



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

**Circuit Court
(Incumbent)**

Full Name: Robert Scott Sprouse
Business Address: P.O. Box 1277, Walhalla, SC 29691
Business Telephone: (864)638-4266

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

I have thoroughly enjoyed my time as a Circuit Court Judge. I have been able to travel the State, visit courthouses that I had never seen, and meet many nice people. I believe that I run an efficient courtroom where all of the parties leave believing that they have been heard even if they do not prevail. I have had some of the best attorneys in the State appear before me. It is very exciting for me to have a trial involving good attorneys on each side. My job has been very rewarding. I look forward to going to work each day. I believe that I am good at my job and strive to improve my skills every day.

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 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?

Generally, a judge should never engage in substantive *ex parte* communications. On the circuit level, there are very limited circumstances when *ex parte* communications are allowed, such as a public defender's request for funding of an expert witness. But the circumstances are very narrow. Administrative/scheduling conversations are permissible, but the judge should be very careful not to get into the particulars of the case.

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

I do not consider it an ethical violation for a Circuit Court Judge to hear a case involving a lawyer-legislator unless there is some other reason for a conflict besides the lawyer's status as a legislator. Otherwise, no judge in the State could hear such a case.

I do not believe that it is a conflict for former associates to appear before me. However, I do believe that it would be a conflict for me to hear matters involving family members. I will not hear any cases involving my father-in-law or my brother-in-law.

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?

I have recused myself in situations where I firmly believed that no conflict existed but where the interests of justice would be served by any potential appearance of impropriety being removed. This is a difficult question, with the potential for abuse being present. I have had a situation where an attorney was first up for trial and alleged a conflict literally minutes before the jury panel was to be qualified. The Court has to balance the efficiency of the Court and any potential appearance of impropriety.

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

I would recuse myself on any case involving my spouse or close relative.

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

I do not accept gifts from any lawyer or person appearing or likely to appear in front of me. However, I do not believe that it is an ethical violation for a judge to accept social hospitality, such as attending Christmas parties, barbeques/dinners, weddings, etc. Judges are invited to annual events such as the SC Bar Convention, the SC Association for Justice Convention and the SC Defense Trial Attorneys Association Convention.

10. 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?

I believe that a judge should report all unethical conduct in accordance with the Rules of Judicial Conduct.

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

I have not engaged in any fund-raising activities for any social, community or religious organization.

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

None.

13. How do you handle the drafting of orders?

I usually direct one of the attorneys to prepare the order. I do not sign the order until I receive verification from the other attorney that it has been reviewed. I will do my own orders on occasion, although this is rare. I have done them in a few highly contested cases in which I

anticipated much disagreement between the attorneys regarding the wording of the order.

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

My secretary and my law clerk work well together in managing our Matters Under Advisement (MUA) list. I have had few cases on that list that took over thirty days. There was one PCR case that involved an attorney requesting a transcript, making it take several months. But our MUA list is cleared quickly. When I direct an attorney to prepare an order, my law clerk follows up with an email if the draft is tardy (I usually instruct the attorney to have to order prepared within ten days). That usually takes care of the problem. I am mindful of our dockets here in the Tenth Circuit, where I was Chief Administrative Judge last year. I tracked our statistics in light of the 365 benchmark set by Court Administration. As of the last posted graph on the SC Judicial Department website, the Tenth Circuit is in the upper half statewide of the General Sessions percentages at 73% and was leading the State in meeting the benchmark in Common Pleas at 93%. I am confident that our General Sessions numbers will show improvement in the next report.

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

A judge should not legislate from the bench. I instruct juries in my charge that they are to apply the law as it is, not as what they think it should be. I believe that judges should be held to the same standard. The Court should apply the appropriate constitutional, statutory and common law to the facts of each case. If it is statutory, then the Court's mission is to "ascertain and effectuate" the intent of the Legislature. A judge should resist the temptation to modify from the bench laws with which he or she may disagree philosophically.

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 plan on continuing my membership in the Circuit Court Association, the American Judges Association and the ABA Judicial Association. These organizations are working to improve the efficiency of the Court system. I also enjoy participating in panels/CLE's. This allows me to talk to lawyers about things that can make the system better.

