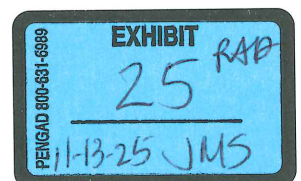


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Circuit Court, At-Large, Seat 16

1. NAME: Ms. Jocelyn Newman  
BUSINESS ADDRESS: Richardson Plowden & Robinson, PA  
1900 Barnwell Street (29201)  
Post Office Drawer 7788  
Columbia, SC 29202-7788  
TELEPHONE NUMBER: (office): (803) 253-8716
2. Date and Place of Birth: 1977; Cleveland, OH  
[REDACTED]
3. Are you a citizen of SC? Yes  
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Single
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 awarded May 2004;
  - (b) USC, Summer 1999 (post-graduate, summer school courses), no degree awarded;
  - (c) USC, 1997-99, BS in Mathematics awarded May 1999;
  - (d) Duke University, 1995-96, no degree awarded, departed in December 1996 for academic reasons, 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) I have taken the bar exam only once in SC. I was admitted to practice law in 2004 and have been a member in good standing since that time.
  - (b) In approximately January 2004, I was admitted to practice as a law student by the District of Columbia Court of Appeals. That limited license expired in September 2004.
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.

From approximately 2003-04, while in law school, I was a member of the National Conference of Negro Women. In college, I participated in the



Duke Research Fellows Program (Summer 1996) and was a peer tutor for mathematics (1995-96).

10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) The State of the Judiciary in SC	8/7/12;
(b) SCDTAA Trial Academy	6/7 – 6/8/12;
(c) Seminar on Depression and Substance Abuse	5/23/12;
(d) Trials of a Young Lawyer: Avoiding a Comedy of Errors	4/11/12;
(e) 2012 Bar Examiner Credit	3/1/12;
(f) SCDTAA Annual Meeting	11/3 – 11/6/11;
(g) SCIRF Law Enforcement Defense Seminar	10/7/11;
(h) Musical Chairs in the Jury Box	9/28/11;
(i) Ethics Case Law Review	2/16/11;
(j) 2010 Ethics Case Law Review	12/15/10;
(k) Authenticating Digital Evidence	10/27/10;
(l) SCIRF Law Enforcement Defense Seminar	10/1/10;
(m) Trial and Error: A Day of Litigation Skills	8/20/10;
(n) Ethics Seminar	2/24/10;
(o) Occupational Fraud by Dixon Hughes	12/16/09;
(p) Professionalism at the Movies	12/15/09;
(q) Ethics Seminar	11/18/09;
(r) SCDTAA Annual Meeting	11/5 – 11/8/09;
(s) SCBLA Annual Retreat	10/1 – 10/3/09;
(t) CLE – Outline for Medicare	6/24/09;
(u) SCDTAA Trial Academy	6/3/09;
(v) 2008 SC Tort Law Update	10/31/08;
(w) SCIRF Law Enforcement Defense Seminar	10/3/08;
(x) SCDTAA Trial Academy	6/18/08;
(y) NITA / SC Disability Program	3/27/08;
(z) It's All a Game – Top Trial Lawyers Tackle Evidence	2/8/08;
(aa) Responding to Grievances and Disciplinary Actions	1/23/08;
(bb) 2007 SC Local Government	12/7/07;
(cc) Advanced Discovery and Evidence	11/30/07;
(dd) Annual Free CLE Ethics Seminar	11/2/07;
(ee) First Mortgage Under the Consumer Protection Code	10/5/07.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) I have lectured at The Seibels Bruce Group, Inc., on behalf of the Claims and Litigation Management Alliance on the topic of fraudulent insurance claims.
- (b) I have instructed paralegal education courses at Central Carolina Technical College.

- (c) I was employed by Kaplan in approximately 2008 and 2009 as an instructor for review courses for the LSAT and the SAT.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) *C. Tyson Nettles, Unsung Hero*, S.C. Young Lawyer, Aug. 2011, at 13.
- (b) *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 United States 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 as a law student before the District of Columbia Court of Appeals 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.
- 14.(b) 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.

After graduating from law school, I became a judicial law clerk to the Honorable G. Thomas Cooper, Jr., 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 which 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. Finally, I serve as appointed counsel in Family Court and Post-Conviction Relief actions.

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.

In 2012, Super Lawyers named me one of SC's "Rising Stars."

