

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

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

Full Name: Jennifer Kneece Shealy  
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1. Why do you want to serve as a Circuit Court judge?

I want to serve as a Circuit Court judge for a number of reasons. I have thoroughly enjoyed my career as a trial attorney. The practice of law has afforded me the opportunity to be challenged intellectually and to work with people (victims, defendants, and families of victims and defendants) who are in need of a voice for their loved ones. I changed my career path from representing defendants to representing the State approximately eight years ago. The change presented new challenges and presented the opportunity to look at the criminal justice system through a new lens. I genuinely believe that a career change now will allow me to combine my experience in the courtroom with the honorable task of presiding over court, making legal rulings, and administering justice in a "just" manner. The role of judge is a heavy one. When I have been in the presence of judges who conduct themselves in a professional manner and who weigh their decisions with intelligence and wisdom, I have been in awe. I would strive to be a judge who is fair to all litigants and who administers justice in a thoughtful, impartial, and reasoned manner.

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

I do plan to serve my full term.

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

I do not have those plans.

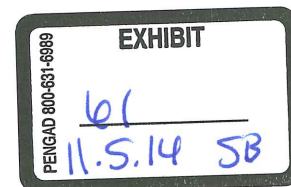
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

I have.

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

I think that *ex parte* communications are inappropriate except when expressly allowed for by the Rules of Professional Conduct, State law, or Federal law.

For example, *ex parte* communications are allowed for by defense attorneys in seeking funding for experts for their clients and by the State for the purpose of gaining search warrants and other allowable



court orders

South Carolina Judicial Canon 3 B (7) sets out the rule regarding *ex parte* communications.

The “bending of the ear” of a judge by one side without the other side being present would not be tolerated.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

Regarding potential recusals, I would alert the parties in the proceedings of any former associates or law partners who are involved in the litigation before me. Similarly, I would advise the parties that the lawyer-legislator is a member of the body that elected me. If there is any financial connection between a party and a family member of mine or with me directly, I would advise all parties as I also would if there existed any personal bias or prejudice concerning a party or a party’s attorney.

I would recuse myself if a litigant in the matter was a former associate of mine and was involved in this litigation at the time of our association.

I would recuse myself if my impartiality might reasonably be questioned. I would ask the parties and lawyers to meet outside my presence to see if they agree to waive any disqualification

I would comply in full with South Carolina Judicial Canon 3 E and F.

7. 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?

If I were concerned that my impartiality might reasonably be questioned, I would give deference to the request for recusal. I would grant such request. South Carolina Judicial Canon 3E Commentary.

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

I would evaluate the situation pursuant to South Carolina Judicial Canon 3 E (c) and (d).

I would put on the record the nature of my familial relationship with the individual in question. I would also set out the nature of that person’s financial interest in question. I would evaluate the situation by evaluating the concerns of whether “the judge’s impartiality might reasonably be questioned” and whether the relative is known by me “to have an interest in the law firm that would be ‘substantially affected by the outcome of the proceeding’.” I would disqualify myself if the analysis called for disqualification. South Carolina Judicial Canon 3 E (d) Commentary.

9. What standards would you set for yourself regarding the acceptance of

gifts or social hospitality?

South Carolina Judicial Canon 4D.

I would observe strict adherence to Canon 4D as to gifts and accepting ordinary social hospitality. I would be prepared to explain my inability to participate or accept an inappropriate gift.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I would follow South Carolina Judicial Canon 3D.

When a judge commits a violation of the Judicial Canons that raises a substantial question as to the judge's fitness for office, I would report the matter to the Commission on Judicial Conduct. When compelled under the Judicial Canons to report, I would report. In that the Canons allow for other appropriate action when a judge's fitness for office is not in question, I would take other appropriate action allowed for by Canon 3D.

Similarly with attorneys, I would report a lawyer to the Office of Disciplinary Counsel who I know to have engaged in conduct that violates the Rules of Professional Conduct and that raises a substantial question as to the honesty, trustworthiness, or fitness of the lawyer. When "appropriate action" is dictated by the Canon, I would exercise those options when the attorney's fitness as a lawyer, honesty, and trustworthiness are not in question.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?

No.

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

No.

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

Judicial Canon 3B

In complex matters, I may ask for proposed orders and briefs. I would calendar dates for the submission of proposed orders and briefs and I would also calendar a date for my issuing an order. I have been exposed to the anguish that parties experience when awaiting an order in a case, and I intend to establish a date at the outset for when an order will be filed.

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

We would have routine meetings looking at the month ahead to make sure that we are aware of deadlines and that we prepare accordingly. All members of my staff will share a calendar to make sure that we all prioritize appropriately. I will make sure that when calendaring events I allot enough time for the reflective process of issuing an order as well as completing the necessary research.

