practice, I use digital calendar deadlines, and I expect my staff to calendar those deadlines as well. If elected to the Circuit Court, I hope to use similar digital calendaring with my staff. I also plan to communicate with counsel so to clearly explain when I will issue rulings or written orders, if not issued immediately.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I do not believe Circuit Courts should engage in judicial activism. Circuit Court judges follow the precedents established by the appellate courts of South Carolina (and, as applicable, the Supreme Court of the United States) and enforce the statutes enacted by the General Assembly. However, to the extent that the public policy of this State are set in court precedent or statutes, it is the Circuit Court's responsibility to enforce them.

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?
As a lawyer, I helped coach two mock trial teams as part of the Bar Associations' LRE Mock Trial program. I hope to remain involved in the Bar Associations' LRE Committee for the mock trial competitions. Also, I wrote articles for the SC Lawyer Magazine and other publications, and I hope opportunities arise to contribute while I am a Circuit Court judge.
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?
I do not believe the pressure of serving as a judge will strain personal relationships. However, should a relationship become strained, I plan to discuss this with the person or persons involved and work through the issues to resolve them if possible.
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.

Generally, I plan to consider each offender on the facts and the law relevant to his or her case, ensuring each sentence is proportionate to the crime. I would not sentence an offender more severely or leniently simply because they are classified into a category. So for each category, there is no presumption for or against any sentence. Instead, both the State and the defendant should produce any evidence and arguments they believe bear on the case or otherwise relate to what should be the appropriate sentence.

- a. Repeat offenders: I would closely review the sentencing schemes for the crime, reviewing any applicable statutes for recidivism. I would also consider any facts or arguments regarding mitigating or aggravating factors.
- b. Juveniles (that have been waived to the Circuit Court): The South Carolina Supreme Court has held that juveniles are entitled to careful sentencing under the Eighth Amendment, and Circuit Court judges must consider the mitigating factors of youth in cases falling under S.C. Code Ann. § 63-19-20(1).

- c. White collar criminals: A sentencing judge should not give preferential treatment to white collar offenders, nor should a sentencing judge discriminate against white collar offenders. Each offender must be sentenced on the facts and law of his or her case.
 - d. Defendants with a socially and/or economically disadvantaged background: Similar to white collar offenders, a sentencing judge should not provide preferential or discriminatory treatment to socially or economically disadvantaged offenders. A sentencing judge should consider all facts, including aggravating and mitigating factors.
 - e. Elderly defendants or those with some infirmity: A judge should sentence offenders based on the circumstances of the crime and the facts, considering any mitigating or aggravating circumstances. I do not have any prejudice or preference for elderly defendants or those with infirmities.
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?
I would not hear any case in which I held a *de minimis* financial interest. I would have to carefully consider hearing a case in which a family member held a *de minimis* financial interest. I would disclose the interest to the parties prior to hearing the matter.
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?
A judge should be kind, courteous, and respectful of all parties and counsel who appear before the Circuit Court. The judge should listen all arguments, and treat all parties impartially. The judge's demeanor should be the same on the bench or 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 pro se litigants?

I do not feel that anger is an appropriate response from the Circuit Court. A judge can be firm and clear, without being angry, even in circumstances where the litigant or counsel is rude, obstructive, or even enraged.

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 _____, 2023.

(Signature)

(Print Name)

Notary Public for South Carolina

My Commission Expires: _____