16. What was the frequency of your court appearances during the last five years?
- (a) federal: a few 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: 90%;
  - (b) non-jury: 10%.

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

I most often served as associate counsel but frequently served as 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 14 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.

Herron v. Century BMW, Supreme Court of SC, decided April 19, 2010, 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.

As an Assistant Solicitor, I represented the State of SC in several criminal appeals from Magistrate's Court to the Circuit Court. However, none of those decisions was reported, and none had any particular significance.

22. Have you ever held judicial office? No.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported.  
N/A
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. N/A
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
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? No.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.  
I am technically the President and Registered Agent of Bobbi Development, LLC, a real estate holding company. However, while still registered as a domestic corporation in good standing with the SC Secretary of State, that company has been defunct since 2001 and has no assets.
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? 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? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.  
I have had malpractice insurance since August 2007 with OneBeacon Insurance Company in the amount of \$10,000,000. The deductible is \$25,000. I have never been covered by a tail policy.
38. 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)?  
Yes. In from January 1, 2008, until 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.
39. 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.
40. 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." None.
41. 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.
42. 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.  
I have spent \$72.00 on postage.
43. 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.
44. 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.
45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
  46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
  47. 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.
  48. 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 Women Lawyers Association;
    - (e) SC Defense Trial Attorneys’ Association;
    - (f) Columbia Lawyers Association – President, 2012;
    - (g) SC Black Lawyers Association;
    - (h) SC Bar Foundation – Member, Board of Directors, July 2012 – present.
  49. 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.;
    - (c) Ronald McDonald House Charities – Board Member, Friends Advisory Board, January 2011 – present;
    - (d) I. DeQuincey Newman United Methodist Church – Chair, Council on Ministries, January 2011 – present.
  50. 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.
  51. References
    - (a) Leigh Peake, Uptown 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) Charles F. Coleman, Jr., Esquire  
U.S. Equal Employment Opportunity Commission  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, New York 10004-2112  
212-336-3699
- (e) Sylvia Morris-Vice  
Nelson Mullins Riley & Scarborough LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201  
803-255-9366

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: Jocelyn Newman

Date: August 8, 2012

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

Circuit Court  
(New Candidate)

Full Name: Jocelyn Thraine Newman  
Business Address: Post Office Drawer 7788  
Columbia, South Carolina 29202-7788  
Business Telephone: (803) 253-8716

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

I was raised in a family of public servants, which is, in part, what inspired me to become an attorney. I have always had a strong faith in our justice system, and I have served in that system as counsel for plaintiffs and defendants, as a prosecutor and as a criminal defense attorney. 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, equal to the task and able to enhance the public's trust and confidence in our legal system.

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

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

I have no plans to return to private practice at this time.

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?

It is my philosophy that a judge should refrain from engaging in *ex parte* communications when possible. However, *ex parte* communications may be necessary and could be tolerated when limited to administrative and scheduling matters, as are authorized by the Code of Judicial Conduct.

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

I believe that I can remain fair and impartial in all situations, including those in which former colleagues or lawyer-legislators are involved, and that recusal should not be necessary absent extraordinary circumstances. However, if requested, I understand that recusal may be necessary to avoid the appearance of impropriety even if no actual impropriety exists.

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?

Great deference would be given to the party that requested my recusal, and their motion would likely be granted. It is incumbent upon judges to inspire confidence in the judicial system and to avoid the appearance of impropriety even if there is no actual bias or prejudice.

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

Although I understand that a judge should hear and decide all matters to which they are assigned, there is an exception for those matters in which the judge is disqualified. Therefore, I would recuse myself in matters where there is any appearance of impropriety, particularly in cases whether the financial or social involvement of a spouse or close relative is involved. It is incumbent upon members of the judiciary to inspire confidence in the public's perception of the judicial system, which includes enhancing the public's trust in the fairness and impartiality of the judiciary.

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

If elected, I would not accept gifts or social hospitality from people other than family members and close personal friends. I would also make an exception for small gifts, meals, etc. provided by Bar-related entities under circumstances which could not reasonably be perceived as an attempt to influence me or cause bias or prejudice within the judiciary. Above all, the integrity of the judiciary must be preserved, and I would not accept gifts from anyone who cast doubt on that integrity.

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

I would report any such misconduct to the appropriate disciplinary authority because of my moral and ethical obligations to do so.

