



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

Circuit Court
(New Candidate)

Full Name: Maryann Elizabeth Blake

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

I love the law and being in the courtroom. I have enjoyed being a prosecutor for Walterboro and also representing civil clients. I have served the citizens of South Carolina as an attorney for almost eighteen (18) years. These years of experience have laid the foundation for me to serve South Carolinians as a judge.

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

I plan to serve the full term and seek reelection.

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

I plan to retire from the bench and return to private practice or teach law school. I love the legal field and see myself always working as long as I am able.

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?

There are few circumstances under which *ex parte* communications can be tolerated. Judicial Canon Three states that *ex parte* communications are allowed where the circumstances require it for scheduling, administrative purposes or emergencies that do not deal

with substantive matter or issues on the merits. The judge must reasonably believe that no advantage will be given to either party from the communication. However, the judge must promptly notify all other parties of the substance of the communication and allow them time to respond. Also, with notice to all parties and time to respond, a judge may seek the advice of a disinterested expert. A judge may also consult separately with the parties with each side's agreement. Other than these exceptions, allowing *ex parte* communications would lead to questions of bias. An impartial judiciary is essential to the public maintaining confidence in our legal system.

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?

In the interests of upholding the integrity of the judicial office I would grant the motion. Judicial Canons number two and three require recusal where a reasonable person would think there was bias.

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 discourage my husband or relative from involvement in any activity that could reasonably appear to exploit my judicial position. I have already explained the Judicial Canons to my husband. We have had many lengthy conversations about what types of social and financial dealings are appropriate for judges and their families.

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

I and my spouse would continue to accept gifts or social hospitality as long as they are commensurate with the occasion. However, I would not accept such gifts, hospitality or favors from lawyers, their firms, or their clients when those people are likely to or have come before me as a judge.

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?

In situations where I, as a judge, would have knowledge of misconduct or appearance of infirmity, I would be required to evaluate the situation and act appropriately. I would need to take

action that would be intended and reasonable to help that person address the issue so as not to cause harm to the justice system. Depending on the circumstances I could talk to the lawyer or judge directly, refer the person to an assistance program or make a report to the appropriate authority.

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.

I am a member of the South Carolina Women Lawyers Association. To the best of my knowledge this association does not discriminate in any manner.

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

Yes, I am a former member of Civitans where I served as President-elect and President. We raise funds at the annual Walterboro Rice Festival by selling rice perlo. We use the funds to sponsor scholarships at the University of South Carolina-Salkehatchie and for donations to community organizations that help children with medical issues.

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

Yes, real estate investment through my company, Blake Holdings, LLC.

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

The Judicial Canons require that a judge dispose of matters promptly, efficiently, and fairly while containing costs and guarding the rights of all parties. Drafting of orders can be handled in several different ways. I could assign drafting to the attorneys to submit proposed orders. I could assign the drafting to my law clerk, or I could draft the orders myself. It would depend on the complexity of the matters before the court. Where a matter is complex, I would have the attorneys to submit proposed orders. I would then review the orders along with the facts and law and draft the final version of the order if needed.

14. If elected, what methods would you use to ensure that you and your

staff meet deadlines?

Competent staff, cooperation and open communication are essential to the smooth running of any office. Depending on the court schedule, I would hold weekly meetings with all my administrative staff to go over the next week's workload. I would have daily morning meetings with my law clerk and secretary to make sure that all deadlines are being met and to assess any emergency situations that arise. We would use a calendaring system with reminders of due dates to prioritize deadlines. When need be, we would work extra hours to make sure that deadlines are met.

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

I am a firm believer in separation of powers. I do not think it is good for a judge to set or promote any public policy. In doing so a judge could be seen as biased. However, I do think that judges should be dedicated to improvement of the law, the legal system, and the administration of justice. A judge can do this by teaching, writing, and lecturing. While judges need to be informed of changes in public policy, judges should not push their own agenda in areas of public policy. The laws that are enacted should be interpreted and applied by judges in an impartial and fair manner.

