



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

Family Court
(Incumbent)

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

My service as a Family Court Judge for the past six years has been some of the most personally rewarding and satisfying work I have ever done. I feel that every day presents me with the opportunity to help individuals, families, and children address and resolve critical issues in their lives. It is truly a humbling privilege to serve.

During my tenure as a Judge I have worked hard to do all that I can to improve not only the job that I do and the role I play in the Family Court system, but also to improve and elevate the system as a whole and maintain the professionalism and integrity of the process and those involved. Ultimately, it is the job of all involved in the Family Court system to serve the litigants that come before us to resolve their issues. I know that litigants may not always agree with the results they receive, but it is my hope and goal that they should never be able to question whether they were treated fairly and with respect. I want to continue that work and continue to improve.

I feel that I am a better Judge today than when I started and sincerely hope that I will be given the opportunity and privilege of serving another term to continue with the work I have grown to value so much.

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?

It is my sincere hope that I will be privileged to serve as a Judge for the balance of my professional career. However, I enjoyed the practice

of law. Therefore, while I have no plans to return to private practice, I may if it were appropriate at some point.

4. Have you met the statutory 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?

My general belief is that a judge shall not engage in *ex parte* communications. This is consistent with his / her obligation to uphold the integrity and independence of the judiciary and to comply with the mandates of the Code of Judicial Conduct. As I noted above, I understand and accept that a litigant may not always agree with the result, but they should never have to question that the decision was based solely upon information that was properly presented on the record before the court.

I have worked and trained my staff in protocols to discourage and not allow *ex parte* communications except as are expressly allowed pursuant to Rule 3B(7), CJC, Rule 501, SCACR. For example, in the family court an emergency situation may allow for an *ex parte* application for temporary relief pursuant to Rule 21, SCRFC.

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 strive to deal with the issue of recusal at all times in a manner that is consistent with the requirements of Rule 3E, CJC, Rule 501 SCACR. I evaluate each situation carefully and attempt to rule accordingly while being ever mindful of the need to maintain the integrity of the judicial process and to avoid situations where my impartiality might be reasonably questioned.

As to former partners, if the matter is one that was being handled by my firm while we were associated; I would have to recuse myself. If, however, the matter were one that began after our association ended and I had no other basis or need for recusal under the rules, I believe the rules would allow me to hear such matters.

I would note that I do not hear matters involving my law partners from the last firm I was associated with for over eight years

immediately prior to becoming a judge. However, that is not based upon the former professional association. It is based upon the fact that I have maintained a close personal relationship after leaving the firm which I believe rises to the level of a need for recusal. Fortunately, only one attorney in that firm practices family law and the docketing clerk is proactive in avoiding scheduling such matters.

As to the lawyer-legislator issue, I do not believe the mere status of a lawyer as a legislator requires recusal unless I were to have a close or personal relationship with the legislator such that my impartiality could be reasonably questioned. In such a case I would have to step aside.

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 worked consistently in my time on the bench to avoid even the appearance of impartiality or bias at all times. If, however, I felt that a matter rose to the level of requiring me to make such a disclosure because I believed that my impartiality could reasonably be questioned and that, as a result of that disclosure, a party requested my recusal, I would grant the motion if appropriate to maintain the integrity of the process. However, I would then attempt to transfer the matter as soon as practicable to another judge so as to not unduly delay the matter or prejudice the other party.

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

I remain ever mindful of Canon 2 that requires a judge to avoid even "the appearance of impropriety". If I felt there was ever the appearance of impropriety because of the financial or social involvement of my spouse or close relative and that interest was more than de minimis then I would recuse myself. I would try to see that the matter was transferred as soon as practicable to another judge. Even if I felt the interest were de minimis, I believe I would still have an obligation to disclose the interest on the record to the parties and their lawyers.

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

I comply with the requirements of Rule 4D(5), CJC, Rule 501, SCACR and set that as my "standard". I discourage and avoid taking any gifts that could raise questions about my impartiality or may lead to a need for disqualification. While it has not been an issue thus far, I would also discourage family members residing in my household from doing so. Finally, my staff has also been advised that they are similarly discouraged from accepting any gifts from anyone that would raise any questions about the impartiality of my office as a whole.

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

Fortunately, I have not yet encountered such a situation in my time on the bench. However, if such a situation were to arise, I would evaluate the conduct to determine what appropriate action should be taken consistent with Rule 3D, CJC, Rule 501, SCACR. If I concluded the conduct of the judge or lawyer raised a substantial question as to the judge's fitness for office or the lawyer's honesty, trustworthiness, or fitness to practice I would inform the appropriate authorities. Rule 3D(1)&(2), CJC, Rule 501, SCACR.

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

No

12. Do you have any business activities that you have remained involved with since your election to the bench?

No

13. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I will typically assign responsibility for preparation of the proposed order to one of the attorneys involved in a matter. If the matter has significant issues and/or involved multiple issues and I have taken the matter under advisement to issue a ruling, I will typically prepare a detailed Order Instruction Memorandum which is forwarded to all counsel of record and any unrepresented party wherein I detail

my ruling and provide instructions for the preparation of a more detailed order by one of the attorneys involved in the matter.

