

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

**Circuit Court**  
**(New Candidate)**

Full Name:

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

First is public service. I have always felt a draw for public service and the call has gotten louder over the past several years. I think that it is important for qualified and accomplished people to dedicate themselves, at some point, to public service. I feel that I am finally in a position to do that. I think being a judge will best utilize my abilities in a public service capacity.

Also, I think I am exceptionally qualified to handle the very large and complicated civil cases we often see in the Ninth Circuit. When it comes to handling complicated civil cases there is no substitute for experience. I have extensive experience handling these kinds of cases. In short, I think I would be very good judge with the experience that lawyers in the Ninth Circuit expect from their judges.

Lastly, I feel very strongly about the integrity of the South Carolina Bar and our Oath of Civility. I think it is very important for judges to continue to insist and demand a level of integrity and civility from our lawyers. As a judge, I intend to uphold those standards of integrity and civility.

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 involving substantive matters on pending or impending cases are always inappropriate and should always be avoided. I cannot envision a circumstance under which such an *ex parte* communication should be tolerated. However, *ex parte* communications involving an emergency from an attorney (personal, medical, familial, etc...) could be appropriate so long as substantive matters are not discussed and the communication was promptly disclosed to the other parties. Also, *ex parte* communications involving administrative matters or scheduling could be appropriate so long as substantive matters are not discussed and the communication was promptly disclosed to the other parties.

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?

Avoiding the appearance of bias is every bit as important as avoiding actual bias. I would almost certainly honor the party's request for recusal and grant their motion.

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

Any social or financial activity of a spouse or close relative that gave even the appearance of impropriety would have to be reported, and I would certainly report it. I would also strongly encourage my spouse or close relative immediately cease such action that gave the appearance of impropriety.

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

Very close to zero tolerance. Judges are entrusted with the bar's and the public's confidence in the impartiality and fidelity of the legal system.

Judges accepting gifts and social hospitality erodes that confidence. For example, I would not take gifts and/or social hospitality that was just for me. However, I do not think it would be an issue for me to attend an oyster roast with a large guest list. Also, it would be appropriate to attend a function where all judges are invited.

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 be obligated to report the lawyer to their partners and/or the SCBar and/or the office of disciplinary counsel. I would be obligated to report the fellow judge to the commission on judicial conduct.

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.

No

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

Yes. I am a member and incoming chairman of the Academic Magnet High School Foundation Board. We, as board members, send emails to parents of AMHS students asking for monetary contributions to the Foundation.

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

Yes – I am a passive/fractional owner of a brewery in Celina, Texas. In the highly unlikely event that a litigation related to this brewery were to appear in my court I would recuse myself.

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

That would be decided on a case by case basis. Sometimes a Form 4 order would suffice. Sometimes proposed orders from both sides would be necessary. Sometimes a proposed order from one side, with a copy to the other parties, would be appropriate. Sometimes drafting a motion in chambers from scratch would be necessary.

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

As a litigator meeting deadlines has been part of my practice for 18 years. Meeting such deadlines is a group effort that requires diligence from everyone on the team. Having an accurate and updated calendar with deadlines and reminders is imperative in making sure nothing is missed. Also, weekly team meeting to discuss the upcoming deadlines in the next couple of weeks is essential. These same methods could be easily transferred to a judicial application.

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

As a circuit court judge I do not see much, if any, room for "judicial activism". Circuit Courts primarily work within the framework of the state constitution and state statutes. The statutes should be interpreted and applied as written, as intended, and as allowed by the state constitution – which includes setting and promoting public policy.

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 like to be involved with the law schools in Charleston and Columbia. I think it is important to start educating law students as early as possible on the practical workings of the judicial system and what is expected of lawyers in South Carolina. When I was in law school I took a course taught by a DC judge and it was the most practical and insightful course I took in law school. Having students exposed to a judge's take on the practical application of the law, as opposed to academic exercises, will help ensure that South Carolina's new lawyers continue to uphold the high standards of competence and civility that sets our bar apart from other states.

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?

No

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.

Before you look at the offender I think it is necessary to look at the crime itself:

Was the crime violent or non-violent?

Were there victims?

If so, how badly were the victims injured or damaged?

After the crime itself is evaluated I think it is important to look at all the mitigating and aggravating factors for each of the categories of offenders below within the framework of the crime committed:

What is the offender's criminal history?

Was the offender an accessory or the main actor?

Was the offender under excessive personal, mental, or professional stress when the crime was committed?

How strong or weak is the offender's support system?

What are the offender's educational opportunities?

What are the offender's employment opportunities?

These evaluations are important because each offender is unique and there may be reasons why some offenders should receive a lenient sentence, while others receive a harsher sentence. Simply put, sentencing should not be cookie-cutter – some people deserve jail, some do not.

a. Repeat offenders:

Repeat offenders should be given the most scrutiny on sentencing. Specifically, has the offender committed the same offense in the past as the one in question? If that is the case, often times a repeat offender should receive a harsher sentence than a first time offender.

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

Even if a juvenile offender has been waived up, it doesn't change the fact that the juvenile is still a child. Generally speaking, and except in exceedingly rare cases, juveniles should be given the benefit of the doubt and receive more lenient sentences than adult offenders. Juvenile offenders have the most room to change and get their lives in order. Harsh sentencing of juveniles would likely deny them that opportunity.

c. White collar criminals:

White collar criminals are still criminals and should be treated as such. Often times white collar criminals' offenses have victims. While those victims may not have been physically injured, the offenses of white collar criminals can lead to the financial ruin of the victims. It is not uncommon for white collar criminals to use lies, deceit, or other nefarious means to commit their crimes. All those

factors should be taken into consideration when sentencing white collar criminals and the sentence should reflect the fact that financial crimes are taken seriously in South Carolina.

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

Unfortunately, it is all too common for offenders to come from a socially and/or economically disadvantaged background. I think the key point in these situations is: how did the offender's background affect them in relation to the crime committed. Only after that analysis can you determine if the offender's background should be taken into account when sentencing them.

- e. Elderly defendants or those with some infirmity:

I think offenders with infirmities should be afforded similar leniency to that afforded juveniles.

Sentencing of elderly defendants should be done so with their advanced age in mind. For example, sentencing an 80 year old to 5 years in prison is effectively a life sentence and is probably not the right thing to do. Additionally, an elderly offender's capacity to physically tolerate prison should be taken into account.

I think that alternative sentencing should be strongly considered for elderly and infirm offenders, for instance, treatment programs, house arrest, and/or community service.

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?

No

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?

Even-keeled, attentive, respectful, and patient. South Carolina's oath of civility starts with the judges. It's an oath I take seriously, and it is especially important to maintain that oath as a judge. It is extraordinarily important for judge to remain calm and patient while giving the lawyers and litigants their full attention and respect. A judge should also be fair, firm, decisive, and unequivocal.


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?

No to both questions.

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 1<sup>st</sup> day of August, 2023.

  
(Signature)

Jaime Hiott  
(Print Name)

Notary Public for South Carolina

My Commission Expires: 6/1/26