



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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: The Honorable Deadra L. Jefferson

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

Yes

2. If elected, do you have any plans to return to private practice one day?

No

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

Yes

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

Code of Judicial Conduct Canon 3(A)(4) provides that a judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider *ex parte* or other communications concerning a pending or impending proceeding. A judge, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Pursuant to the Judicial Canons of Ethics, Rule 501, Canon C, SCRCP 65 and S.C. Code Annotated Section 20-7-880, a judge is allowed to engage in *ex*

parte communications for emergencies where the conditions warrant such communications as long as the opposing party has the opportunity to be heard and neither party will gain a tactical advantage by such action. Ex parte communication is permissible in the following situations: to seek emergency restraining orders, to apply for search warrants or wiretaps, to obtain default judgments when a party has notice but fails to appear, consultation with a disinterested expert on the law, consultation with other judges, consultation with court personnel and scheduling purposes. Ex parte communication is prohibited by the canons with the exception of the circumstances outlined herein. I have a strict policy regarding ex parte communication and have trained my staff regarding the canons. In addition, my secretary and law clerk screen my calls and mail to eliminate the possibility of ex parte contact. A letter is also sent in response to all ex parte communication received that is mailed to the attorneys and the writer of the letter all of which is made part of the Court record. Where the statute and canons provide ex parte contact is allowed. I must emphasize that such contact is in rare circumstances where an emergency exists and there is a possibility of irreparable harm. The statutes prescribe in these instances that the Order must state the date and time the relief is granted and provide for an immediate hearing. The Order must also specify a date for expiration of the Order (within 10 days of issuance). Circumstances requiring the issuance of an ex parte Order are very rare. Although the rules allow such contact for scheduling purposes I have a policy of speaking to all affected parties via conference call, when feasible, for this purpose. My reputation in this regard is well known and as a result I rarely, if ever, encounter this issue. However, if confronted with such a situation, I immediately advise that ex parte communication is unethical and terminate the conversation or contact immediately.

5. 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?

Code of Judicial Conduct Canon 3(C)(1)(a) provides that a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to the instances where: he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts

concerning the proceeding. I would give great deference to the request, even though I believed that I could be impartial and that any decision I made would not be influenced by actual bias and would not result in actual prejudice to the litigants involved. I would grant the motion for recusal based on the canons of judicial ethics. A judge should at all times avoid the appearance of impropriety or bias. The way this question is posed it is apparent that an appearance of bias is created and therefore recusal, in this instance, would appear to be the most prudent course of action.

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

Code of Judicial Conduct Canon 5(C)(4) subsections a-c provide that neither a judge nor a member of his family residing in his household shall accept a gift, bequest, favor, or loan from anyone except in the following circumstances: a public testimonial, complimentary books for official use, an invitation to a bar related function or activity related to the improvement of law, the legal system or the administration of justice. A judge or a member of his family may accept ordinary social hospitality such as a gift, bequest, favor, or loan from a relative, a wedding or engagement gift, a loan from a lending institution in its regular course of business and on the same terms as the general public, a scholarship or fellowship on the same terms as other applicants. A judge or his family residing in his household may accept any other gift, bequest, favor or loan only if the donor is not a party or other person whose interests have come or are likely to come before him, and, if its value exceeds \$100, the judge reports it in the same manner as he reports compensation in Canon 6(C). The canons make a distinction between gifts and ordinary social hospitality. As a sitting judge I have established the practice of not accepting gifts from attorneys or anyone who may be trying to gain an unfair advantage. In addition, I do not allow my staff to accept gifts because of their close relationship to me and the appearance their acceptance of gifts could create.

7. 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?

Code of Judicial Conduct Canon 3(D)(1) and (2) provide that a judge should take or initiate appropriate action or disciplinary measures against a judge or lawyer when the judge receives information that

indicates a substantial likelihood or has knowledge that raises a substantial question regarding a violation. This rule contemplates a judge taking appropriate disciplinary measures when becoming aware of the unprofessional conduct of a lawyer or judge which may include reporting a lawyer or judge's misconduct to an appropriate disciplinary body. The rules mandate that the judge take appropriate action and or report the offending conduct to disciplinary counsel. Consistent with the canons I would take appropriate disciplinary measures and/or appropriate action and report the matter to disciplinary counsel.

