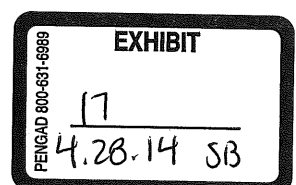


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

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

Full Name: Robert Scott Sprouse  
Business Address: P.O. Box 99  
Seneca, SC 29679  
Business Telephone: (864) 882-1480

1. Why do you want to serve as a Circuit Court judge?  
This has been my goal since entering the practice of law. I believe that my varied experience in private practice and as a municipal judge will enable me to perform the duties of Circuit Court judge.
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 are to be avoided when they involve substantive matters. There may be times when a judge asks an attorney about administrative matters, such as scheduling, time needed for trial, etc. There are occasions where an attorney appears before a judge in a particular case and the judge inquires about the status of another case on the docket. I see no ethical problems with the attorney telling the judge if the case is still contested. However, the judge should never partake in ex parte communications that involve substantive matters in the case. Circuit Court is not like Family Court, where there are certain situations where an emergency situation has arisen and an ex parte affidavit is submitted to request an emergency hearing.
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 Judge to hear a case involving a lawyer-legislator unless there is some other reason for a conflict besides the lawyer's status as legislator. Otherwise, no judge in the State could hear such a case. I do not have any former associates in private practice. I would not hear any cases involving family members. However, this issue will not be relevant as my Father-in law



- plans on retirement once I take the bench.
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 had such motions made in Municipal Court. I generally err on the side of caution if there is any basis for the motion, even if I do not believe it would prejudice my impartiality. I have denied some such motions when there was no basis for them and it appeared that they were being made just to delay the proceedings
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 would you set for yourself regarding the acceptance of gifts or social hospitality?  
I would 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, weddings etc.
10. How would you handle a situation in which you became aware of misconduct 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. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?  
I do not belong to any political or social groups that would be affected by me being elected.
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?  
I would evaluate this on an individual case basis. Usually, the judge directs the prevailing attorney to draft the order. However, there are certain occasions where the judge will do the order himself due to the complex nature of the case.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
I would establish scheduling like I do presently in my law office. We have a scheduling program that alerts the lawyer to deadlines. I am unaware about the schedule software available in the courthouse, my administrative assistant and I would familiarize ourselves with that so that an alert system could be installed on the schedule. As a Municipal Judge, I already am familiar with Court Administration reports regarding age of cases, number of cases etc. I would insure the orderly

- processing of cases in both Common Pleas and General Sessions.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
Judges should not legislate. A judge should apply the law as set forth by the U.S. Constitution, the S.C. Constitution and the S.C. Code of Laws, also applying common law principals. 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. If elected, what activities do you plan to undertake to further this improvement of the legal system?  
I plan on being a member of the S.C. Judges Association and participate in their activities. I also would be willing to assist the S.C. Bar in CLE seminars if requested.
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 anticipate any personal/relationship problems as a result of my being elected. Being a Municipal Judge has not caused any such problems.
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 believe that the General Assembly sets forth maximum sentences in the SC Code for precisely this reason. A judge should take into account the fact that an individual has committed offenses multiple times. The Court should apply the penalties on a case by case basis. Maximum sentences are established in the SC Code for situations where the offender is a threat to society. The judge must make a determination of whether the offender is a person who can be a productive member of society in the future, or whether he is a person from whom the public needs protection.
- b. Juveniles (that have been waived to the circuit court):  
I would apply the same standard as set forth above.
- c. White collar criminals:  
These type crimes involve some sort of fraud or theft. These crimes affect the victim in a different way than a crime against the person, but they can still ruin lives. I have seen cases in my law practice where my clients lost their savings to fraud. I also have been involved in cases where my client, the City of Westminster, lost significant amounts of money due to theft by employees. The taxpayers were the ultimate victim. I would deal with these type cases the same way in which I would deal with

the ones listed above.

- 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. I have represented clients from destitute economic situations. As a lawyer, I have asked the Court many times to consider that. Most judges have been sympathetic to that point provided that the person was willing to take steps to pull themselves out of their situation. 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 has to apply the law fairly to everyone, regardless of their economic or social situation.

- e. Elderly defendants or those with some infirmity:

I will insure that the elderly/infirm defendant has access to the courtroom and use of it. My experience is that the main problem with elderly litigants is their inability to hear all of the proceedings. I would make sure that the bailiffs have all of the microphones in working order. I also would take breaks in the proceedings for litigants with health issues that require them to stop periodically.

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. 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 the calm force that controls the courtroom and insures that both sides get a full and fair opportunity to be heard. The judge should not lose his temper but should handle troublesome issues with a calm, but firm demeanor. However, the judge should never lose control of the courtroom.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

A judge should apply his ethical standards at all times, not just when he is on the bench.

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?  
As stated above, the judge should remain calm, but in control of the courtroom. Certainly, a judge will encounter lawyers and litigants that will do things that are inflammatory. The judge in these situations should not allow his anger to cloud his responsibility to maintain the proper courtroom.
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?  
I have spent no money in my campaign other than gasoline for my trips to Columbia, food and postage.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
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?  
I have been introduced to members of the General Assembly by third parties at receptions and functions many times. I have not directed, nor am I aware of, any third parties attempting to solicit commitments of legislators in violation of the rules.
31. Have you contacted any members of the Judicial Merit Selection Commission?  
I have been introduced at various legislative receptions and functions to the legislators who serve on the commission, but have not attempted to solicit their commitment.
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/R. Scott Sprouse

Sworn to before me this 25th day of February, 2014.

J.J. Gentry

Notary Public for S.C.

My Commission Expires: 11/23/19

