



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

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

Full Name: Amy Virginia Cofield

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

In my twenty-six years of private practice I have thrived in the ability and desire to practice in several areas of the law. It is intriguing to me to continuously encounter variety every day. Every single case is different from the other. Each has different parties, issues, and nuances, but each much abide by the law as it exists. It is exciting to know the law and see it evolve every single day. I am proud to be a part of the legal community and know that I can serve our state and community in this valuable way. As a very competitive type person I hope to be part of improvement to our judiciary and its efficiency and effectiveness.

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 do not have any plans to return to private practice after serving in this capacity.

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

Yes, I am 54 years of age, have been practicing law for 26 years and I am a lifelong resident of South Carolina.

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 are improper except in very limited situations. Pursuant to Judicial Canon 3, a judge may not initiate, permit or consider ex parte communications unless circumstances require the communication for administrative purposes or emergencies that do not deal with the substantive issues. Even in this situation the judge must reasonably believe that no party would gain an advantage and must promptly notify all other parties of the communication and allow any response to it.

Practically speaking, with the consent of all parties, a judge may consider ex parte communication if authorized by law or in an effort to mediate or settle matters before the judge.

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

Pursuant to Judicial Canon 3E, a judge shall disqualify him/her self in a proceeding in which impartiality “might reasonably be questioned”. My philosophy would tend to lead me to be slightly more restrictive. Even if a situation would appear to be “unreasonably questioned” I would not wish to proceed in an action in which a party, whether unreasonably or not, believed there was a basis for disqualification. Under all circumstances I would disclose on the record any knowledge I had regarding any associations with former partners, associates, or lawyer legislators that would be relevant to a matter before me.

The Canons do allow for a Remittal of Disqualification where after a judge’s disclosure on the record the parties may consider (outside of the judge’s presence) whether or not all parties agree that the judge should not be disqualified. This, too, should be placed into the record.

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?

As set forth in Question 6. above, because I do feel my philosophy is somewhat restrictive, I would recuse myself. For at all times it is necessary that a judge not only refrain from any impropriety, but must refrain from any appearance of impropriety.

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

Pursuant to Judicial Canon 3E(c) a judge is disqualified if a spouse or close relative has an economic interest in the matter or has any other than “de minimis” interest that could be affected by the proceeding, or is a party, an acting lawyer in the proceeding, a material witness, or has more than a “de minimis” interest. Again, disclosure on the record is necessary.

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

Judicial Canon 4D(5) sets forth that a “judge shall not accept and shall urge members of the judge’s family residing in the judge’s household, “not to accept, a gift, bequest, favor or loan from anyone””, unless certain criteria is met.

The rule states that the exceptions are such things as gifts incident to materials supplied for official use (books, tapes, etc.), invitation for a judge and spouse to attend a bar function or one devoted to improvement of the law; gift/award/benefit incident to the business or profession of the judge or spouse not reasonably perceived as intended to influence; ordinary social hospitality; gifts from relatives/friends appropriate for the relationship.

Other exceptions are loans from a lender generally available to all applicants on the same terms, scholarships/awards based on same criteria to other applicants; a judicial portrait, or gifts/favors/loans from a relative or close friend (who would otherwise require disqualification).

Good advice from a close friend of mine, “If a person was your relative or friend prior to you being a judge they are your friend after, otherwise, be very careful”.

10. 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?

Any information received that indicates a substantial likelihood of a South Carolina Code violation by another judge or attorney would be properly reported to the appropriate authority. (Canon 3D (1) and (2)).

11. 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.

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

I have participated in active fundraising when I was a candidate for South Carolina State Superintendent of Education as well as for Katrina Shealy, Nikki Haley and Carly Fiorina. I have also attended some political fundraisers for candidates such as Inez Tenenbaum, Nikki Haley, Katrina Shealy, and Sheriff Koon. I have participated in Fundraising for Katrina's Kids (organization to assist foster children), Dixie Youth Baseball, and often for my children's schools or sports teams.

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

No.

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

First, it would be imperative that all matters, including the drafting of Orders, be handled promptly and efficiently. Nothing is more frustrating to a party or punitive on efficiency than the failure of a judge to dispose of matters quickly. Sometimes that would require the preparation of Orders by a Judge or a timely ruling and instructions to one of both parties to draft a proposed Order.

