

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

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

Full Name: Robert Eldon Hood  
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Columbia, SC 29204  
Business Telephone: 803-252-4800

1. Why do you want to serve as a Circuit Court judge?

I want to serve as a Circuit Court Judge to fulfill my obligation to be a public servant and good citizen of this state. I believe that we as citizens of this great state have a duty and a responsibility to give back to our state and nation. I believe that my knowledge and demeanor provide me with the competency and ability to serve effectively with courtesy and humility.

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, not at this 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 should not take place unless they are expressly permitted by the Professional Responsibility Rules and the Judicial Canons

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

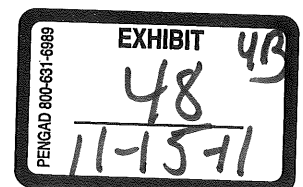
I would recuse myself if the judicial canons or rules of professional responsibility require me to recuse myself.

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?

Even if I believed that there was no prejudice or impropriety on my part, I would grant deference to a party that requests a recusal. I would discuss this with all parties involved, review the appropriate ethical rules, and make the appropriate decision.

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 begin by taking extra steps to ensure that my spouse or



close relative do their best to remove themselves from any situation that may arise. I would evaluate the case, the circumstances and the current law and make an appropriate decision. I would recuse myself where my wife or close relative had more than a de minimis interest.

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

I would not accept gifts or hospitality that did not comply with our ethical rules. Anything that was accepted would be reported on my financial disclosure form.

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

I would first go to the rules of professional responsibility and the judicial canons to see how they direct I deal with the situation. If I firmly believed that a violation was taking place, I would start by talking with the lawyer or judge directly and then consider (if applicable or mandatory) reporting the issue to the correct authority over the matter.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No

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?

It will depend on the complexity of the issue. If it is a rather simple issue, I will have the one party or both parties draft proposed orders, making sure the other side has an opportunity to review. If a complex issue is involved, I would more than likely draft the order myself. If a form order is appropriate under the circumstances, I would utilize the form order.

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

I would develop a calendar system for myself and my staff to allow for coordination and communication. I would use both a computer system and a hard copy system.

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. Judges should not effect public policy. Public policy should be set by the legislature.

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 have already begun participating in Mock Trial competitions for school-aged children and I would like to continue this. I would also like to participate in the addition of pre-trial diversion programs for our court system. I would also like to explore ways to include law students as interns in our judicial system and to implement other programs that would benefit law students by giving them real world experience prior to

graduation.

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 have discussed these issues with my wife, my children, my extended family, and my friends and have received the support of all for these sacrifices that could strain these relationships.

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.

First, I believe the following factors should be taken into consideration before issuing a sentence in any case:

(1) The nature and circumstances of the offense and the history and characteristics of the defendant;

(2) The need for the sentence imposed - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) The need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(4) The need to provide restitution to any victims of the offense.

- a. Repeat offenders:

Repeat offenders must be treated differently than others in the criminal justice system. To properly sentence a repeat offender you must know not only what the prior record is, but also what specific sentences he received. Knowing what types of sentence this repeat offender has served and whether or not those sentences were completed will lead to fair sentencing for this type of offender.

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

A judge must first consider what the offender would have received in family court. While this is not the only factor, it should be weighed before making a decision. The need to hear from victims in this type of case and the family story of the offender are both crucial factors that need to be addressed.

- c. White collar criminals:

In sentencing white collar criminals, one of the most important considerations is the ability to pay restitution. Victims often have strong viewpoints on whether or not they want a defendant to go to prison or they want restitution. It is also important to evaluate the defendant's ability to pay restitution if a probation sentence is

imposed. The track record of the offender and their ability to pay restitution should all be considered.

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

An offender's background is crucial to a proper sentencing decision. This factor must be weighed with the other factors mentioned above in determining the appropriate sentence.

- e. Elderly defendants or those with some infirmity:

These defendants must be evaluated as to their ability to get the proper care depending on the circumstances of their situation. The factors mentioned above coupled with an understanding of any infirmities that may be present are all necessary to render the appropriate sentence.

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, only if the judicial canons and rules of professional responsibility allowed me to hear the case. I would disclose to all parties the interest.

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 even-tempered, respectful, courteous, attentive, fair, patient, gracious, and considerate to all lawyers, litigants, jurors, court staff and the general public. A judge should have a strong work ethic and run an efficient court.

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?

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 pro se litigants? Never.

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. 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? 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/Robert Eldon Hood

Sworn to before me this 11<sup>th</sup> day of August, 2011.

Notary Public for S.C.

My Commission Expires: 5/20/2015