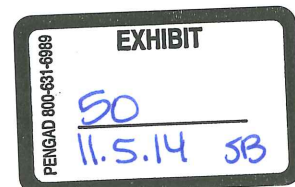


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 9

1. NAME: Ms. Jocelyn Newman
BUSINESS ADDRESS: Richardson Plowden & Robinson, P.A.
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, SC 29202-7788
TELEPHONE NUMBER: (office): 803-253-8716
2. Date of Birth: 1977
Place of Birth: Cleveland, OH
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Single; Never divorced; No children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Howard University School of Law – 2001-04; JD received May 2004;
 - (b) USC – 1997-99 (including both undergraduate and post-graduate summer school)
BS in Mathematics received May 1999;
 - (c) Duke University – 1995-96; no degree awarded; transferred to USC.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
 - (a) SC – admitted in 2004; bar exam taken once;
 - (b) District of Columbia – admitted from January to September 2004 under a limited license to practice as a student in the District of Columbia Court of Appeals.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) National Conference of Negro Women, 2003-04;
 - (b) Duke University Research Fellows Program, Summer 1996;
 - (c) Duke University Peer Tutoring Program, Mathematics, 1995-96.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

| <u>Conference/CLE Name</u> | <u>Date</u> |
|----------------------------------|-------------|
| (a) 2014 Bar Examiner Credit | 03/01/14; |
| (b) Social Media | 02/26/14; |
| (c) SC Bar Convention | 01/23/14; |
| (d) HIPPA and HITEC Implications | 01/22/14; |



- | | | |
|------|---|-----------|
| (e) | SCDTAA Annual Meeting | 11/07/13; |
| (f) | Gray's Inn of Court versus SC School of Law | 09/11/13; |
| (g) | Identity Fraud & Abuse in Your Client's Industries | 04/24/13; |
| (h) | SCDTAA Trial Academy | 04/17/13; |
| (i) | 2013 Bar Examiner Credit | 03/01/13; |
| (j) | SCDTAA Annual Meeting | 11/08/12; |
| (k) | SCIRF Law Enforcement Defense Seminar | 10/05/12; |
| (l) | SCBLA Annual Retreat | 09/26/12; |
| (m) | The State of the Judiciary in SC | 08/07/12; |
| (n) | SCDTAA Trial Academy | 06/07/12; |
| (o) | Seminar on Depression and Substance Abuse | 05/23/12; |
| (p) | NCBE Annual Bar Admissions Conference | 04/20/12; |
| (q) | Trials of a Young Lawyer: Avoiding a Comedy of Errors | 04/11/12; |
| (r) | 2012 Bar Examiner Credit | 03/01/12; |
| (s) | SCDTAA Annual Meeting | 11/03/11; |
| (t) | SCIRF Law Enforcement Defense Seminar | 10/07/11; |
| (u) | Musical Chairs in the Jury Box | 09/28/11; |
| (v) | Ethics Case Law Review | 02/16/11; |
| (w) | 2010 Ethics Case Law Review | 12/15/10; |
| (x) | Authenticating Digital Evidence | 10/27/10; |
| (y) | SCIRF Law Enforcement Defense Seminar | 10/01/10; |
| (z) | Trial and Error: A Day of Litigation Skills | 08/20/10; |
| (aa) | Ethics Seminar | 02/24/10; |
| (bb) | Occupational Fraud by Dixon Hughes | 12/16/09; |
| (cc) | Professionalism at the Movies | 12/15/09; |
| (dd) | Ethics Seminar | 11/18/09; |
| (ee) | SCDTAA Annual Meeting | 11/05/09; |
| (ff) | SCBLA Annual Retreat | 10/01/09. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- I have given a lecture about fraudulent insurance claims at the Seibels Bruce Group, Inc., on behalf of the Claims and Litigation Management Alliance;
 - I have instructed paralegal education courses at Central Carolina Technical College in Sumter, SC;
 - From 2008 until 2009 I taught LSAT and SAT review courses at Kaplan Test Prep & Admissions.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- "Standing Your Ground" in Civil Actions, The Defense Line (SC Defense Trial Attorneys' Association, Columbia, SC), Fall 2013, at 51;
 - C. Tyson Nettles, Unsung Hero, S.C. Young Lawyer, Aug, 2011, at 13;
 - Judicial Profile of The Honorable Clifton Newman, The Defense Line (SC Defense Trial Attorneys' Association, Columbia, SC), Spring 2009, at 13.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) Admitted to practice before the Fourth Circuit Court of Appeals in 2010;
 - (b) Admitted to practice before the US District Court for the District of SC in 2007;
 - (c) Admitted to practice before the State Courts of SC in 2004; and
 - (d) Admitted to practice before the District of Columbia Court of Appeals, under a limited student's license, in 2004.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

After graduating from law school, I was employed as judicial law clerk for the Honorable G. Thomas Cooper, Jr., then-Resident Circuit Court Judge for the Fifth Judicial Circuit. For approximately half of that time, Judge Cooper served as Chief Administrative Judge for General Sessions Court in Richland County; therefore, I had the opportunity to research key issues in criminal law and to observe a wide range of criminal trials, guilty pleas, motions hearings and other administrative hearings (e.g., admission to pre-trial intervention and other diversion programs). I also assisted Judge Cooper in the trial and sentencing of a death penalty case.