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

I recognize the importance of public policy in interpreting statutes and past precedents. However, in our tripartite system of government, it is the primary role of the popularly elected branches of government to resolve matters of public policy, not the judiciary.

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 welcome participation in bar committees and judicial committees.

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 believe that serving as a judge would strain my personal relationships in that my children are now young adults. My husband and I have been married for 25 years, and we are both attorneys. We are very used to hectic schedules and assisting each other. He is a law professor, so his schedule now is pretty stable. I own a home in Columbia where one of my sons is in college. My other son still resides with us. As an At-Large Judge, having as a base both Columbia and South Carolina should assist in my ability to see family frequently.

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.

a. Repeat offenders: With repeat offenders, I would examine their previous sentences, weigh the seriousness of the current offense, and sentence more substantially if the previous crimes are of a similar nature. The concern would obviously be that the individual is not learning from previous mistakes. I would take into consideration whether he/she had successfully completed probation previously. I would evaluate whether his/her criminal conduct is escalating: are these crimes graver than his earlier convictions. I would determine what sentence would most effectively address the defendant's behavior and address his /her cycle of criminal conduct.

b. Juveniles (that have been waived to the circuit court):  
If the juvenile has been waived up, the nature of the crime is going to likely be very serious. I would weigh his/her age as a factor in considering the appropriate sentence. There would, however, be other factors that would go into sentencing. Are the actions connected in any way to his age? What is the opinion of the victim regarding sentencing? Interestingly, victims sometimes sympathize with young defendants. Does law enforcement weigh in? Sometimes law enforcement can offer insight into a young defendant. What has the defense attorney offered as mitigation and what insight has he or she given regarding the age

of the defendant and the crime? What has the State offered? Are there co-defendants who led the young defendant into trouble? Other times, a young defendant can be the leader in the crime, violent, and deserving of a substantial sentence based on his conduct.

c. White collar criminals:

White collar criminals appear to frequently benefit from their ability to pay back the victims in criminal court. Most often, the crimes involve many episodes of theft on the part of the defendants. Usually, there is an element of trust on the part of the victim that the defendant has abused. I would evaluate the actions of the defendant in sentencing. Often, victims are willing to recommend a lesser sentence if it means that they can recover from their financial loss. I do not see white collar criminals as a different class of criminals.

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

The backgrounds of defendants are part of what judges are advised of when sentencing. The evaluation of the backgrounds and what connection it may have to the criminal conduct is a task for a judge. I would not have a "policy" that all defendants from a socially or economically disadvantaged background would be treated more favorably or more harshly. His/her background would be one piece of information that may or may not be relevant to the crime in question and to the sentence.

e. Elderly defendants or those with some infirmity:

I do not have a philosophy regarding the punishment for elderly defendants or defendants with an infirmity. Those facts are a part of the information about a defendant that a judge will likely be provided, and I would weigh those facts if there is some relevance to the conduct. As it relates to punishment, there may be some cases where the age or the infirmity creates the tipping point as to incarceration or no incarceration. However, I do not have a blanket philosophy as to those factors.

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?

Perhaps. If the definition of *de minimis* accurately describes the interest, I think I could. I would, however, make the parties aware of the issue.

21. Do you belong to any organizations that discriminate based on race, religion, or gender?

No.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
Yes.
23. What do you feel is the appropriate demeanor for a judge?  
I think a judge should be professional, courteous, even-tempered, and polite. I think explosions of emotion and frustration are inappropriate. I think judges should have control of their courtroom and achieve that control in an assertive yet gracious manner.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?  
I think judges should be perceived by the Bar and the community as described above. I do not think the rules would apply in my personal life. I am not sure that anyone could maintain an even-tempered existence in their private lives or twenty hours a day, seven days a week.
25. 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?  
I am assuming this question is directed at a judge's behavior in the courtroom. I do not think there is a place for anger by a judge in a courtroom setting. I have seen that behavior towards attorneys, defendants and victims. I think it is inappropriate at all times in the judicial system.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?  
I will be buying stationery, business cards, and copying this application. None has been spent at this time.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
n/a
28. Have you sought or received the pledge of any legislator prior to this date?  
No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
No.
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?  
I have had introductions made by friends and colleagues. There has been no attempt to ask for a pledge or a commitment.

31. Have you contacted any members of the Judicial Merit Selection Commission?

No.

32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

Yes.

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

s/ Jennifer Shealy

Sworn to before me this 5 day of August, 2014.

Paulette Harrison

(Print Name)

Notary Public for S.C.

My Commission Expires: January 3, 2017