

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

Circuit Court
(Incumbent)

Full Name: Robin Bullington Stilwell
Business Address: 305 East North Street, Suite 315
Greenville, SC 29601
Business Telephone: (864) 467-8406

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

I have spent a career in Court beginning with my service as a judicial clerk for the Honorable Paul E. Short. I also served for ten years as a Municipal Court Judge. During my experiences in Court and sitting as a judge, I have come to obtain a good deal of experience and an affinity for being a judge. I have always enjoyed sitting as a judge, and I have enjoyed being in the courtroom. I believe that my demeanor, disposition and temperament have served me well and qualify me to serve as a Circuit Court Judge.

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?

I would reserve that decision until the appropriate time.

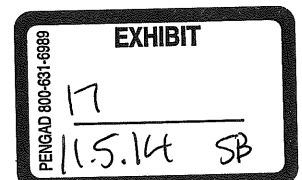
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications are very problematic for not only litigants and their counsel but for the judiciary as well. In my experience I have been very reluctant to have *ex parte* communications because of the appearance of partiality. A judge who enters into *ex parte* communication does so at his own peril. However, that is not to say that judges should be rude or abrupt with persons who are attempting to communicate with him. He or she should state quite clearly that the phone call or letter is appreciated; however, it is inappropriate and a conference or hearing at which both parties are present should be convened.

I have seen judges enter *ex parte* orders in cases where exigent circumstances exist. Emergency circumstances can arise wherein *ex parte* orders or communication would be necessary to protect persons or properties. However, it is my opinion that these should be done only in the most extraordinary set of circumstances.



The Code of Judicial Conduct, Canon 3(B)(7), sets forth circumstances under which a Judge may allow *ex parte* communications in certain scheduling, administrative and emergency matters. I would conduct myself in accordance with the Rules.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

Canon 3(E) of the Code of Judicial Conduct addresses a Judge's disqualification or recusal from cases. I would refer to the Rules to guide any decisions I may make in this regard. However, I believe that a judge should recuse himself in any instance in which there is an appearance of partiality. The judge should always state for the record any close or personal relationship that he may have with any of the litigants or attorneys appearing before him. The parties will then have the opportunity to ask for recusal without any negative consequences. If there is a request for a recusal, the judge should then determine, based on the Rule, whether he can conduct himself fairly and impartially in the matter. Furthermore, even if there is not a request from either party, if the judge has reason to believe that he could not be impartial, he should recuse himself.

With respect to lawyer-legislators, judges should not recuse themselves unless they have a very strong personal or familial relationship with that lawyer-legislator. It would certainly be impractical for members of the judiciary to recuse themselves as a matter of course simply because someone is a member of the legislature.

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?

It would certainly depend on the facts and circumstance of the case. I would closely consider the motion while considering the relevant Rule. A Judge must take whatever steps are necessary to preserve and insure the integrity of the judiciary. However, a Judge also has a responsibility to the Court, to the Bar and to the general public to effectively administer the conduct of court. He should not accommodate judge-shopping in a case in which there is no real bias.

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

Canon 3(E) of the Code of Judicial Conduct addresses this issue in part. If a Judge's spouse or close relative has an economic interest in a matter, other than *de minimus*, the Judge must recuse himself.

When the relationship is strictly social the Judge should make a disclosure on the record and give each party the opportunity to make a motion for recusal. If there were a motion properly made, I would consider the motion on its merits.

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

I would accept no gifts except those of nominal value. I would accept invitations to parties and other social events from existing, long-standing friends where the invitations are not related to my office. For instance, I would accept an invitation to attend a party at the house of an attorney who may have in the past or would in the future appear in my court and with whom I've had a prior social relationship. However, I would not do so during a term of court in which he had a case before me. Furthermore, I would make no attempts to conceal any personal relationship that I may have with members of the Bar. Obviously, as a member of the Bar for the past twenty years, I have developed strong personal relationships with many members of the Bar.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

Canon 3(D) of the Code of Judicial Conduct addresses this issue directly. I would discuss the matter with the offending lawyer or jurist to ensure that I was not misconstruing the facts. If it were determined that a violation had been committed, the Rule states clearly that a Judge must inform the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated?

