

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

Circuit Court
(Incumbent)

Full Name: Robert Eldon Hood
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Columbia, SC 29202
Business Telephone: 803-576-1770

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

I would like to serve another term as a Circuit Court judge because I have the utmost respect and appreciation for our legal system. During my first term as a Circuit Court judge, I have sought to maintain the integrity and independence of our judicial system and ensure the public's confidence and respect of our judicial system. I would like to continue serving in my capacity as a judge, upholding the laws and Constitutions of our State and the United States and promoting the administration of justice.

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?

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?

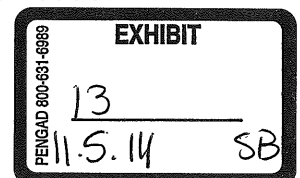
Ex parte communications should not take place unless they are expressly permitted by the Professional Responsibility Rules and the Judicial Canons.

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 Professional Responsibility Rules 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 spouse or close relative had more than a *de minimis* interest.

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

I do not accept gifts or hospitality that do 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.

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

No.

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

No.

13. How do you handle the drafting of orders?

It depends on the complexity of the issue. If it is a rather simple issue, I ask one party or both parties to draft proposed orders, ensuring the other party has an opportunity to review. If a complex issue is involved, I draft the order myself. I also utilize form orders if appropriate under the circumstances.

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

I developed a calendar system for my office to allow for coordination and communication. I use both a computer system and 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 set or promote 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. What activities do you plan to undertake to further this improvement of the legal system?

I am an active participant in the University of South Carolina School of Law's Judicial Observation and Experience (JOE) intern program and other young lawyer mentoring programs and mock trial competitions. As long as there is no conflict of interest, I plan to continue to serve in this mentoring capacity and be active on issues supporting the improvement of the law, legal system, and administration of justice.

17. 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?

No. My wife and family support me and understand the responsibilities of my position, including travel to other circuits and unpopular court decisions.

I also continue to cultivate friendships with members of the bar and the surrounding community who were my personal friends before I became a member of the judiciary. However, I have explained the difference in our relationship as I am now a member of the judiciary and have emphasized the importance of avoiding the appearance of impropriety.

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 would be less tolerant of repeat offenders, and would consider conferring higher sentences on this class of individuals to deter similar conduct. I would consider the nature and circumstances of the offense and the history of characteristics of the offender. I would also consider the similarities between the previous crime and current crime.
- b. Juveniles (that have been waived to the circuit court): I would ensure that the juvenile understands the permanent consequences of his actions. Given that the juvenile has been waived to circuit court, there is an assumption that the crime was of a serious nature and the juvenile should be responsible for the crime as would an adult. I would take into consideration the juvenile's mental capacity, ability to understand the crime, family structure, education, role in the crime, and prior offenses.

I would consider a sentence under the Youthful Offender Act as an effort to offer an opportunity for rehabilitation.

- c. White collar criminals: For non-violent, white collar criminals, I would be interested in restitution. Due to the overcrowding of jails and prisons, I would consider probation to allow the offender to work and contribute to his restitution. I would also consider regular sentences to afford adequate deterrence to criminal conduct and to protect the public from further white-collar crimes of the defendant.
 - d. Defendants with a socially and/or economically disadvantaged background: I would determine the sentence with respect to the crime committed. However, I would take into consideration any valid issues affecting defendants with a socially and/or economically disadvantaged background, including their family situation, community involvement, and availability of mentors within their community.
 - e. Elderly defendants or those with some infirmity: The type and seriousness of the crime are more important factors when determining sentence, not the fact that a person is elderly or has some infirmity. I would consider the type and seriousness of the crime, prior offenses, burden on the system, the loss to the victim and possible alternative sentencing.
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?
Rule 501, SCACR (Canon 3(E)(1)) sets forth that "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned..." Rule 501 defines "de minimis" as "an insignificant interest that could not raise reasonable question as to a judge's impartiality." Therefore, I would hear such an assigned case, if no party objected after I brought the interest to the litigants and attorney's attention. If any party objected to my hearing the case, I would likely recuse myself and allow another judge to hear the matter.
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 exhibit a positive attitude and patient demeanor. A judge should also exhibit control in his courtroom.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
These rules apply at all times.
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 a pro se litigant?
No. A judge should exercise a calm and patient temperament to members of the public, including a criminal defendant. A judge may assert firm control in the courtroom, but should never be rude or intimidating to parties, witnesses, attorneys or courtroom personnel.
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?
\$0
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
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 4 day of August, 2014.

Jennifer Aaron Smith

(Print Name)

Notary Public for South Carolina

My commission expires: February 21, 2018