As Family Court now involves significantly more self-represented litigants who are not versed in preparation of orders, I will prepare orders involving self-represented litigants myself. Just as I did as a family law practitioner for 23 years prior to taking the bench, I maintain an extensive "forms" file to assist me in preparing those orders which I have to do myself.

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

I have adopted a protocol wherein my administrative assistant prepares an individual note sheet for every matter that appears on my docket in advance of the hearing. That note sheet is the tool we use to maintain a record of my involvement in a particular matter as well as where I maintain my notes regarding a proceeding.

Upon the conclusion of my docket she notes whether I have indicated on the note sheet that an order was signed at the hearing and, if not, she enters the matter on an excel spreadsheet to track timeliness of submission and signing of the orders. The note sheet will designate who was asked to prepare the order.

We have a set protocol on follow up contacts with counsel to assure timely submission of orders to avoid the need to report matters on the "matters under advisement" report judges must submit monthly to Court Administration. Upon the order being signed, that fact is designated on the note sheet which is then filed and maintained by my office.

15. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

I believe that the fee setting authority of S.C. Code Ann. § 63-3-850 (1976, as amended) is a significant tool to assist the court in monitoring the activity of guardian ad litem and assure compliance with the law. In my orders I require that the guardian ad litem submit monthly statements to the litigants of their activities and fees incurred as I believe that keeps the parties apprised of the progress and activities of the guardian ad litem and affords them the opportunity to bring concerns to the court via appropriate motion during the pendency of the case. Similarly, I think setting the fee cap in such a way as to require the matter to periodically be reviewed and assessed is also helpful.

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

I do not believe “judicial activism” is appropriate. Pursuant to the basic tenant of separation of powers, the judiciary is not a policy making body and should not assume that role. However, the question asks not only about “setting” policy but also about “promoting” public policy. Therefore, I should note that I believe the Courts have an obligation to promote the established public policy of the State of South Carolina.

17. 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?

As I noted in the responses to my Personal Data Questionnaire, since taking the bench I have been very actively involved in various groups and ways to continue to work to improve the law, the Family Court system, and the administration of justice. I believe it is not only my responsibility as a judge, but also my privilege and honor to assume that role in addition to the role of presiding over matters in the courtroom.

Therefore, I have served on the Family Court Judges’ Advisory Committee since 2014, the South Carolina Bar Pro Bono Board since 2016, and the Children’s Justice Act Task Force of the Children’s Law Center since January, 2018. I have presented at the Orientation School for New Family Court Judges every year since 2015. I have presented at several CLEs for the Lexington County Bar. I have presented to the Lexington County Volunteer Juvenile Arbitrator Training Program every year since 2014. I have been honored to have administered the oath to 88 new volunteer guardian ad items for the Lexington County Guardian ad Litem Program in various ceremonies since 2014. I have also participated every year since my election with the Judicial Observation Experience (JOE Program) administered by the USC Law School.

If I am fortunate enough to be deemed deserving of serving another term, I would intend to continue my work in all these areas and, hopefully more, and look forward to doing so.

18. 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?

There is no doubt that serving as a Family Court judge, just as all public service, can put strains on personal relationships due to the nature of the work as well as the higher standards we are held to and the scrutiny of both your professional and personal life that public service entails.

Having practiced family law for almost 23 years in a litigation intensive small firm setting, my wife, daughter, family, and friends were used to the rigors of my professional life and they have all continued to be supportive and accepting. I have been married for 32 years to my high school girlfriend. My wife has supported me through the stresses of law school and the building of my career and she is 100% committed to supporting me as I continue to pursue goals she knows I have had for many, many years. Therefore, I am blessed to have such support to address any such issues.

Since joining the bench I have also been blessed to have made personal friendships with many of my fellow judges. I engage with them often on professional issues, but also have come to count several of them as my dearest, personal friends. These relationships assist a great deal as we all have the shared life experience of having been privileged to serve as Family Court judges.

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?

Yes. As provided for under the rules, I could hear the matter provided the interest was so insignificant that it could not raise any reasonable question as to my impartiality. Even then, depending upon the circumstances, I may determine that it would still be appropriate to disclose the interest to the parties to avoid even any appearance of impropriety.

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 past reporting period?

Yes

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

I believe professionalism at all times is the key to proper judicial demeanor. Ultimately, a judge's role is to serve the litigants who appear before them by helping resolve whatever issue or dispute has lead them to the court. A judge should always be mindful that to those particular litigants their case is the most important case that judge will hear that day and, as a result, judges should prepare and comport themselves accordingly.

A judge should treat the matters before him/her with respect and recognition of their importance to the litigants. This is especially true in family court where the issues are very often emotional and sensitive. The parties, witnesses, and attorneys should be treated with courtesy, patience, civility, fairness and respect which should be accorded equally to all parties.

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?

I do not believe anger is ever appropriate on the bench regardless of whether it involves a criminal defendant, attorney or pro se litigant. As a lawyer, husband, and father I learned long ago that decisions made in anger are seldom good decisions and certainly are not consistent with a judge's obligation to conduct careful deliberations of the matters before him or her.

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 _____, 2018.

(Signature)

(Print name)
Notary Public for South Carolina
My commission expires: _____