

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

**Circuit Court
(Incumbent)**

Full Name: Rivers Lawton McIntosh

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

It is and has been the honor of my life to be able to serve as a Circuit Court Judge. It is an honor to be placed in such an important and esteemed position. The position constantly presents me with new and challenging issues and situations. As it's said, "you will never see it all". I continue to grow with my experiences each passing year. I believe I will continue to improve in my Judicial abilities if re-elected and I will work hard to make sure that I do improve.

2. Do you plan to serve your full term if re-elected?

I plan to serve my full term if re-elected.

3. Do you have any plans to return to private practice one day?

I do not plan on returning to private practice unless I am not re-elected.

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 always seek to avoid ex-parte communications. I will participate in ex-parte communication permitted by the Judicial Cannons, the Rules of Practice and the laws of this state, including scheduling, administrative and emergency matters. I do not engage in ex-parte communication regarding substantive matters and do not permit others to engage impermissible ex-part communications. I attempt to notify opposing counsel/parties, if I engage in permissible ex-parte communications.

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?

The test for the appearance of impropriety is whether the conduct would create in reasonable minds a perception that the Judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired (Commentary Canon 2.A SCAR Rule 501). Using this benchmark, I would consider the reasonableness of a parties request that I recuse myself in situations where I feel I can be impartial. I would consider the request with an eye towards granting the request. Unless I believed the request to be manifestly unreasonable or made for improper purposes (such as solely for a continuance) I would grant the motion.

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

I would not preside over a matter where my spouse, parent, child, family member residing in my household or within a third degree of relationship had more than a de minimus economic or social involvement in the case. If they simply had a de minimus economic interest or were more distantly related, I would disclose this fact and I would follow the remittal procedure in order for the parties to discuss and decide the issue of seeking my recusal outside of my presence. I would consider request for my recusal because of more distantly related family using the guideline of reasonableness discussed in six (6) above.

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

Other than occasional ordinary hospitality from close friends whose cases I would not hear, I do not accept food, meals or gifts. I do attend bar related functions sponsored by the South Carolina Association of Justice, the South Carolina Defense Trial Attorneys' Association and the South Carolina Bar. I file the required financial disclosures reflecting the value of the expenditures in accordance with Cannon 4(D) (5). These expenditures are also reported on my tax returns.

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 take appropriate action if I felt that there was a substantial likelihood that a fellow judge violated the Code of Judicial Conduct or that there was a substantial likelihood that an attorney violated the Rules of Professional Conduct. Appropriate action may range from privately speaking with an individual to informing the appropriate authorities. If I had actual knowledge that a fellow judge or an attorney violated their respective codes, I would inform the appropriate 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?

I own real property with two (2) of my siblings used as rental, investment and enjoyment property. I will continue with this relationship and ownership if re-elected. The property is managed by a management company.

12. How do you handle the drafting of orders?

I usually request the prevailing attorney to prepare a proposed formal order and to present it to opposing counsel (or party) prior to its submission to me. On occasion I will draft formal orders.

My law clerk or I prepare Form 4's outlining the basics of my ruling in order for the file to be up to date and to help assist tracing the submission of the formal order.

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

We use Outlook computer calendaring system for my administrative assistant, my law clerk and myself. The system is backed up by my administrative assistant and law clerk in notebooks. My law clerk and administrative assistant generally review pending orders each week and report the status to me. I review matters under advisement on a weekly basis. There is a monthly report required by Court Administration for matters under advisement and also for my Business Court cases. On non-jury motion days, I review my decisions with my law clerk at the end of each day and specifically note matters under advisement with a tickle to review those matters within a specified time frame.

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

The Legislature is the branch of government which enacts legislation. The Judicial branch is charged with the duty of effectuating clear and unambiguous legislative conouncements. It is not for the judiciary to construe or assign different meaning to clear legislative enactments. Further, it is the Court's duty to adopt a construction of a statute which will uphold its validity if possible with Court making every presumption in favor of constitutionality of the enactment. Court's should not engage in judicial activism especially if to do so would result in the Court substituting of its judgment for the Legislature's.

