



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

**Circuit Court**  
**(New Candidate)**

Full Name: Sara Heather Savitz Weiss

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1. Why do you want to serve as a Circuit Court judge?  
Serving in the trial courts throughout South Carolina, I have enjoyed working with attorneys, clerks, witnesses, victims and opposing parties. My dream has been to continue working in the trial courts as a judge. I get to continue to work with all of the parties and use my experience and knowledge to have an impact on the future of the practice of law in our state.
  
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?  
Ex parte communications should be used only to expedite scheduling matters and in cases of emergency unless otherwise permitted by law. I believe in open communications with all parties. If ever an ex parte communication concerning a substantive matter is held, the opposing party should be informed of the contact and what occurred and given an opportunity to respond as soon as possible. I can envision pursuant to Canon 3(B)(7), CJC, Rule 501, SCACR there are times ex parte communications are necessary and authorized according to law. However, excluded parties must be informed as soon as reasonable of

the ex parte communication.

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

The public must be able to trust in the court system and the judges who preside in their cases. I believe that a judge should avoid an appearance of impropriety that would taint the public's view of the judiciary or the system as a whole. However, requests for recusal should not be used as a delay tactic or to promote judge shopping. In South Carolina the attorneys are a small community. It is not necessary or practical that the judge not know the attorneys, however, if the attorneys and the judge have had a longstanding close professional or personal relationship then the judge should consider recusal if there is an appearance that the decisions may not be fair and impartial. As a career government attorney, I have no former partners or associates or law firm that would be detrimentally affected by a case. Lawyer-legislators should not be a cause for recusal unless there is a personal or financial relationship outside of the fact that the lawyer is a member of the legislature that would otherwise raise issues concerning my ability to be impartial. If there is a reason for disqualification concerning whether my impartiality may be questioned I would inform both parties of my concerns and give them an opportunity outside of my presence to decide whether or not to waive any disqualification as long as I know that I can act without bias or prejudice. Every case should be considered on a case by case basis, but strong consideration must be given to the concerned party and as long as the reasons fall within Canon 3(E), CJC, Rule 501, SCACR, I would have to consider recusing myself.

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 would give the party the opportunity to put any concerns on the record and listen carefully to be certain there is not a concern I had not considered. Recognizing the importance of carrying out the business before the court and the need for the parties to be able to trust that the judge can be fair and impartial, I would consider the circumstances. If there is reasonable concern about my ability to be impartial, I would strongly consider granting the motion pursuant to Canon 3(E)(1), CJC, Rule 501, SCACR.

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)(1)(c), CJC, Rule 501, SCACR provides the guidance for this question. If there is an appearance of impropriety in my handling a case due to my spouse or close relative having more than a de minimus interest in the outcome of the case, I will recuse myself from hearing the case unless the conflict is waived by the parties pursuant to Canon 3(F), CJC, Rule 501, SCACR.

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

As a public employee, I have been careful to keep personal activities separate from work. I do not accept gifts beyond reimbursement for expenses and travel in professional situations. I would keep to the same standards and keep social hospitality and gifts limited to my friends and family not anticipated to appear in court and appropriate to the event or occasion. Canon 4(D)(5), CJC, Rule 501, SCACR, provides the guidance for this question and it is best to keep a bright line. I would accept social hospitality from those that I am friends with now, before becoming a judge. I also would not accept even social hospitality from a friend if they were before me or scheduled to come before me on a matter. There is no reason to blur the lines and cause doubt in the minds of the people who appear in the court.

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 would talk to the involved parties and make up my own mind as to whether there is a reason for actual concern. I would refer the infirm attorney to the appropriate help from the bar or other professional. Depending on the misconduct, I would try to counsel the attorney involved and if necessary encourage him to self-report the conduct. I would then report the misconduct or infirmity to the appropriate authority pursuant to Canon 3(D)(1)&(2), CJC, Rule 501, SCACR.

11. 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

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

I volunteer each year with the Big Nosh Food Festival at the Tree of Life Congregation as a greeter the day of the event. I also assist in the fundraising activities of my children's schools. I purchase goods that

the school is selling and volunteer at the school carnival. I assisted in 2016 with the Dent Middle School TLC silent auction and night at Town Theatre fundraiser by preparing a basket and helping with setting up for my daughter's school.

13. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.

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

If the order is the result of a hearing where I have ruled from the bench, I would ask the prevailing party to draft an order and allow the opposing party to review it and submit to me via email. I would then review the order with my notes from the hearing to ensure it accurately reflects my order from the bench and then sign it. If I preside over a hearing or there is a dispute requiring an order, I may ask both parties to present an order defining the relief sought and I will evaluate both sides of the issue and use the draft of the order to then finalize my order accordingly. I also believe the drafting of orders is an excellent opportunity to work with a law clerk to learn how to present the issues addressed in the matter before the court and I would use the opportunity to work with my law clerk. Ultimately, it is my responsibility to ensure the orders are timely drafted and filed and will prepare them myself if needed to ensure they are timely completed.

15. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I believe in having both a digital calendar with reminders and a written copy that everyone can see and plan for deadlines. I would use Outlook or a similar program to calendar events that would be portable with digital devices and provide reminders. I would also keep a calendar in my office on the wall with my administrative assistant or clerk so that we can all plan for deadlines. I would have meetings at least weekly to go over what is due and what is the priority for the coming week.

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

There is no place for setting public policy from the bench. The role of the judge is to enforce the law. The legislature is tasked with writing the law and the court is required to enforce it. The public should have faith that the judicial rulings will be predictably in line with the law, rules, and procedures established by precedent and the legislature.

17. 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?  
I look forward to continuing to speak at legal conferences for lawyers, judges or the public to promote the justice system. I also had the opportunity to attend the State Justice Institute's state courts conference concerning human trafficking with a South Carolina Family and Circuit Court judge. I was on the planning committee for our state summit and worked with a grant from the State Justice Institute along with the judges and court administration. The entire experience from travelling to the conference to implementing our own state summit gave me a glimpse into opportunities to use my experiences to share with other state courts and help keep South Carolina in the forefront of addressing issues experienced throughout the country. As time permits, I hope to be able to remain engaged in these types of conferences and trainings.
18. 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 know that serving on the Circuit Court will require some overnight travel which would put some stress on my family. However, I am fortunate to have a very involved husband who already handles my overnight travel when I am away for trials. I also am fortunate to have my parents close by as well. I have talked with my family about my decision to run and everyone is very supportive and willing to work together to minimize the stress on my husband and children.
19. 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.  
It is almost impossible to state a philosophy for a type of offender as every sentence is dependent on the facts and circumstances surrounding the case before the court. My sentencing philosophy is to try to determine the reason the defendant committed the crime and fashion a sentence that is appropriately punitive and possibly rehabilitative depending on the circumstances. When possible, it is important to provide restitution to the victim. Each of the mitigating or aggravating factors below would figure in to an appropriate sentence.

- a. Repeat offenders:  
The prior record including convictions and sentences are important facts in fashioning a sentence that will impact the future trajectory of the defendant. Depending on how the current offense relates to the prior offenses it would assist in knowing if the defendant needs a chance or has failed to take advantage of chances he has been given.
- b. Juveniles (that have been waived to the Circuit Court):  
Fortunately, if a juvenile has been waived to Circuit Court, there are extensive reports from the Family Court to help determine what has been going on in the life of the juvenile before she came before the Circuit Court. Just like a prior record, the more information gathered by the Family Court, the better the chance to fashion a sentence that may be able to help the defendant in the future when the appropriate punitive parts of the sentence are completed and the defendant returns to society. Due to the age of the juvenile, rarely will there be even a serious crime where the defendant will not eventually return to society.
- c. White collar criminals:  
This class of crime can cause as much or more harm as a violent criminal. Sentencing these defendants should be based on the facts of the crime charged, the impact on the victims and the record of the offender just like all other criminals.
- d. Defendants with a socially and/or economically disadvantaged background:  
The choice to commit a crime is an individual decision regardless of background. The facts of the crime along with all of the mitigating and aggravating factors presented and the impact on the victim must be considered in fashioning an appropriate sentence.
- e. Elderly defendants or those with some infirmity:  
The age of the defendant has less of an effect on my sentencing philosophy than the infirmity of the defendant. Whether there is a competency or mental illness issue or a substance abuse or other issue should all be put before the judge. It is important to know of any infirmity, first to be certain that it is appropriate for the person to appear before the court and then to decide what services are needed to give the defendant a chance to not come back before the court. The crime and its impact on the victims will still be of utmost importance in fashioning a just and appropriate sentence, but getting the

appropriate treatment or care while serving the sentence is one way to help the defendant to change her direction in life.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No

21. 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 put the interest on the record and allow the parties to be heard about any concerns. Although Canon 3(E)(2)(c), CJC, Rule 501, SCACR would provide that it is not a requirement for disqualification, if there is a reasonable concern that I cannot be fair and impartial by the parties I would recuse myself.

22. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

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

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

A judge should be attentive, impartial, considerate, respectful and even-tempered. A judge should try to maintain this demeanor whether or not she is on the bench as she is constantly representing the judiciary and most people will never appear in the courtroom, but will form opinions of the court system on the experiences they have with the judge outside of the courtroom.

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 pro se litigants?

Anger is not appropriate to express in the role of a judge with a member of the public or a participant in the court. Frustration when disrespect is shown for the court or judicial process should be expected and handled through appropriate measures to include contempt. A judge must maintain control and decorum in the courtroom and an expression is anger is a loss of control by definition.

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

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_