In 2005, after the completion of my judicial clerkship, I became an Assistant Solicitor in the Fifth Judicial Circuit. In that position, I served as prosecutor for all types of criminal cases, whether felony or misdemeanor. I also served as lead counsel in the trials of several misdemeanor actions and as associate counsel in the trials of "most serious" felony cases. Finally, my job duties included representing the State of SC in Circuit Court in cases appealed from Magistrate's Court.

In 2007, I joined Richardson Plowden & Robinson, P.A., a firm that practices primarily civil law. As an associate at Richardson Plowden, I first practiced in the Lobbying and Governmental Affairs practice group. In that capacity, I served as counsel for both plaintiffs and defendants primarily in cases involving issues of governmental regulation. I also served as a lobbyist for one legislative season. In 2008, I changed focus and joined the General Litigation practice group. As a member of that practice group, I most often serve as defense counsel in cases involving personal injury, construction defects, real property, constitutional violations, and a number of other subjects. From time to time, I represent plaintiffs in similar actions and criminal defendants in minor cases. I very frequently serve as associate trial counsel for attorneys in all practice groups within the firm. For a period of time, I also served as appointed counsel in Family Court and Post-Conviction Relief actions.

If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

My criminal experience over the past five years has been limited, but has included the representation of the accused in a bank fraud action in which there were issues concerning the existence of evidence and the State's compliance with discovery rules. However, from 2005 until July 2007, I was employed as an Assistant Solicitor. During that time, I focused exclusively on criminal matters.

For the past five years, my primary focus has been civil matters. During that time, I have tried more than ten civil cases (representing the defendant in at least seven and the plaintiff in at least three) in both Magistrate's Court and Circuit Court. Those cases involved issues such as proper application of the SC Tort Claims Act ("SCTCA"), comparative negligence and its application to judgments awarded pursuant to the SCTCA, the propriety of advisory verdicts in civil actions and whether the Circuit Court is bound by such verdicts, violation of the constitutional rights of prison inmates, and a wide range of other issues.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

Super Lawyers named me one of SC's "Rising Stars" in 2012, 2013, and 2014.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: several times a year;
 - (b) state: weekly.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 90%;
 - (b) criminal: 5%;
 - (c) domestic: 5%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 50%;
 - (b) non-jury: 50%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Often associate counsel, but frequently sole counsel

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

- (a) King v. American General Finance, Inc., 386 S.C. 82 (2009) – In this case, I represented the plaintiffs, each of whom had obtained loans from Defendant American General Finance, Inc. Plaintiffs alleged that Defendant violated the "attorney preference statute" (S.C. Code § 37-10-102) by lending money but failing to determine the borrower's preference for legal counsel to be involved in the transaction at the time of the loan application. This case was significant in that it lent judicial interpretation to the "attorney preference statute" and established that the law requires that such preference be determined contemporaneously with the credit application. The appellate court also reversed the trial court's decertification of the case as a class action;
- (b) Kelly v. White, 2011 WL 939015 (not reported in F.Supp.2d) – In this action, I represented the defendants, all of whom are employees of the SC Department of

Corrections (“SCDC”). Plaintiff, an inmate, filed this action pursuant to 42 U.S.C. §1983, alleging that his civil rights were violated by the use of excessive force against him. This case is significant in that the court’s decision turned on its determination of whether equitable tolling should apply to the statute of limitations. The court determined that where prisoners attempt to exhaust all available administrative remedies within SCDC yet SCDC fails to respond to their written requests, the statute of limitations will be equitably tolled for only one hundred fourteen days – the total length of SCDC’s internal grievance procedure when properly used. Thus, “the 114-day rule” was established in prisoners’ civil rights actions involving SCDC;

- (c) State of SC v. Alphonso Simmons (not reported) – I represented the State of SC as an Assistant Solicitor in this action. The defendant was charged with approximately 60 offenses at the time, both in Richland and Kershaw Counties. We elected to try him on 14 of those offenses – 5 counts of armed robbery, 8 counts of kidnapping and 1 count of grand larceny. This case was significant in that there were significant disputes about the relevance, introduction and suppression of certain evidence, all of which arose because the defendant was on a “crime spree” throughout Richland and Kershaw Counties. Therefore, much of the evidence related to the case being tried was discovered at other crime scenes, and the introduction of that evidence could potentially infringe on the defendant’s presumption of innocence and his right to remain silent. Ultimately, the case was tried to jury and a guilty verdict was rendered on all 14 charges;
- (d) Crusader v. Thomas Robinson, 2009-CP-18-2300 (not reported) – In this trial I represented the plaintiff, a rent-to-own company who filed a claim and delivery action against the defendant in Magistrate’s Court. The defendant filed several counterclaims, which moved the case to Circuit Court. The case was tried over a seven-day period in the Dorchester County Court of Common Pleas. This action was significant to my legal career because I was able to win a directed verdict on my case-in-chief. In addition, the remainder of the trial involved a wide range of legal issues, including the authentication of evidence, impeachment of several witnesses, a witness’s misconduct during trial, opposing counsel’s absence from trial, opposing counsel’s improper statements during opening statements and closing arguments, and many, many other issues. The jury’s verdict (in favor of the plaintiff on the defendant’s counterclaims) rested on the distinction between liability and damages. Post-trial motions were filed and argued regarding the potential impropriety of the jury’s findings and whether the court should grant an *additur* – all of which were denied;
- (e) Barnhill v. Barnold, 2007-CP-40-2358 (not reported) – In this case, I represented the defendant, a corporation owned by the ex-wife of the plaintiff. The plaintiff had done work for the company without pay since its inception in the 1980’s. After the parties’ divorce, the plaintiff sued for 25 years’ worth of wages. This trial was significant in that it was an equitable matter tried in the Court of Common Pleas with an advisory jury – an uncommon occurrence in litigation. The advisory jury returned its verdict along with a note to the court explaining how they arrived at the verdict. Despite his request for the advisory jury, the plaintiff disagreed with its decision and petitioned the court for a judgment far in excess of that which was

