



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

**Circuit Court
(Incumbent)**

Full Name: Clifton Bernard Newman

Business Address: Williamsburg County Courthouse
125 West Main Street, Post Office Box 516
Kingstree, South Carolina 29556

Business Telephone: (843) 355-9321, Extension 7302

1. Why do you want to serve another term as a Circuit Court Judge?
I am honored to serve as a Circuit Court Judge and would like to continue my service, position particularly at this time of extreme challenge in which judicial wisdom and experience is essentially needed.

2. Do you plan to serve your full term if re-elected?
I plan to serve until I am required to retire on December 31, 2023.

3. Do you have any plans to return to private practice one day?
It is my hope that beyond mandatory retirement, I will be able to continue in active retirement service.

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 strictly prohibited except where required for limited Administrative purposes. Ex parte communications are tolerated in some criminal cases including approval of funding and some client/attorney disputes.

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?
Great deference would be given a request for recusal where there exists an appearance of bias. I would likely grant such a motion.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
An appearance of impropriety should be disclosed in matters involving financial or social involvement of my spouse or close relative. Further, I would recuse myself from handling such a matter.
8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I do not accept gifts or social hospitality except for small gifts from family or close friends or professional hospitality where my integrity cannot reasonably be questioned.
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?
Misconduct or the appearance of infirmity involving a lawyer or fellow judge of substantial nature must be reported to the Commission on Lawyer Conduct or the Commission on Judicial Conduct.
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?
I am a silent partner and co-owner of an Assisted Living Facility and I own some rental property.
12. How do you handle the drafting of orders?
I draft some orders and, in some instances, I have counsel submit proposed orders which I review, edit, and modify as needed.
13. What methods do you use to ensure that you and your staff meet deadlines?
I utilize the calendar feature of Microsoft Outlook and I have my law clerk maintain and provide me with frequent updates concerning all pending matters and deadlines.
14. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Judges should be interested in, informed about, and concerned with public policy. However, a judge should refrain from any activities that may cause concern as to the judge's ability to fairly adjudicate matters.

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 spend a significant amount of time promoting judicial education and lawyer education through participation on panels, CLE's, and numerous judicial committees including: the Circuit Court Advisory Committee, the Commission of Judicial Conduct, the Supreme Court Commission on the Profession, the Advisory Board of the Nelson Mullins Center on Professionalism, Chairman of the Supreme Court Rules Advisory Committee, and as a member and past president of the American College of Business Court Judges.

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?

The pressure of serving as a judge can easily strain personal relationships at home due to the tendency of the mind always being in work mode. I try to address this by spending more time on quality of life pursuits such as travel and exercising.

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 are generally sentenced harsher unless alternative initiatives such as drug court, mental health court or veteran's court are a better alternative. I am inspired, however, by a greater focus recently being given to considering alternatives to incarceration of non-violent offenders.

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

Juveniles that have been waived to the Circuit Court should be sentenced as adults. Since only most serious violent offenders are waived to Circuit Court some consideration however should be given for the fact that juvenile minds are often not sufficiently developed to fully appreciate the magnitude and ramifications of their conduct. The Supreme Court has also mandated that the impact of the juvenility of a juvenile defendant be explored before a life sentence can be imposed.

- c. White collar criminals:

White collar criminals deserve to be punished the same as non-white collar criminals and do not deserve privileged status except that consideration should be given as to the societal benefit of incarcerating or not incarcerating non-violent offenders.

- d. Defendants with a socially and/or economically disadvantaged background:
Social and economic disadvantage should be considered to ensure that the constitutional right to fair and just legal representation is provided. This disadvantage, however, should never be accepted as an excuse for crime.
 - e. Elderly defendants or those with some infirmity:
Consideration should be given in sentencing to the elderly and the infirmed. Alternatives to incarceration should be explored particularly considering the existing pandemic. Ultimately, justice must prevail for the defendant, the victim, and the State.
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?
No.
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?
The appropriate demeanor of a judge is to be fair, firm, compassionate, respectful and act justly. Additionally, a judge must listen critically and keep an open mind.
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?
No. Anger has no place behind the bench.

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: _____