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 would enjoy teaching law school or college courses on the legal system. I would write as much on the law and administration of justice as possible. I would also be open to being a guest lecturer. I would also continue to be active in our State Bar as well.

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 know that it will be any more of a strain than being in private practice. At times there is tremendous pressure in private practice just in knowing that everything depends on the lawyer operating the firm. I have managed to have a work-life balance that includes spending time with my husband and friends. I would continue to strive for that balance knowing that my judicial duties take

precedence over all other activities.

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.

My overall philosophy on sentencing for each class of offenders listed is one based on fairness and impartiality. In much of my studies through college, law school and the doctoral program in Sociology of Law it was discussed that the fair rendering of sentences would put things back in equilibrium as if the crime had not occurred. In reality this is not possible. Therefore, mitigating and aggravating circumstances surrounding the offense should be considered in sentencing. If there are mandatory minimum sentences then I would have to follow those requirements. Where there are no such requirements, I would consider all circumstances surrounding the crime committed in issuing the sentence.

- a. Repeat offenders: How to effectively deal with repeat offenders has plagued our justice system for decades. There is no simple answer. Because there are repeat offenders it appears that our efforts at rehabilitation, in large part, have failed. Here is where I see the possibility of mandatory sentences being issued.
- b. Juveniles (that have been waived to the Circuit Court): During law school I worked at the Center for the Study of Youth Policy. Much of what we researched dealt with juvenile offenders being waived into adult court. There is research that indicates that the human brain is not fully developed until the twenties. The question of whether leniency should be used in sentencing these offenders becomes difficult. If the brain is not fully developed at the time of the crime so as to form the request intent; how can the person be sentenced as an adult? If at all possible I would look at what sentence would be in the best interest of the juvenile taking into account the nature of crime and victim's rights.
- c. White collar criminals: To me white collar criminals are no different than any other category of criminal. All defendants in the justice system should be treated fairly and impartially. The act is still a crime no matter if it is labeled to be white collar. In issuing a sentence I would look at all surrounding circumstances including the career path of the one charged, the type of crime, the level of harm, and any remediation that could take place.

- d. Defendants with a socially and/or economically disadvantaged background: I come from a socially and economically disadvantaged background. At times in my past it has been difficult for me to not be judgmental when confronted with people from similar backgrounds that may use it as an excuse for their poor choices. But such bias has no place in the duties of a judge. Again, I would look at all the surrounding circumstances and issue sentences that I felt were impartial and fair.
- e. Elderly defendants or those with some infirmity: I have great compassion for the elderly and those with infirmity. Realizing this about myself I would have to strive to not be too lenient. Here, once again, I would look for sentencing direction from any guidelines and all surrounding circumstances. With this category of defendants special housing and medical care may be issues that would need to be addressed.

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?

Judicial Canon number two requires a judge to avoid the appearance of impropriety in all the judge's activities. However, a *de minimis* interest is one that would not raise a reasonable question as to a judge's impartiality. In such circumstances it is not required that a judge be disqualified, However, I would err on the side of caution and not hear the case.

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?

The appropriate demeanor of a judge is consistently exhibiting even

temperament. While a judge must be firm, a judge must also be patient, courteous, and tactful. A judge must be humble and compassionate while also having an open mind to see all sides of an issue. A judge cannot be arrogant or disrespectful to anyone inside or outside the courtroom.

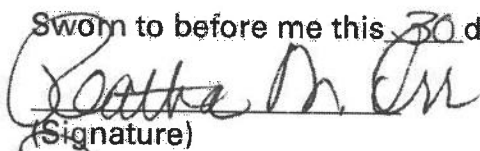
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

There is no place for anger when dealing with a member of the public whether that person is a criminal defendant or someone else. Anger is, likewise, never appropriate when dealing with attorneys or pro se litigants. Anger can be perceived as bias.

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 30 day of June, 2023.



(Signature)

Reatha M. Orr

(Print Name)

Notary Public for South Carolina

My Commission Expires: 02/10/2027