

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?
I have served our judicial system as counsel for both plaintiffs and defendants, as a prosecutor and as a criminal defense attorney, and in both civil and criminal practices. I am now eager to step into a different role within the system and take on more responsibility as a jurist who is confident, capable, and able to enhance the public's trust and confidence in our legal system. I was raised in a family of public servants, which is, in part, what inspired me to become an attorney. Since graduating law school, I have hoped to one day become a judge.
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?
Not at this time.
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?
Judges should refrain from engaging in *ex parte* communications whenever possible. In the interests of fairness and remaining impartial, it is important that all parties engage in any significant communications with the court. However, *ex parte* communications may be necessary and are reasonable when limited to administrative and scheduling matters, as are authorized by the Code of Judicial Conduct.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I am confident that I can remain fair and impartial in all situations, including those in which former colleagues or lawyer-legislators are involved, and that recusal should not be necessary absent extraordinary circumstances. However, if requested, I understand that recusal may be necessary to avoid the appearance of impropriety even if no actual impropriety exists.
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?
Great deference would be given to the party that requested my recusal, and their motion would likely be granted. Judges must assist in maintaining the public's confidence in the integrity of the judicial system and avoid the appearance of impropriety even if there is no actual bias or prejudice.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
Although I understand that a judge should hear and decide all matters to which they are assigned, there is an exception for those matters in which the judge is disqualified. I would, therefore, recuse myself in matters where there is any appearance of impropriety, particularly in cases whether the financial or social involvement of a spouse or close relative is involved.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
If elected, I would not accept gifts or social hospitality from people other than family members and close personal friends. I would also make an exception for small gifts, meals, etc. provided by Bar-related entities under circumstances which could not reasonably be perceived as an attempt to influence me or cause bias or prejudice within the judiciary. Above all, the integrity of the judiciary must be preserved, and I would not accept any gifts that could cast doubt on that integrity.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would report the misconduct to the appropriate disciplinary entity. Again, judges have an ethical obligation to protect the honor of the legal profession.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?
No.
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?
I would probably request that counsel provide me with proposed orders, ensuring that such orders also be submitted to opposing counsel. Using those proposed orders, I would edit, revise and craft a final order, taking care to make sure than any order bearing my signature contains only my findings of fact and conclusions of law and that any extraneous or biased information is removed from the final version.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I would ensure that all deadlines are entered into an electronic calendar (e.g., Microsoft Outlook), that reminders be set in advance of the deadlines, and that all deadlines also be handwritten on a calendar in my office or printed from the electronic system as a back-up system. In addition, all employees' electronic calendars should be synchronized so that there are "checks and balances" within the office.
15. What is your philosophy on "judicial activism," and what effect should judges have

in setting or promoting public policy?

It is my philosophy that judges, as public servants, must balance their duties as responsible citizens with their commitment to the judiciary. A judge must not engage in any activity that may cause public concern as to the judge's ability to act fairly and impartially in all matters.

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?

I would attempt to improve South Carolina's judicial system by providing input on the administrative systems in South Carolina's counties, by engaging in continuing legal education both locally and on a national level (e.g., through the American Bar Association), and by being actively involved with the administration of the Judicial Department as a whole in order to improve our legal system.

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 believe that any strain can be managed by setting boundaries in personal relationships. For example, judges are prohibited from practicing law, which will present a problem for close friends and relatives, who often seek free legal advice and representation. However, by setting "bright line" boundaries, explaining the reasons for those boundaries and remaining committed to the profession, those pressures can be managed.

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.

(a) Repeat offenders:

Repeat offenders should be evaluated to determine whether they are resistant to change (and, therefore, should be sentenced more harshly) or whether they have simply been overlooked for consideration in diversion and/or treatment programs.

(b) Juveniles (that have been waived to the circuit court):

The interests of the crime victims must be balanced with the interests of the juvenile offender, and the juvenile's age, family background and support system must be considered. In most cases, the goal of the court should be rehabilitation and education more than punishment, although sometimes the two go hand in hand.

(c) White collar criminals:

Like all criminals, white collar criminals must be held accountable for their actions. Although white collar criminals do not inflict fear on their victims as in other crimes, there is still a great impact on both the victims and the community as a whole. Therefore, it is important to stress deterrence and making the victims whole as much as possible.

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

These defendants can often benefit from deterrence, rehabilitation and education. Often, probationary sentences or those involving the payment of

restitution are not appropriate for those in an economically disadvantaged situation and are, therefore, unable to comply with the sentence. That said, a defendant's background must not be used to condone criminal activity. Rather it should give the court insight into the facts of each situation so that each defendant can be appropriately sentenced.

(e) Elderly defendants or those with some infirmity:

Elderly defendants must also be held accountable for their actions. However, there are additional considerations for the physical – and sometimes mental – limitations of such defendants. While the protection and safety of society are paramount, alternatives to traditional incarceration should be considered where appropriate.

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?

Yes, as it would be unlikely that my impartiality could reasonably be questioned based on a *de minimis* financial interest. However, if any reasonable question was raised, I would recuse myself in order to avoid the appearance of impropriety.

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

No.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

23. What do you feel is the appropriate demeanor for a judge?

Judges should remain calm and in control of the circumstances at all times; they should be confident and impartial; and they should show fairness and respect for all parties.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

Always.

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?

Sometimes. Although it is natural to become angry in certain situations, a judge has a duty to control his temper and should remain calm and respectful of all parties. However, if necessary, I believe that it's reasonable for a judge to express his displeasure with attorneys or litigants in a mature, controlled fashion.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

None.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

- Not applicable.
28. Have you sought or received the pledge of any legislator prior to this date?
No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No.
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No.
31. Have you contacted any members of the Judicial Merit Selection Commission?
No.
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes.

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

S/Jocelyn Newman

Sworn to before me this 17th day of August, 2015.

Carla M. Lindler

Notary Public for South Carolina

My Commission Expires: 03/18/2024