No

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

No

13. How do you handle the drafting of orders?

In most instances I direct attorneys on the record or by way of written communication to draft orders. This is done with full notice and detail to each party to the matter. I ask that the attorney send the document to me, as well as opposing counsel or parties, digitally so that I can make whatever revisions may be necessary. I also draft my own orders when necessary.

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

I have a computer calendar which diaries all important events. I also task both my law clerk and secretary with maintaining and updating one calendar so that all deadlines are met.

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

I am not an advocate of judicial activism. My position is that judicial activism is inappropriate conduct for members of the judiciary. This opinion applies both to judges who may have a propensity to act in favor of liberal agendas or conservative agendas. Public policy is well within the realm of responsibilities of the executive and legislative bodies. The Supreme Court also exercises a policy-making function in interpreting and applying the written law. To the extent that cases involve matters of public policy, a Circuit Court Judge should defer to the previous rulings of the Supreme Court. A Circuit Court Judge should do his or her best to act in accordance with the prescribed law and avoid making decisions based on public policy. To the extent that the statutory or common law references public policy and a trial court judge’s responsibility for making decisions on the same, I would do so in favor of broad principles benefiting the greater good of the public as opposed to powerful individuals or advocacy groups.

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 would be willing to speak or to serve on any number of boards or commissions related to improving the legal system and enhancing the administration of justice. Furthermore, I would be willing to work with the Solicitor and members of the Bar to improve the administration of justice.

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?

No. I have the strong support of my wife, my friends and my family. The pressures of the Judiciary are not unfamiliar to my family.

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:

These offenders have demonstrated that the rehabilitative prong of the criminal justice system is not relevant or important to them. Therefore, in most instances I would be inclined to sentence these offenders more harshly.

- b. Juveniles (that have been waived to the circuit court):

It would certainly depend on the nature of the offense and the facts of the case. Absent compelling reasons to the contrary, I would be inclined to sentence these offenders to probation or a penalty certainly less than that of repeat offenders.

c. White collar criminals:

Again, it would depend on the nature of the crime and the facts of the case. I do not have any predispositions regarding any types of criminals. I do not believe that the legislature has made any distinction with respect to the types of offenders, and I am not inclined to differentiate simply because someone is a white-collar criminal. I would sentence white-collar criminals consistent with both the law and sentences other criminal defendants who may have appeared before me have received.

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

Again, it would depend on the nature of the crime and the facts of the case. I do not have any predispositions regarding any types of criminals. I do not believe that the legislature has made any distinction with respect to the types of offenders, and I am not inclined to differentiate simply because someone has a socially and/or economically disadvantaged background. I would sentence these criminals consistent with both the law and sentences other criminal defendants who may have appeared before me have received.

e. Elderly defendants or those with some infirmity:

Again, it would depend on the nature of the crime and the facts of the case. I do not have any predispositions regarding any types of criminals. I do not believe that the legislature has made any distinction with respect to the types of offenders, and I am not inclined to differentiate simply because someone is elderly or infirmed. I would sentence these criminals consistent with both the law and sentences other criminal defendants who may have appeared before me have received.

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 consider hearing this case after a full disclosure to all parties to the lawsuit.

21. Do you belong to any organizations that discriminate based on race, religion, or gender?

No

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

Yes

23. What do you feel is the appropriate demeanor for a judge?
A judge should be patient, gracious, considerate and generally affable. However, a judge should be ready and willing to be stern when circumstances require a firm hand.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
Seven days a week, twenty-four hours a day
25. 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?
I think a judge should refrain from becoming personally angry with defendants, parties or attorneys. I believe that under certain circumstances, a judge can and should be stern with respect to certain conduct by persons who appear before him. However, the judge's stern disposition should be of a professional and not a personal nature.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
None
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
No
28. Have you sought or received the pledge of any legislator prior to this date?
No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
31. Have you contacted any members of the Judicial Merit Selection Commission?
No
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

s/ Robin Stilwell

Sworn to before me this 4 day of August, 2014.

Carole Ring

(Print Name)

Notary Public for South Carolina

My commission expires: December 14, 2017