



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

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

Full Name: Daniel McLeod Coble

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1. Why do you want to serve as a Circuit Court judge?  
As a full-time Magistrate Judge in Richland County, I see every day the importance of the judiciary and the remarkable effect individual judges can have on our judicial system. I have learned the importance of not only trial preparation, in order to give all litigants a fair day in court, but also how critical it is that a judge listen to and respect all parties. My judicial philosophy has always consisted of practicing patience and respect so that our court system projects fairness and predictability. I thoroughly enjoy being a judge and I want to continue to serve my State in this capacity. I believe my experience and qualities as a trial judge will serve well in Circuit Court. I have been in public service my entire career and sought to make our judicial system more fair, efficient, and judicious. I would like to continue this service to the next level.
  
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?  
I have worked my entire career in public service, and I would like to continue that for the rest of my career.
  
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?  
I have met the Constitutional requirements for this position regarding age and residence. I will meet the Constitutional requirements for years of practice in November.
  
5. What is your philosophy regarding *ex parte* communications? Are there

circumstances under which you could envision *ex parte* communications being tolerated?

I believe that *ex parte* communications degrade the trust in the judiciary and do not project fairness and predictability. I avoid these types of communications. However, under the Judicial Canon 3B, some *ex parte* communications are allowed in a limited and constrained way. This would include emergency issues regard procedural matters and not substantive issues. The other party should be notified as soon as possible. However, these would be extremely rare exceptions.

6. 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 believe that the appearance of bias and actual bias are synonymous. In my current position, I take judicial recusals extremely serious. Recusals can delay and prolong cases, and can also hinder other judges from fulfilling their own duties as they fill in. However, if a party brings a substantive and good faith request for recusal, then based on case law and advice from other senior judges, I would absolutely recuse so as to avoid any appearance of bias. Again, as a judge I want to project fairness and predictability and bias and partiality work against those goals.

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

Because my wife and several family members are attorneys, any case involving them would immediately throw up a red flag and cause for recusal. Additionally, any case that a family member or myself had a financial stake, even the slightest, would also draw immediate recusal.

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

While the South Carolina Bar is small and many members are close friends, I am constantly aware of how gifts and social hospitality can quickly evolve to an appearance of bias. As a Magistrate, I am always aware that I am not just a member of the South Carolina Bar when I am in public, but I am also seen as a neutral arbiter. And while many gestures of social hospitality are just that, gestures; a member of the judiciary must be continuously mindful of their position.

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

I would first seek advice from senior attorneys and judges whom I consider mentors. I would then contact the South Carolina Bar utilizing the resources and

instructions that they provide.

10. 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.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.  
I ran for Columbia City Council in 2012. I fundraised for my own campaign during that time, which was a non-partisan election. During law school, I was the president of the Law Democrats, and I believe our organization held fundraisers for Democratic candidates, but I cannot remember for sure.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?  
The only business activity I am currently involved in is the authorship of legal books. However, all author royalties from these books are donated to charity. I would continue to author and update these books if elected. However, if for any reason this became an issue that created an appearance of impropriety, I would gladly cease.

13. If elected, how would you handle the drafting of orders?  
I believe it is important that cases be moved competently and efficiently. When I draft orders now, I sometimes receive proposed orders from attorneys. However, I always write my own orders. As a Circuit Court Judge, I am aware that the caseload requiring written orders is much greater, but I believe the best practice is utilizing law clerks and working with them as partners to draft orders as efficiently as possible.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
It is vital that our court system utilize technology. Specifically, I receive all emails directly to my iPhone or Apple Watch. This ensures that I am always reachable if any issue arises or an emergency hearing or order needs to be handled. I would require any law clerks to have email enabled on their phone so that they could be reached after hours if needed. As I do now, I would provide my email address to attorneys so that they can reach me if they have an issue. I require that they “CC” all opposing counsel, and they need to avoid any

substantive or inappropriate issues. It can be difficult to reach a judge by phone, and by utilizing email, all parties can be brought into the conversation. I would also utilize a calendar using Microsoft Exchange (or other secure calendar). This allows for myself, law clerks, and other staff to all share and see what is scheduled for the day, week, and month. I would also implement a productivity method called "Inbox Zero." Essentially, "Inbox Zero" means that every email I receive is handled as soon as it comes in, whether that means replying, deleting, archiving, or rescheduling. This method ensures that an email is not lost in the inbox and not responded to. While this refers to emails, it also works in other aspects of work life to ensure that items are scheduled and completed. Whether it is emails, phone calls, orders, or motions, this method ensures that every task is either completed upon receipt or is scheduled to be completed on a specific date. This method prevents tasks from falling through the cracks, which adds unnecessary delay.