awarded by the jury. Ultimately, the court entered a judgment identical to the one advised by the jury.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship.

Herron v. Century BMW, Supreme Court of SC, decided April 19, 2010, reported at 387 S.C. 525 (2010)

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

From 2005-07, as an Assistant Solicitor, I represented the State of SC (Richland County) in several appeals of Magistrates Court decisions. To my knowledge, none of those decisions was reported.

22. Have you ever held judicial office? No.

24. Have you ever held public office other than judicial office? No.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office.

Not applicable.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

In August 2012, I submitted an application and was a candidate for SC Circuit Court At-Large Seat 16. I completed the judicial screening process in November 2012 and was found to be "qualified, but not nominated."

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

From 2008-09, I instructed paralegal education courses at Central Carolina Technical College in Sumter, SC; and I taught LSAT and SAT review courses at Kaplan Test Prep & Admissions.

28. Are you now an officer or director or involved in the management of any business enterprise?

I am the president and registered agent for Bobbi Development, LLC, a real estate holding company comprised of me and my three siblings. The company owns a single asset – a parcel of real property in Fairfield County, SC. My only duty is to ensure that the property taxes are paid annually for that property.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek.

None.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy?

No.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?
Since August 2007, I have had malpractice insurance with OneBeacon Insurance Company. The coverage amount is \$10,000,000, and the deductible is \$25,000. I have never been covered by a tail policy.
38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?
I currently have accounts on Facebook, Twitter, LinkedIn and Instagram. I rarely post personal information on any of these accounts, but rather use them to stay in touch with friends and colleagues. I don't foresee any significant effect on my use of social media sites if elected, as my use is already minimal. I would, however, eliminate any commentary on political or significant social issues.
39. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)?
From January 1 to December 31, 2008, I was employed as a lobbyist for Assurant Solutions. This occurred by virtue of my employment in the Lobbying and Governmental Affairs practice group of Richardson Plowden & Robinson, P.A.
40. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal?
No.
41. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
42. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
43. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None.
44. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.

45. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
48. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
49. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SC Bar;
 - (b) Richland County Bar Association;
 - (c) SC Board of Law Examiners, Associate Member, January 2012 – present;
 - (d) SC Defense Trial Attorneys’ Association;
 - (e) Columbia Lawyers Association – President, 2012;
 - (f) SC Black Lawyers Association; and
 - (g) SC Bar Foundation – Member, Board of Directors, July 2012 – present.
50. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Mensa;
 - (b) Alpha Kappa Alpha Sorority, Inc.; and
 - (c) John Belton O’Neill Inn of Court, Treasurer 2014-15.
51. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.
- I have served our judicial system as counsel for both plaintiffs and defendants, as a prosecutor and as a criminal defense attorney, and in both civil and criminal practices. I am now eager to step into a different role within the system and take on more responsibility as a jurist who is confident, capable, and able to enhance the public’s trust and confidence in our legal system. I was raised in a family of public servants, which is, in part, what inspired me to become an attorney. Since graduating law school, I have hoped to one day become a judge.
52. References:
- (a) Casey Cuthill, Uptown Assistant Manager
Palmetto Citizens Federal Credit Union
Post Office Box 5846
Columbia, SC 29250
(803) 732-5000;
 - (b) John S. Nichols, Esquire
Bluestein Nichols Thompson Delgado, LLC
Post Office Box 7965

- Columbia, SC 29202
(803) 779-7599;
- (c) Kathryn Luck Campbell Hubbird, Esquire
Fifth Circuit Solicitor's Office
Post Office Box 192
Columbia, SC 29202
(803) 576-1800;
- (d) The Honorable Nikiya M. Hall
Public Service Commission of SC
101 Executive Center Drive
Columbia, SC 29210
(803) 920-4091;
- (e) Sylvia Morris-Vice
Nelson Mullins Riley & Scarborough LLP
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 255-9366.

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

Signature: Jocelyn Newman

Date: August 6, 2014