



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

**Master-in-Equity
(New Candidate)**

Full Name: **Kimberly Suzanne Newton**

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1. Do you plan to serve your full term if appointed? **Yes.**

2. If appointed, do you have any plans to return to private practice one day? **I'm not sure, but it is possible.**

3. Have you met the statutory requirements for this position regarding age, residence, and years of practice? **Yes.**

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Judges and Lawyers should always respect that *ex parte* communications can create conflicts and appearances of favoritism and, therefore, should always be avoided. I cannot envision any circumstances where *ex parte* communications are tolerated. I also believe that if there is a situation where there has been *ex parte* communications, it should always be disclosed to the other party.

5. 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 would be very likely to give deference to the party requesting my recusal. I feel that if a party believes that I cannot be impartial, then

every decision I made in the case would be highly scrutinized, which may lead to costly appeals.

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

I think it is important to interact with members of the bar outside of the courtroom setting so that judges do not lose touch of the problems and issues that lawyers may face. However, the role of a judge is always to be fair and impartial. I would likely limit social interactions to events that are hosted by the bar or other charitable organizations. I think attending these types of social events can be beneficial for serving the bench. I don't think gifts are appropriate (unless it is something de minimis, such as cookies at Christmas).

7. 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 handle it by looking to guidance from the South Carolina Rules of Professional Conduct. If appropriate, I would reach out to the lawyer or judge (or their superior) to address the concerns and see if a solution could be reached. If necessary, I would contact the South Carolina Bar Association to make them aware of the situation.

8. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?

No.

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

I occasionally attend fundraising events that benefit local non-profit organizations. My most recent event was a putt-putt tournament with the proceeds benefiting Ripple of One, an organization that helps women get back on their feet. I am also a member of the Rotary Club which raises money for several non-profits in the area.

10. If appointed, how would you handle the drafting of orders?

In most instances, I would request that the prevailing party submit a proposed order. I would then review the order and add or delete anything that I deemed necessary. For complex legal matters, I would likely draft the order myself.

11. If appointed, what method would you use to ensure that you and your staff meet deadlines?

I would implement or utilize a calendaring system so that there is a visual reminder of all appointments and deadlines.

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

It is not a judge’s role to legislate from the bench or to allow personal views to influence a decision. It is important to have opinions and decisions that can be supported by precedent.

13. 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 think being involved in the community and assisting in legal education are the best ways to improve the legal system. I would be happy to assist in continuing education classes, if requested. I would also like to be involved in any programs offered by local high schools to promote and assist high school students that are interested in pursuing legal careers or learning more about the legal system.

14. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I have discussed my interest in applying for this judgeship with my close friends and family. Their support is very important to me. If I thought that the pressure of serving as a judge would negatively

impact my personal relationships, then I would not apply for this position.

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

No.

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

It would depend on the circumstances, but I think that in most instances, I would recuse myself. Even though it would likely not affect by ability to be impartial, it could give the appearance of partiality, which also should be avoided. If resources did not allow for my recusal, I would be sure that the issue was put on record and that the parties waived any such conflict.

17. 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.

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

Yes.

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

I think it is important for a judge to be professional and courteous on and off the bench. I think these rules apply in all circumstances where members of the public are present.

20. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

Typically, I have found that staying calm is the best way to get your point across even if the other party becomes irate or angry. I think as a judge, it is important to set the tone for the entire courtroom and I would certainly want to promote a courtroom where the parties can be relaxed and respectful. I think the only instances that would cause me to exhibit anger is if I felt that someone else in the courtroom was in danger or if someone in the courtroom was being extremely rude or disrespectful to a staff member or another party. Even then, I would certainly try to diffuse the situation calmly and not resort to anger.

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 ____ day of _____, 2022.

Notary Public for S.C.

My Commission Expires: _____