



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

Serving as a Circuit Court Judge has been the honor of my life. I approach each day as a new and exciting challenge. I do my best to serve this State with humility, patience, and good temperament and to be as prepared as possible. I would consider it a privilege to be given an opportunity to continue being a servant leader of our State.

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. 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?

When I am dealing with a potential conflict of interest or an appearance of bias, I strive to first make certain the parties are aware of the situation. I also give the parties ample opportunity to discuss the potential conflict outside of my presence and with their respective clients. Finally, I usually do recuse myself if a party has an issue with any potential conflict I have disclosed to them. In 2020, there are plenty of other Circuit Judges available to be able to conduct the hearing.

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

If my hypothetical spouse had a financial involvement in the litigation or with the attorneys involved in the litigation, I would recuse myself from the case. If my hypothetical spouse or close relative had social involvement with a party in the matter, I would ensure that the parties are on notice of this situation and give them time to discuss that matter with their respective clients.

8. 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.

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 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.

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

No.

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

No.

12. 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 usually draft the order myself. I also utilize form orders if appropriate under the circumstances.

13. 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.

14. 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.

15. 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?

Since my election to the bench I have sought to be engaged in activities that improve the law, legal system, and administration of justice. Some examples of my efforts include the following:

- (a) Each year I participate in the Judicial Observation Experience (JOE program) through the USC School of Law;
- (b) I routinely volunteer to teach a class for the USC Honors College on Jury Trials;

- (c) I routinely teach and participate in panels for CLE for the SC Bar, the SC Defense Trial Attorneys Association (SCDTAA), the South Carolina Association of Justice (SCAJ) , the South Carolina Association of Criminal Defense Lawyers (SCACDL), and the South Carolina Magistrate's Court Conference;
- (d) I routinely take on an extern from the USC School of Law externship program;
- (e) I have been a mentor through the South Carolina Bar mentoring program and the Inn of Court mentoring program;
- (f) I have been the Judicial coordinator for the criminal law section of the SC Bar Convention;
- (g) I have created my own CLE called Masters in Trial which is coordinated by the SC Bar;
- (h) I have routinely taught classes at public schools throughout the Midlands;
- (i) I have routinely participated in the Black Law Students Association Annual Journey to Clerkship program;
- (j) I have taken on interns from Midlands area high schools to intern with me during the school year;
- (k) I routinely judge Moot Court competitions for the USC School of Law.

16. 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?

I do not believe that being a judge strains personal relationships.

17. 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 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 consider their ability to pay 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 custodial 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 the most 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 any possible alternative sentencing. Certainly, I would take every opportunity to discern and understand the individual's health concerns and hear from any medical professional or family member on such issue.

Sentencing people routinely is an exercise in discretion. I do my level best to treat people fairly, taking into account their circumstances and upbringing and also being mindful of victims and ensuring their ability to be heard.

18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

19. 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.

20. 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.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period?

Yes.

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

A judge should exhibit a positive attitude and patient demeanor. A judge should also exhibit control in his/her courtroom. These rules apply at all times.

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 a pro se litigant?

No. A judge should exercise a calm and patient temperament to members of the public, including criminal defendants. A judge may assert firm control in the courtroom but should never be rude or intimidating to parties, witnesses, attorneys, or courtroom personnel.

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

Ketrod

Sworn to before me this 15 day of July, 2020.

Jeanne-Marie Skipper Bolin
(Signature)

Jeanne-Marie Skipper Bolin
(Print Name)

Notary Public for South Carolina

My commission expires: 11/24/2024

