



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

**Circuit Court  
(New Candidate)**

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

The phrase “unprecedented times” can virtually not be overused to describe so many facets of American life in 2020. Daily changes abound with regard to public health, the economy, myriad social and justice issues, and even the logistics of performing ordinary work and household tasks. The judiciary should, at the very least, strive to engender the faith and trust of the people it serves, to include civil parties, prosecutors, defendants, victims, juries, and the public at large. I believe I possess the appropriate demeanor, knowledge, and work ethic to maintain a fair, consistent, and just courtroom.

It is imperative for the legislature to elect judges of the highest integrity and ability. If chosen to serve, I would work tirelessly to meet the challenges that the “new normal” is creating, to continue to study and learn, and to treat those around me with the grace and dignity afforded a member of our society solely by virtue of his or her humanity. The legal landscape will be tumultuous over the next several years, and I would strive to meet these pending challenges to the best of my ability.

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? If elected, I would have no plans to return to private practice.

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 prohibited pursuant to Judicial Canon 3. I believe that such communications are appropriate only under the circumstances provided therein. With the availability of electronic mail and teleconferencing, and with the increasing comfort in the use of platforms such as Zoom and WebEx, ex parte communications required by emergency or administrative matters should be rare at this point. I do believe in certain limited circumstances that judicial interaction with the parties in the context of settlement can be extremely effective, but this type of communication would be appropriate only with the consent of the parties.

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?

Recusal is warranted under any circumstances in which the judge has or appears to have bias toward any party or its counsel and in which the judge has personal knowledge of the facts in dispute. Because remittal of disqualification requires the agreement of all parties, a party's motion for recusal would be dispositive on the issue. I would defer to that party and grant the motion unequivocally.

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

Such circumstances require recusal.

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

I would comply with the requirements of Judicial Canon 4. In particular, I would consider the requirements of my position when accepting even ordinary social hospitality, to include rejection of any invitations which would have the appearance of impropriety. I also believe, however, that judges have a responsibility to participate and give back to the community, and to that extent social functions held commensurate with local and state bar associations (for example) are important to the collegiality and accessibility of the profession as a whole.

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?

My actions would depend on the conduct and its effects. Except in extreme circumstances, I would confidentially approach that individual and give him or her the opportunity to seek help or to report themselves to the appropriate commission. If this

intervention proved unsuccessful, I would have a duty to report such conduct or infirmity.

10. 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.

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

Prior to my daughter entering elementary school, I sat on the fundraising committee for the Little School at Grace Church Cathedral. From time to time, I assist my daughter and her class or school with fundraising activities for various community groups. I have not participated directly or formally with any of the above-named types of organizations in the past several years.

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

No.

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

For common procedural and limited matters, I believe it wholly appropriate and expected that the prevailing party be prepared to present a proposed order, which could be interlineated as necessary. Moreover, I believe certain standard form orders, such as those used by federal courts and other jurisdictions, would invite consistency and efficiency when used appropriately, particularly for scheduling matters and common disputes such as those arising in discovery and pretrial matters. For more complex matters, I would request that the prevailing party draft a proposed order for my review and modification. I would place certain requirements on these types of drafts to ensure prompt filing of the final order. Finally, I am committed to authorship of orders, particularly those involving intensely contested matters or novel interpretations of law. I would also request additional briefing as appropriate from the parties on limited matters to ensure the most considered and correct disposition of the issue and to minimize the litigant's need for filing additional motions seeking clarification, alteration and reconsideration.

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

The diverse nature of my practice requires a high level of structure to ensure that all litigation and transactional matters proceed efficiently and to deadline. Both immediate and

long-term calendars are essential for meeting deadlines. Communication within an office is also crucial to manage and oversee work product. Except under extreme or unforeseen circumstances (such as appearing on multiple jurisdiction's rosters simultaneously), I would require the attorneys appearing before me to adhere to deadlines for the benefit of judicial economy and the interests of their clients. I would not hold counsel to a standard that I could not meet.

I believe that the next several years will strain the court system as it responds not only to the logistical demands of keeping a calendar, but also the increasing case load naturally resulting from the current social and economic environments. Judges, attorneys, and their respective staffs will need to strive to create a schedule that is not so rigid that it snaps, but that meets the paramount need for swift and consistent justice for the parties.

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

I do not believe there is a role for judicial activism. It is the duty of the elected state legislature and municipal bodies to enact the laws governing their citizens. I believe that judges should adhere to and interpret the law as promulgated by the legislature and as interpreted by appellate courts in order to provide a consistent and fair forum for litigants. Judges should of course further the public policy but should not seek to impede or subsume the role of the legislature in setting policy.

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?

The most basic activity to further improvement of the legal system is to abide by the tenets of judicial economy and efficiency. The prompt and thorough administration of judicial responsibilities at all phases of cases aids in both the administration of justice and the perception of the public.

Mediation, both mandatory and voluntary, has served to help cases move to resolution in my experience. I believe that it would serve an even greater number of litigants if discovery and pretrial substantive motions and issues have had an opportunity to be heard and decided. I commenced my private practice in the "rocket docket" in Virginia, and the surrounding state courts endeavored to follow the example set by the District Court for the Eastern District of Virginia. I would work with administrative judges and clerks to discuss and implement some of the procedures that improve the efficiency of the courts and those appearing before them.

