



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

Circuit Court
(New Candidate)

Full Name: Jennifer Blanchard McCoy

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

I have wanted to be a Circuit Court judge since I worked for both Federal District Judge Solomon Blatt and Circuit Court Judge Markley Dennis. For that reason, I have chosen the path of my legal career carefully in order to obtain the most beneficial experience that would lend itself to the job. I have Civil and Criminal experience, as well as familiarity with the day-to-day tasks of being a judge in my current capacity as a magistrate. There is no more important job than that of a fair-minded, well-balanced, and even tempered judge in our society.

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

Yes.

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

While no one's future is ever certain, I have no current plans for practicing after a judgeship if I were fortunate enough to get the position. My full focus and attention is on being a Circuit Court judge.

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

Yes.

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

Ex parte communications should never be condoned unless expressly

permitted by the Rules or Canons.

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

Disclosure is paramount, and I would recuse myself in any situation where I felt I could not be fair and impartial, in accordance with the Judicial Canons.

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?

I give great deference when a party requests a recusal for something that I disclosed that could have the appearance of bias. I would likely grant the motion unless both parties agree to waive disqualification – in which case, I would have them sign such an agreement and place it in the file.

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 Canon 2(B), a judge cannot allow any relationship to influence their conduct or judgment, and this extends to the appearance of any such influence. Full disclosure of any appearance of impropriety, followed by allowing attorneys to question me regarding any such appearance may be warranted, even if there is any interest to a spouse or close relative.

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

Under Judicial Canon 5(D)(5), gifts and hospitality are not appropriate when they may be viewed as intending to influence the judge. I would likewise discourage my family members from receiving any such gifts or hospitality that may be construed in this way as well.

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?

I would conduct an independent investigation of the misconduct and, after determining whether there was a substantial likelihood that misconduct occurred, I would inform the appropriate authority.

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.

While I am not aware of any discriminatory practices, I am a member of the Daughters of the American Revolution. While traditionally a women's group, it does not stigmatize any persons or group as being inferior or unworthy of membership under Judicial Canon 2(C).

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

I allowed my oldest daughter who has special needs to be filmed for a short movie used for fundraising for Charleston Area Therapeutic Riding and took her to a fundraiser in connection with that movie.

Prior to my being appointed a Magistrate Judge, I have attended political fundraisers for my husband. I have not attended any such events since becoming a Magistrate.

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?

I draft all of my orders now as well as conduct my own research. I would continue to do the same as a Circuit Judge. In some circumstances, it is appropriate to ask attorneys to draft proposed orders, but I typically change those submitted to some degree before signing.

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

I use a calendaring system currently in my capacity as a magistrate that sets reminders both by Microsoft office calendar and a backup written calendar in case of computer failure. In order to hold attorneys and litigants to their deadlines, the judge must be in line as well.

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

Judges have no role in setting or promoting public policy, per Judicial

Canons 1 through 5, but most specifically Canon 5.

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?

Having been a judicial intern for Judge Blatt, I have witnessed first-hand how important it is for young lawyers and law students to have a mentor. I would be willing to help young lawyers or students by speaking at their schools or participating in any mentoring programs, so long as it falls within the Canons and after approval from court administration

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?

No. No matter what job I have, my family will always come first. I believe a well-balanced life is important to be a well-balanced judge. With that said, my family is fully supportive of my seeking this position and will do all necessary to ensure I am able to fulfill my duties if chosen.

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.

a. Repeat offenders:

A judge's job is to sentence all offenders appropriately under their specific facts and circumstances. While the punishment should fit the crime, there are other factors that may go in to crafting a sentence for a repeat offender, such as their record, length of previous sentences, reasons why they may have re-offended and length of time since last crime.

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

These offenders may be unable to fully process their behavior, but each defendant would present different circumstances. While some consideration must be given to a juvenile's age, our laws do contemplate situations wherein juveniles may be sentenced as adults, and thus a judge must follow the laws provided in those cases.

c. White collar criminals:

Typically these crimes involve restitution, which should be taken into consideration when possible for the victims' sake. White collar crime is not a lesser crime and should be given equal consideration as those typically considered more serious.

d. Defendants with a socially and/or economically disadvantaged

background:

Every defendant's background should be considered at sentencing whether "due to" or "in spite of" their surroundings.

e. Elderly defendants or those with some infirmity:

Sentencing of the elderly and infirmed must be given some extra consideration regarding adequate prison housing, medical care required, and life expectancy of the defendant.

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

No.

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

No. It would not be appropriate under the Judicial Canons 1 and 2, regarding upholding the integrity and independence of the judiciary as well as avoiding impropriety and the appearance of impropriety.

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

While I am not aware of any discriminatory practices, I am a member of the Daughters of the American Revolution. While traditionally a women's group, it does not stigmatize any persons or group as being inferior or unworthy of membership under Judicial Canon 2(C).

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?

In accordance with Canon 3(B), a judge should be courteous but firm in the courtroom and perform his or her duties with dignity. This courtesy should extend outside of the courtroom as well, as a judge is a reflection of the court in his or her community.

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?

No. Under no circumstances should anger be tolerated by a judge in or out of the courtroom. Anger is not appropriate with criminal defendants nor with attorneys or pro se litigants. Likewise, attorneys and litigants should not express anger in the courtroom. Professional demeanor should be modeled by the judge and followed by all in his or her presence. Attorneys and judges are held to an even higher standard due to the Oath of Professionalism taken by all who practice law in this state. Specifically, Canon 3(B) requires courtesy and dignity to all within the courtroom.

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

Sworn to before me this ____ day of _____, 2017.

(Signature)

(Print Name)

Notary Public for South Carolina

My Commission Expires: _____