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

Deadline requirements are part of an attorney's everyday practice. The standards I have employed in my business would carry over to my job as a judge. A judge has certain administrative responsibilities. One of these is to maintain competence in judicial administration. (Canon 3(C)) Maintaining clear procedures for calendars and deadlines is imperative.

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

A judge is required to refrain from, and shall take steps to require staff and court officials to refrain from any act that would manifest bias or prejudice upon sex, race, religion, national origin, disability or age, or from permitting court staff or officials to do so. A judge must at all times prevent the appearance of impropriety. A judge must follow the law regardless of personal beliefs or convictions and cannot be swayed by partisan interests, public outcry or fear of criticism. Any type of “judicial activism” would appear contrary to each of these Judicial Canons.

17. 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?

It is my belief and goal to be an active participant in such activities that could improve judicial administration, efficiency, and justice. Through continuing participation with other judges, lawyers, and members of the judicial community in communicative and proactive activities there are always ways to make improvements. Technology is one area that continues to evolve and provide new methods for administrative effectiveness. All would assist in producing faster and more reliable methods to effectuate swift justice.

18. 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 have any personal relationships that I feel would be strained if I served as a judge. I grew up in a family of attorneys. My father once served as a City Judge. We were raised to understand the respect and value of the position. My husband and children are already aware of some sacrifices and protections that may become necessary if I was to become a judge and have all been extremely supportive.

19. 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.

All sentencing should be done on a case by case basis. One should consider the seriousness of the crime, the Defendant’s prior record, the impact upon the victim, or other mitigating factors. This philosophy would be applicable to all five categories.

a. Repeat offenders:

Repeat offenders should require more scrutiny than a first time offender. Again, on a case by case basis, the Defendant's prior history and sentence should be considered as well as the particular crime and the violence associated with it.

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

Typically, juveniles that have been waived up to the Circuit Court have committed a serious crime or have a lengthy history of offenses. As a former school teacher, I realize the importance of understanding a juvenile's intelligence level and the ability to think and make decisions. Testing, evaluations, school records, seriousness of the crime and the repetitiveness of violations as well the potential for rehabilitation would all be incorporated into sentencing.

c. White collar criminals:

As stated initially, on a case by case basis, the severity of the crime, the affect upon the victim(s), and the Defendant's history should all be taken into account upon sentencing. White collar crimes can be devastating to its victim.

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

A socially or economically disadvantage is rarely an excuse for the commitment of a crime just as a product of a wealthy, but dysfunctional family, is either. All factors listed above should be taken into consideration on a case by case basis.

e. Elderly defendants or those with some infirmity:

An elderly Defendant, without additional issues, should not receive any special consideration. As usual, you would consider all issues in sentencing. An individual with some infirmity may requires some consideration, if, based on evidence, the Defendant without the infirmity would not have committed the crime.

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

I do not know of any.

21. 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 3E(1) sets forth situations in which a judge is disqualified from hearing a case. Particularly Canon 3E(1)(c) and (d), explains disqualification from financial interest unless “de minimis”. Therefore, if truly “de minimis” there is no reason for disqualification. However, if there is any doubt as to relativity, I believe that it is never improper to disclose the information to the parties on the record and allow the parties to meet in private, then disclose on the record if the parties agree that the relevant matter is de minimis so that they do not seek a recusal.

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

Absolutely not.

23. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

24. What do you feel is the appropriate demeanor for a judge and when so these rules apply?

Pursuant to Canon 3(B) a judge must be “patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others...and require that from others in the judge’s direction and control. Because a judge must, at all times be impartial and fair, one must abstain from such things as facial expressions and body language that could give an appearance of bias. Additionally, a judge must avoid any behavior that could be perceived as prejudicial.

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?

Anger is certainly a legitimate emotion, but one that can be handled appropriately and not in a way that would appear to show impartiality or affect a proper ruling. I have witnessed judges that have become angry and expressed the anger intentionally and appropriately. For example, an attorney was reprimanded when his cell phone rang during closing arguments, or a judge who reprimanded opposing parties who

addressed each other argumentatively instead of the court.  
I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE  
TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

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Sworn to before me this 27<sup>th</sup> day of July, 2017.

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(Signature)

Ami M. Meetze

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(Print Name)

Notary Public for South Carolina

My Commission Expires: June 21, 2022