I do not have daily interaction with the criminal docket in my practice, but the same tenets should apply to seek the efficient and prompt administration of justice by timely hearing and deciding of pretrial matters. The criminal dockets and the scheduling thereof will continue to evolve as the system and legislature continue to focus on criminal justice reform. I would endeavor to work as diligently and quickly as possible so that my office is not a source of delay for parties or their counsel.

Finally, I believe that active participation within the legal and law school

community is vital to furthering and improving the legal system and administration of justice. I have appreciated the insight from active and retired jurists, whether elicited in CLEs, classrooms, or informal conversations. A strong, well-prepared and highly professional bar can only improve and foster the reputation of the legal community through the greater community at large.

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?

I have addressed this issue with my spouse and other relatives. I have always managed an intense workload with my personal responsibilities and my service as a judge would be no exception. In college I played varsity lacrosse while earning academic honors in both my major fields of study, fulfilling leadership roles in extracurricular activities, and maintaining valuable personal relationships.

Over the last several months, I (like so many others) have managed to juggle full time schooling and parenting, practicing as a solo practitioner, relocating my home and office, and maintaining our livestock and acreage. I have also reached out to current and former jurists to more fully comprehend the time pressures involved, particularly in the current environment. My family and I have discussed the obligations of the position, including travel requirements, and I have no doubt that I can sustain my personal and familial responsibilities while serving as a judge.

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.

Criminal sentencing is so often at the forefront of reform efforts because of its effects on victims, offenders, and society itself. The South Carolina Code of Laws governs the sentencing of convicted criminals; the South Carolina Sentencing Guidelines Commission establishes advisory sentencing guidelines for General Sessions. The current focus on justice reform and socio-economic disparities will likely result in ongoing reforms; the increasing relevance of alternate programs such as mental health or drug court programs will necessarily have consequence; and, Covid-19 effects on the incarcerated further add complications at the present time. In sentencing any class of criminal, I would seek to comply with the intentions of the legislature and Commission in weighing all aggravating and mitigating factors. Indeed sentencing is likely the weightiest of duties for a judge.

a. **Repeat offenders:** One of the primary purposes of criminal punishment is to decrease recidivism. As such, repeat offenders are sentenced more harshly under the South Carolina Code. Those criminals who continue to commit crime and threaten the social construct and safety of other citizens should be prevented from committing further crimes. Prison time is perhaps most important for this class of criminals, and I would consider the rate of recidivism as a strong aggravating factor.

b. Juveniles (that have been waived to the Circuit Court): Once a juvenile has been waived to the Circuit Court, that juvenile should be treated as an adult. I would consider all aggravating and mitigating factors to determine the proper sentence in each individual case.

c. White collar criminals: White collar criminals often have shown as little regard for society, the rule of law, and their victims as those convicted of violent crime. I would comply with the law and sentencing guidelines in the determination of a just result.

d. Defendants with a socially and/or economically disadvantaged background: This class comprises so many disparate backgrounds, experiences, and factors that it would be difficult for me to consider such defendants to comprise a class. The determination of sentence for each criminal, regardless of background, must be made with a consideration of the sentencing guidelines, the crime committed, and the factors to be employed.

e. Elderly defendants or those with some infirmity: Sentencing elderly defendants or those with some infirmity would likewise need to be resolved, like any other criminal sentencing determination, on an individualized case by case basis.

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

No.

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

In all such cases the appearance of impropriety is the greatest hazard. I would treat such circumstances with an abundance of caution and promptly notify all parties of the nature and extent of the involvement. Only after full disclosure to the parties and their opportunity to consult independently and waive any potential disqualification would I continue. Even after any such remittal, if the circumstances were such that I did not believe myself fully impartial, I would nevertheless recuse myself.

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

Yes.

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

The most effective judges are those who maintain strong and consistent control of

their courtrooms and caseload with professionalism, dignity and grace. This means maintaining order and being decisive for the primary purpose of affording all parties the best possible forum in which to seek and achieve a just and proper decision. Judges should preside with humility, courtesy to all, and confidence. Judicial demeanor should serve as an example to the litigants, counsel, and jurors.

Proper judicial demeanor arises from strength of character, and as such cannot be applied solely during business hours. Sincerity, integrity and conviction of purpose are appropriate at all times. A few years hence, in a statement that I find myself revisiting from time to time, a colleague described Judge Blatt as having led “an intentional life.” I believe the phrase is an ideal description of judicial demeanor as well as inspiration for navigating life inside and out of the courtroom. There is no shortage of outrage in our society – some warranted, some understandable, and some that seem to arise from the default weariness and anxieties of 2020. A judge must have the demeanor to maintain composure in order to maintain faith in the courtroom and the judiciary.

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 pro se litigants?

I believe a judge can and should be forthright without being disparaging, strong without being strident, and authoritative without being angry. I believe it is human nature to be affected by our interactions with others, yet in my experience yelling has never served to deescalate a tense or difficult situation. While I can foresee being angered or saddened by the actions of individuals, my personality enables me to deal with situations and people with an even temper and with an eye toward resolving a problem rather than reacting to it.

Outbursts of true anger are never appropriate in any professional setting, much less within a courtroom. Situations with a member of the public, attorneys, or pro se litigants must be dealt with in a professional, tactful manner. Strength of position rarely, if ever, stems from bluster.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_