



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

**Circuit Court
(Incumbent)**

Full Name: Jocelyn Newman

Business Address: Richland County Judicial Center
1701 Main Street, Room 223
Columbia, South Carolina 29201

Business Telephone: (803) 576-1779

1. Why do you want to serve another term as a Circuit Court Judge?

I am grateful to have been trusted to serve the citizens of South Carolina in this position. The experience thus far has been challenging, humbling, and educational. I am particularly humbled each time I encounter litigants, victims and witnesses who never expected to meet a young black woman in this position. I believe that I still have so much more to learn, to experience, and to contribute.

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

Yes.

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

Currently, no. However, I have not ruled out the possibility, given that I still have many years ahead of me in this profession.

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 are generally inappropriate, and I avoid having such communications. *Ex parte* communications are only tolerated for administrative or scheduling issues (and even then, only when necessary) and in some criminal matters when the accused would otherwise be forced to reveal their defense strategy, their communications with their counsel, or other similar topics which, if disclosed to the prosecution, would jeopardize their constitutional rights.

6. 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?

Judges should always endeavor to avoid the appearance of impropriety, even if none actually exists. However, this duty must be balanced with the duty to hear all matters to which a judge is assigned and to avoid unnecessary recusals. If a party requested my recusal, I would hear their argument and, if I believe that an objective third party would believe that recusal is appropriate, I would grant their motion.

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

In such instances, recusal may be appropriate because the relative's financial or social involvement likely supports disqualification of the judge. In those cases, I would disclose the relative's involvement and allow the parties and their counsel to discuss the matter outside of my presence. Then, on the record, I would allow the parties to decide whether to waive the potential disqualification.

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

I do not accept gifts directly from individual attorneys, legislators, or litigants. The only gifts and social hospitality I accept are those offered by close friends, family members, bar associations, and other bar-related organizations in the form of invitations to bar-related events and the expenses incident to attendance at those events, all of which are typically offered to all members of the judiciary equally. All such gifts are reported annually to Court Administration as required.

9. 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?

In order to uphold the integrity of the judiciary – and in order to help the lawyer or judge – I would privately and discreetly report their situation to the appropriate disciplinary or assistive entity if there is a substantial likelihood that misconduct or infirmity is present.

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

No.

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

No.

12. How do you handle the drafting of orders?

The manner in which I prepare orders is dependent upon the issues addressed in the orders. When there is a subject about which I am particularly passionate, I often draft the order myself, although this is time-consuming. In many instances, I request proposed orders from counsel, sent to me in Microsoft Word format so that I am able to edit them as needed. My law clerk assists me in editing and proofreading these orders to ensure that they use neutral language and do not advocate for any party.

13. What methods do you use to ensure that you and your staff meet deadlines?

My staff and I share our calendars on Microsoft Outlook. My administrative assistant is responsible for placing all important dates on my calendar, and my law clerk gives me daily verbal reminders of upcoming deadlines.

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

I have never considered myself a judicial activist or a “legislator from the bench.” The legislative and judicial branches of government have separate and distinct roles, which should be maintained. When judges disagree about the boundaries of the law, we are bound to follow that law. In such cases, rather than being a vigilante, it is my hope that an unintended outcome will become a catalyst for the legislature to act.

15. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I will continue to engage in discussions with bar associations, clerks of court, and other members of the judiciary about how to improve our current systems. In addition, I hope to continue attending conferences with judges from other states in an effort to learn from others and brainstorm about the challenges of the profession and potential solutions to its problems.

16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

I don't often feel much strain on my personal relationships. Because I am the child of a judge who has served for more than twenty years, my family is well accustomed to the lifestyle and personal decisions made by judges. In my father, I also have a colleague in the unique position to understand and discuss the stressors of this job. In addition, I am fortunate to have supportive friends and colleagues who are willing to discuss stressful situations, give me advice, and allow me space to resolve those issues.

17. 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 assessed to determine the reason, if any, for their recidivism. While some people simply choose a life of crime, others suffer from untreated psychological or substance abuse issues. While repeat offenders usually receive harsher sentences, treatment should be offered if possible.
- b. Juveniles (that have been waived to the Circuit Court):
With juveniles, it is important to remember that their brains are not yet fully developed and, therefore, their judgment is often flawed. If appropriate, juvenile sentencing should be aimed at rehabilitation and deterrence rather than punishment.
- c. White collar criminals:
White collar criminals should be sentenced like anyone else. Although one consideration is their lack of perceived danger to the community at large, judges must still account for the impact of their actions on the community and the specific victims of their crimes. Frequently these crime victims are most interested in restitution rather than incarceration, so I always consider the victims' input when imposing sentence.
- d. Defendants with a socially and/or economically disadvantaged background:
When it's clear that a criminal defendant's conduct stems directly from their disadvantage in society, that must be considered in sentencing. In these situations, the defendant often benefits from the mandates of probation such as education and vocational rehabilitation.
- e. Elderly defendants or those with some infirmity:
With the elderly or infirm, the court must balance the possibility of incarceration with the burden which would be placed on the prison system and other state agencies. Where the defendant does not pose a danger to society, alternatives to traditional incarceration should be considered.

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

No.

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

I would not. While ethical rules permit the parties in the case to waive any disqualification, I would recuse myself due to the high potential of the appearance of impropriety where financial matters are involved.

20. 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.

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

Yes.

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

Judges should always remain calm, competent, fair, and authoritative in order to maintain control of the proceedings and inspire confidence in the judiciary. In addition, a judge should be a person of high integrity at all times.

23. 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 a pro se litigant?

Like all humans, judges get angry from time to time; however, it is important to temper this anger with respect. This is particularly true when interacting with criminal defendants and pro se litigants, who are often just afraid or frustrated by the judicial system. Each of these situations presents a "teachable moment" where the judge can educate the person about appropriate courtroom demeanor and procedure.

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 _____, 2020.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires: _____