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?

The only stress that my judgeship has caused involves travel. There have been times during the last two summers when my wife and I were out of town at the same time. Grandparents had to get involved in transporting my youngest son to athletic events during the last two summers. However, this inconvenience has been minimal. My oldest son is at Clemson and my youngest will soon have his own car, making the disruption caused by me being gone much, much less that it would have been had I been a circuit judge a decade ago when they were small children. My wife teaches English at Walhalla High School, where my youngest son will be a junior in this upcoming school year. We have not had much difficulty arranging for his transportation to and from football practice. We will be getting him his own vehicle at some point in the future, further reducing the complications due to the schedule.

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: I am not unique among judges in sentencing repeat offenders to longer sentences. The maximum sentence is appropriate in some cases where the offender shows no likelihood of changing his behavior. The Legislature has built in significant penalties for repeat offenders, such as in drug offenses or third/subsequent property crimes. Like any case, the Court should evaluate each case on its own facts and circumstances.

b. Juveniles (that have been waived to the Circuit Court): As noted above, each case is different. The Court must consider the facts and circumstances of the case on its own. There are options available to the judge such as YOA which are tailored toward young

people who have committed offenses. Sometimes, however, the nature of the offense itself is so bad that the juvenile has to be treated as a threat to society.

c. **White collar criminals:** I see a number of these type crimes, such as financial transaction card fraud, forgery, breach of trust etc. These crimes, while not involving violence, are very damaging to society. They involve a person or business being victimized by having their money stolen. They also involve significant effort on the part of law enforcement and security personnel at financial institutions in tracking down how the transactions occurred. Sometimes these crimes create a bigger disruption in society as a whole than violent crimes. It is not the norm for the Defendant to ever pay the full amount of restitution owed. Many times these crimes are tied to drug abuse. The Court has to fashion a sentence that protects society and offer help to the offender if substance abuse is the root cause. If that issue is not dealt with, the offender will simply fall back into the same pattern when he is released from incarceration. Probation is a good option in these cases if the person does not have an extensive prior record and has the means to make meaningful payments toward the restitution owed. As in any other sentence, the Court has to weigh the potential of the victim being made whole and the offender being rehabilitated against the threat to society posed by the offender.

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

A person's lot in life is not a defense to a charge. However, the Court must look at a person's prospects for becoming a productive member of society when it comes to sentencing. The majority of the Defendants who appear in front of me in General Sessions Court are indigent and qualify for the services of the public defender's office. If a person's living arrangements and associations are a root cause of the criminal behavior, then the Court will take that into consideration in fashioning a sentence. Being poor does not mean that you have to commit crimes. Likewise, being rich does not insure that you will not commit crimes. The Court should apply the law fairly to everyone, regardless of their economic or social situation.

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

I am mindful of persons in my courtroom who are elderly and/or suffer from disabilities. I direct the staff to make sure the microphones are

operational and that reasonable accommodations are made for those who are hard of hearing or have limited mobility. I have to evaluate jurors with disabilities to determine if their infirmity renders them unable to serve. It is common for a number of persons in the jury pool to tell the Court that they have some sort of disability and seek to be excused. I evaluate their requests on a case-by-case basis.

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?

No.

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 last reporting period?

Yes.

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

A person who has a short temper cannot do this job. Lawyers and litigants will test you. Human nature causes every judge to become irritated at times when certain situations arise in their courtroom. It is vital that the judge remain calm in his or her demeanor and handle these situation with professionalism. The judge should always be in control of himself. This standard should apply to judges outside the courtroom as well.

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?

As stated above, the judge should always be in control of himself in these situations. A judge should not explode in anger, no matter how egregious the conduct of the person in his courtroom may be. Even in situations of contemptuous behavior, the judge should calmly hold the person in contempt and impose punishment for the behavior. If the person's conduct is so inflammatory that the judge feels that he or she is about to explode in anger, a break should be taken so the judge can calm down before proceeding. Every judge has difficult parties appear before him or her at times. Many of these parties are pro se, having relieved their lawyer (sometimes multiple lawyers). The judge should remain calm but firm in dealing with these persons and not allow the proceeding to turn into a chaotic spectacle.

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 _____, 2017.

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____