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

I have no such affiliations.

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

I have no such involvements.

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

In most cases, I would probably request that counsel provide me with proposed orders, ensuring that such orders also be submitted to opposing counsel. Using those proposed orders, I would edit, revise and craft a final order, taking care to make sure than any order bearing my signature contains only my findings of fact and conclusions of law and

that any extraneous or biased information is removed from the final version.

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

If elected, I would ensure that all deadlines are entered into an electronic calendar (e.g., Microsoft Outlook), that reminders be set in advance of the deadlines, and that all deadlines also be handwritten on a calendar in my office or printed from the electronic system as a back-up system.

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

It is my philosophy that judges, as public servants, must balance their duties as responsible citizens with their commitment to the judiciary. However, a judge must not engage in any activity – including those setting or promoting public policy – which may cause public concern as to the judge’s ability to act fairly and impartially in all matters.

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 believe that the best way to improve any system or organization – including the legal system – is from the inside. To that end, I would attempt to improve South Carolina’s judicial system by observing the administrative systems in South Carolina’s counties, by engaging in continuing legal education both locally and on a national level (e.g., through the American Bar Association), and by being actively involved with the administration of the Judicial Department as a whole in order to improve our legal system.

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?

While it is inherent in any position involving the public’s trust that there will be some strain on personal relationships, I believe that it can be managed by setting boundaries in those relationships. For example, judges are prohibited from practicing law, which will present a problem for close friends and relatives, who often seek free legal advice and representation. However, by setting “bright line” boundaries, explaining the reasons for those boundaries and remaining committed to the profession, those pressures can be managed.

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: Repeat offenders should be evaluated to determine whether they are resistant to change (and, therefore, should be sentenced more harshly) or whether they have simply been

overlooked for consideration in diversion and/or treatment programs.

b. Juveniles (that have been waived to the circuit court): In juvenile cases (as in all cases), the interests of the crime victims must be balanced with the interests of the juvenile offender. In most cases, the goal of the court should be rehabilitation and education more than punishment, although sometimes the two go hand in hand.

c. White collar criminals: White collar criminals, like all criminals, must be held accountable for their actions. However, each must be evaluated on a case by case basis to determine what is appropriate under the facts of each case. While white collar criminals do not leave their victims with the same feeling or fear as in other crimes, there is still a great impact on both the victims and the community as a whole. Therefore, it is important to stress deterrence and making the victims whole as much as possible.

d. Defendants with a socially and/or economically disadvantaged background: These defendants can often benefit from deterrence, rehabilitation and education. Often, probationary sentences or those involving the payment of restitution are not appropriate for those in an economically disadvantaged situation and are, therefore, unable to comply with the sentence. That said, a defendant's background must not be used to condone criminal activity. Rather it should give the court insight into the facts of each situation so that each defendant can be appropriately sentenced.

e. Elderly defendants or those with some infirmity: Elderly defendants must also be held accountable for their actions. However, there are additional considerations for the physical – and sometimes mental – limitations of such defendants. While the protection and safety of society are paramount, alternatives to traditional incarceration should be considered where appropriate.

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

I have no such investments.

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

Yes. If I or my family only had a *de minimis* financial interest in the party, it is unlikely that my impartiality could reasonable be questioned. However, if after disclosure of such involvement, there were a serious question from a party, I would not hear the case in order to avoid the appearance of impropriety.

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 feel that the appropriate demeanor for a judge is to remain calm

even in the most trying situations; to exude confidence, integrity and impartiality in order to promote confidence in the judicial system; and to show fairness and respect for attorneys, litigants, witnesses, victims, jurors and court personnel alike.

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?

These "rules" for maintaining the appropriate judicial demeanor apply at all times, whether in court, in chambers, at home or on vacation. A judge remains a judge, no matter what the setting, and is always a representative and reflection of the judicial system.

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?

It is never appropriate for a judge to show their anger in dealing with members of the public, attorneys, *pro se* litigants, or anyone else. Instead, a judge must remain calm, courteous and respectful of all people. A judge can be stern and serious when appropriate without being disrespectful and without casting a negative light on 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?

To date, I have spent approximately \$72 on postage expenses.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not applicable.
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? No.
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.

Jocelyn Thraine Newman

Sworn to before me this 8 day of August, 2012.

Notary Public for S.C.

My Commission Expires: 09/25/19 \_\_\_\_\_