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?

I have made and will continue to make presentations at various education seminars ranging from Canine Search and Seizure to discovery and sports law seminars. I have been a panelist at the South Carolina Bar "Sporting Clays- Ethics with the Judges" and plan to do so again this year.

I have served as a Judge at the Furman Mock Trial and South Carolina Mock Trial competitions. I have also served as a Judge to high school mock trial competitions. I plan to continue as long as I am asked to participate.

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 job pressure has strained my personal relationships with my spouse, step-daughter, friends or relatives. I believe that a good anecdote for job pressure is a good regular work-out routine as well as a developing healthy life-style habits, such as rest and diet.

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:

While each case stands on its own merit, I attach great weight to a person's criminal record. The severity of prior crimes and the time elapsed between charges are important factors. An individual's intervening work history, contributions to society and efforts at rehabilitation are also important factors.

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

I have only had one (1) case of a juvenile being waived up. Unfortunately, the juvenile killed his father and a school student and caused other(s) to be wounded physically and intellectually. In a hearing that lasted approximately a week, I heard and considered the necessary factors of youthfulness. I

sentenced this young man to life in prison. I still think about this young man and this case frequently. I would like to see the creation of a system of review for minors sentenced to life that would take place after a number of years to see if the minor had progressed into a mature person that could be a contributing member of society and possibly paroled.

c. White collar criminals:

While each case stands on its own many white collar crimes involve more educated or sophisticated people committing financial offenses. I believe a balance needs to be struck which adequately punishes white collar criminals, while also providing restitution to their victims. However, I do not believe white collar criminals should avoid prison because of an ability to pay.

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

I consider a person's social and/or economic background gauged with the severity of the offense, past criminal records and efforts to rehabilitate and/or improve their situations. A person from a particularly disadvantaged position may be entitled to extra efforts at rehabilitation or pre-trial intervention unless the severity of the charge, their prior record and personal failure to avail themselves of opportunities suggest otherwise.

e. Elderly defendants or those with some infirmity:

Age may be a consideration if accompanied by such infirmities that housing him/her is problematic from a medical perspective. Otherwise age should not have much effect. Infirmities such as mental health should play a large role in pre-trial intervention programs and/or alternative sentencing. However, a person that intentionally refuses to take necessary medicines resulting in criminal behavior should usually be sentenced as a normal offender.

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

No, I own investment property with my sibling as well as own securities and funds. My investment property is managed by a management company. If a matter involving this company came before me, I would disclose my relationship and recuse myself if reasonably requested. If a matter involving my securities or fund came before me, I would disclose my investment(s) and recuse myself if reasonably asked to do so.

My spouse has significant assets with an investment group as well as privately held corporations and partnerships. If any of these groups come before me, I would disclose her interest and recuse myself.

19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

Yes, I believe the Cannons would require that I adjudicate the case if I felt I could be impartial. However, even though *de minimis*, I would disclose the financial interest and would recuse myself if a reasonable request to recuse was made.

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.

I am not a member of any invidious organizations.

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?

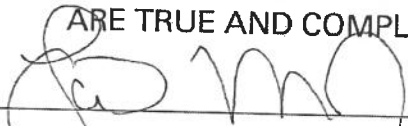
At all times a Judge should conduct himself or herself in a manner commensurate with the prestige of this office. A Judge should be patient, dignified and courteous to everyone involved in the Judicial system, from lawyer to litigants and from jurors to staff.

A Judge should likewise comport themselves outside of court in a dignified manner and should accept some limitation on his/her activities in order to maintain the proper image.

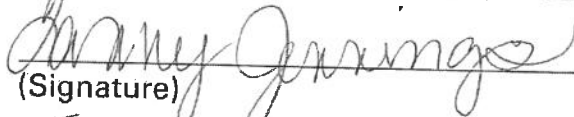
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

No

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



Sworn to before me this 10th day of August, 2024.



(Signature)

Tammy Jennings

(Print Name)

Notary Public for South Carolina

My commission expires: 7-28-2033