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

I believe that a judge's role is to handle the specific case or controversy that is in front of them. This is even more so on a trial judge's level. Every judge brings his or her own experiences and common sense to each case, and they should apply that in reaching a result. However, I believe it is critical that in order for our judicial system to be fair and predictable, judges follow precedent, statutes, and court rules.

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 am a firm believer and practitioner of Judicial Canon 4. This Canon is so important because it encourages members of the judiciary to share their wealth of knowledge and experience with society so that we can improve our judicial system. That is why I started my own legal blog and law journal. I blog about many legal issues that litigants can always be well informed about issues and changes in the law. I am ever mindful of the other Canons so that I do not in any way comment or construe what I believe the law should be, but rather as an informative guide. I am also the founder and editor of the Courts & Justice Law Journal. This law journal's goal is to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice.

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?

There is no doubt that working in public service can cause a strain on personal relationships. Judges have to make tough decisions, and these decisions almost always have a losing side. The stress of decision making can negatively affect relationships with spouses and children. I believe the most important thing a judge can do is to find a mentor who has gone through the same situation. This means seeking out other judges who have dealt with these tough decisions and seek their guidance and advice. As a Magistrate, I not only have numerous mentors who I reach out to, but I am also the mentor to three new Magistrate Judges.

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.

Every case is unique and should be considered on a case by case basis.

a. Repeat offenders:

In criminal cases, whether it is sentencing, bond modifications, or another issue, prior records are often taken into account. South Carolina law often requires judges to take into account prior convictions when ruling on a criminal matter. However, every case is unique and someone's past mistakes do not always tell a tale of future actions. I believe this question should be framed in another way: how should a judge view first time offenders? It is important for judges to consider if someone made a mistake and has shown no pattern or propensity to continue in that same behavior.

b. Juveniles (that have been waived to the Circuit Court):

If a juvenile has been waived to Circuit Court, then it is likely that they have committed a serious offense. Taking into account the alleged crime and victim impact statement, I believe a judge should also factor in an offender's youthful age. The United States Supreme Court has spoken on this issue in regards to life sentences for juveniles and described the difference between youth and adults.

c. White collar criminals:

Whether the crime is stolen money or physical violence, I believe a judge should follow the penal statute in regards to how to treat these crimes. I do not think this category should be considered by a judge on the same level as the other categories.

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

To paint a picture of someone, a defendant will often give their background and family home life. I believe a judge should listen to and consider this when sentencing.

- e. **Elderly defendants or those with some infirmity:**  
A person's age and health is usually always brought up during sentencing phases of criminal cases. I believe it should be considered, however slightly, in criminal cases, whether that is sentencing or bond settings.
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. Even a *de minimis* interest would create the *appearance* of a conflict of interest. I would like to repeat that I know personally how much conflicting cases out to another judge can cause problems. However, I believe that it is worth the cost to avoid an appearance which would clearly be involved in this situation.
21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?  
Yes.
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?  
I believe that a judge should usually be stoic. Criminal cases and civil cases often present a wide range of emotions. However, the judge is always supposed to be neutral and fair. A laugh or a slight look of disgust can be misinterpreted by the parties and create distrust. Stoicism, seriousness, and maturity should always be the prevalent demeanor of a judge.
23. 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?  
A judge should never show anger in their courtroom. The judge is purposefully sitting above the litigants in order to show that they are neutral and detached. Anger can easily shift this perception and place the judge on one side or another. However, I have seen judges lose control of their courtroom. Whenever I teach or speak at a Magistrate's School, I always tell judges how important it is to control

their courtroom. If they don't control it, then someone else will. Anger is not needed to control an out of control party. Anger usually has the opposite effect. Anger can imply that the judge is not neutral or detached. However, a judge should be firm if necessary.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_