

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

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

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

As an attorney, I have an opportunity to solve problems for clients. This opportunity is rewarding, but in an adversarial system, the attorney's role is to convince a court or jury to make a decision that benefits the attorney's client. As a Circuit Court Judge, I would not be called upon to make decisions for the benefit of one party over another, but to make the *right* decision. Additionally, I believe that service as Circuit Court Judge would offer a greater opportunity to make an important difference both in the lives of others and in improvement of the legal system.

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.

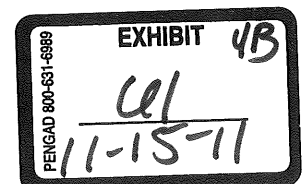
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I believe it is important to protect the appearance of impartiality, and would not engage in *ex parte* communications other than as specifically permitted by the rules, for example, upon an application for a temporary injunction or emergency relief.

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 from matters involving former associates or law partners for a period of one year. After that period of time, I would assess matters on a case by case basis. However, I would inform all parties of the prior relationship, and be very deferential to the request of a party for recusal on the grounds that a case involved a former legal partner.

I do not believe recusal would ordinarily be required for matters involving lawyer-legislators, unless some additional basis for recusal was present. Such matters would have to be evaluated on a case to case



basis.

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 requesting recusal a great deal of deference. As stated above, I believe it is important to safeguard the court's reputation for fairness and impartiality at all times.

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

Again, I believe it is important to maintain the judiciary's reputation for impartiality. If I believed that the appearance of impropriety could not be avoided, I would recuse myself. If I believed that the appearance of impropriety could be avoided, I would disclose the relationship, if known, to the parties involved. I would give substantial deference to a request for recusal made by a party in such a situation.

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

I do not believe the acceptance of gifts or hospitality is appropriate if the gifts or hospitality are provided by a person or party who regularly appears before the court or is interested in a matter presently before the court.

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

If the misconduct raised a serious question about the lawyer or judge's honesty, trustworthiness or fitness, I would report the misconduct to an appropriate official. If the misconduct did not rise to this level, I would attempt to counsel the lawyer and/or fellow judge to correct the misconduct.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?

I am currently a member of the Advisory Board for the Salvation Army of the Midlands. If elected, I would need to refrain from direct involvement in fund raising, but I do not believe it would be necessary for me to cease to be involved with the Advisory Board.

I am currently a member of the City of Columbia Tree and Appearance Commission. Commission members are appointed by City Council, but service is voluntary. I believe that I would have to resign from the Commission if elected.

If elected, I would need to cease any contributions to the South Carolina Republican Party.

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

I do not currently have any such business activities.

13. If elected, how would you handle the drafting of orders?  
While submissions of the parties or proposed orders can be helpful in drafting orders, I believe the content of orders should be created primarily by the court.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
Deadlines would be appropriately calendered, and outstanding matters would be periodically reviewed.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I believe a judge's responsibility is to apply the law as written 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 served as a member of South Carolina Bar Association's House of Delegates, and would hope to continue involvement in the Bar Association's activities, albeit in a capacity which is permissible of circuit court judge.  
Additionally, I have written legal articles and a legal text, and would continue to do so if elected.
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 feel the pressure of serving as a judge would unduly strain personal relationships. However, service as a circuit court judge would take precedence over such 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.
- a. Repeat offenders:  
While a first time offender may sometimes be given a second chance, repeat offenders have exhausted any such second chance.
  - b. Juveniles (that have been waived to the circuit court):  
If a determination has been made that a juvenile should be tried as an adult, the juvenile should be sentenced as an adult.
  - c. White collar criminals:  
White collar criminals violate the law just as do violent criminals. White collar crime can have devastating effects on its victims. A person convicted of a white collar crime would receive no special leniency simply because of the nature of his or her crime.
  - d. Defendants with a socially and/or economically disadvantaged background:  
For a first offense, defendants with socially and/or economically

disadvantaged backgrounds might be given additional consideration on a case by case basis.

- e. Elderly defendants or those with some infirmity:  
For a first offense, elderly defendants or defendants with some sort of infirmity might be given additional consideration 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?

Again, I feel that the appearance of impartiality should be safeguarded. If I were aware that a member of my family held a *de minimis* interest in a party involved in a matter before the court, I would inform the parties of such interest, and would give great deference to a party's request for recusal.

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?

The appropriate demeanor for a judge is to be courteous, civil, and fair to all who appear before the 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?

The rules would apply when a judge deals with the public, whether in court, in chambers, or any other public setting. However, a judge should be permitted to be somewhat more relaxed in his or her own home and when among family and friends.

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?

I do not believe anger with parties or counsel is appropriate.

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 \$10 to obtain fingerprinting from the Richland County Sheriff.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A.

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 L. Reibold

Sworn to before me this 10<sup>th</sup> day of August, 2011

Notary Public for S.C.

My Commission Expires: \_2/19/2018