



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

**Circuit Court
(New Candidate)**

Full Name: Robert L. Reibold
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1. Why do you want to serve as a Circuit Court judge?

There are a number of reasons I wish to serve as a Circuit Court Judge. First, my sense of personal responsibility calls me to serve. I have felt that I wanted to be a lawyer since I was a young boy. I have always believed in the rule of law, and the necessity of courts in administering that law. I believe that, while life is not fair, the courtroom should be.

Unfortunately, I have witnessed a steady decline in the faith of the public in our institutions of government, including our courts. Trust in the courts is essential. I know of no way to restore that trust except through example.

Additionally, I have come to realize that my judicial clerkship had a significant impact on me. In that role, I was able to observe the court system, and the many ways in which a Circuit Court judge can have a meaningful and positive impact.

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?

Ex parte communications are governed by the rules of ethics. They are permissible for mundane matters such as scheduling, and in emergency situations, such as temporary restraining orders. I would follow all ethical obligations with respect to ex parte communications.

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

The appearance of impropriety should be avoided wherever possible. I would recuse myself if a former law partner were to appear before me. I would recuse myself for a period of at least one year after election should a former associate appear before me, and, after that period of time, I would disclose the prior relationship to the parties, and recuse myself should any party object. I do not believe recusal would be necessary in the case of a lawyer-legislators unless some other independent relationship necessitated it.

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?

Again, the appearance of impropriety should be avoided where possible.

I would give substantial deference to a request for recusal, but would also consider other factors such as exigent circumstances.

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 handle the appearance of impropriety in such a case as in the other cases described above.

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

A judge should not ordinarily accept gifts of value if prohibited by law to do so or if doing so would undermine confidence in the judicial system or create the appearance of impropriety. I believe a judge is free to accept ordinary social hospitality.

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

If misconduct of a fellow judge was not such that it would affect the performance of his or her judicial duties, I would counsel the judge, and attempt to obtain additional assistance if necessary. On the other hand, misconduct which rises to such a level that it affects the performance of judicial duties or the judge's fitness for office must be reported.

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

I currently serve as an advisory board member of the Columbia division of the Salvation Army. If elected, I would most likely resign this position. I do not currently hold any other positions or affiliations which would need to be re-evaluated.

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

I do not.

13. If elected, how would you handle the drafting of orders?

The final order issued should be the judge's own order, whether as an original product or in combination with others. Nevertheless, draft orders submitted by parties serve a valuable role in the conservation of judicial resources and would be considered.

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

Deadlines would be calendared, and staff would periodically review deadlines.

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

A judge's role is to apply to the law. Public policy is primarily determined 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 written articles on legal topics, and would continue to do so if elected. I would also speak at seminars on legal topics.

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 believe service as a Circuit Court judge would unduly strain personal 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.

Initially, it is important to note that each case would be decided upon its facts, but, generally speaking, I would treat the following categories of offenders as follows:

- a. Repeat offenders:

Repeat offenders are offenders who have not learned from prior mistakes, and are perhaps less deserving of leniency.

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

Juveniles that have been waived to the Circuit Court are to be treated as adults under the law.

- c. White collar criminals:

White collar crime is crime just the same, and persons convicted of such would not receive special deference by virtue of the nature of the offense charged.

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

background:

A socially or economically disadvantaged background is one factor which would be considered in sentencing.

e. Elderly defendants or those with some infirmity:

Age or infirmity, like a socially or economically disadvantaged background, is one factor to be considered in 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?

The appearance of impropriety should be avoided where possible. Where I or a member of my family to have a *de minimis* financial interest in a party involved in the case, I would disclose the issue if known, and consult with the parties regarding recusal. Ordinarily, I would honor a request for refusal absent other pressing circumstances.

21. Do you belong to any organizations that discriminate based on race, religion, or gender?

I do not.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses?

I have.

23. What do you feel is the appropriate demeanor for a judge?

Demeanor is critical for a judge. A should be calm and respectful.

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?

I would endeavor to apply such rules whenever in public.

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?

Anger is not appropriate in a courtroom.

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



(Candidate Signature)

Sworn to before me this 29th day of July, 2016.



(Notary Signature)

THOMAS ANDREWS

(Print name)

Notary Public for South Carolina

My Commission Expires: 4-16-2022