8. Are you affiliated with any political parties, boards or commissions? If so, in what capacity are you serving?

Code of Judicial Conduct Canon 7 provides that a judge should refrain from political activity inappropriate to his judicial office. I am not affiliated with any political parties, boards or commissions, which, if elected, I would need to re-evaluate.

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

No

10. How would you prepare for cases that were before you?

I would review the transcript of the proceedings before the lower court, other relevant documents and exhibits and the parties' briefs. During this review process I would pay particular attention to the issues raised by the parties' briefs and their supporting authority. I would personally research the issues and applicable law. I would prepare a bench memorandum. Subsequently, I would conference with my law clerks who would have completed their review of the record and research. After a thorough discussion, a pre-hearing report would be prepared which would take the form of a draft opinion. The preparation of this document would be a collaborative effort between me and the law clerks. I would then review, edit, and rewrite the pre-hearing report prior to argument. I would prepare questions, as applicable, for oral argument. After oral arguments I would carefully consider the thoughts and views of my colleagues on the Court and if necessary conduct further research as may be appropriate. I would also discuss with my colleagues any change in the proposed disposition of the case as a result of arguments. If the

case were assigned to me as author of the opinion I with the assistance of my law clerk would begin working on the final opinion in the case.

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

Code of Judicial Conduct Canon 4(A-C) and Canon 5(G) provide that a judge may engage in activities to improve the law, the legal system and the administration of justice. A judge may speak, write, lecture, teach and participate in other activities concerning the law, the legal system, and the administration of justice. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice and he may consult with such bodies concerning the administration of justice. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice. The commentary provides that a judicial officer is in a unique position to contribute to the improvement of the law, the legal system and the administration of justice and should do so to the extent that his schedule permits. A judge may do so independently, through a bar convention, a judicial conference, or other organizations dedicated to the improvement of the law. A judge should not become involved in activities that are concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice. A judge may represent his country, state or locality on ceremonial occasions in connection with historical, educational, and cultural activities. My philosophy is that a judge should not be concerned with issues of fact and policy. A judge should take no role in judicial activism. A judge should, however, actively participate and contribute his particular knowledge and skill to the improvement of the law, the legal system and the administration of justice (to the extent that his schedule permits).

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

To the extent the Court schedule allows I participate as a speaker at CLE and JCLE programs. In addition, I serve as a member of the

South Carolina Commission on Alternative Dispute Resolution that is charged with the responsibility of developing a uniform system of rules and procedures for ADR to be used statewide by the Court system. I serve on the Program and Technology committees. I also serve on the Advisory Board of the Charleston School of Law, which provides a wealth of opportunities to improve the legal system and the administration of justice. I have participated in civic programs such as the S.C. Bar High School Mock Trial Program and SCDA Trial Academy as a judge. I have participated in Law Week and Constitution day which are wonderful opportunities to educate the public about the legal system. I participate in the Judicial Observation and Experience (J.O.E.) program each year which allows me to mentor through judicial observation the professional development of law students. Also, my involvement with the SC Supreme Court Historical Society as a member of the Judicial Advisory Board. As a member of the Charleston (SC) Chapter of the Links, Incorporated I participate in programs targeted to serving the community through our many Facet programs. I also participate as a speaker at my college alma mater and for local elementary, middle, and high schools.

13. 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 plan to address this?

I do not feel that the pressure of serving as a judge has strained my personal relationships. My family, friends and relatives understand the nature of my character and my need to preserve the integrity of the office I hold and the legal process I have sworn to uphold. As a result, this is not an issue that I have had to address.

14. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

- a) The use and value of historical evidence in practical application of the Constitution:

I would consider historical evidence to be immensely valuable because such evidence is revelatory of the drafter's intent. Such an understanding of the historical evidence facilitates a practical application of the Constitution.

- b) The use and value of an agency's interpretation of the Constitution:

Our Constitution grants the judicial branch the province and duty to interpret the constitution therefore, agency interpretation of constitutional issues has been accorded little to no weight. To the extent that an agency is empowered to adopt regulations not pertaining to constitutional matters, then courts generally defer to the relevant administrative agency's interpretations and accord weight to their regulatory intent.

- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

Historical documents produced contemporaneously with the Constitution should be given the greatest weight. Such documents are invaluable in ascertaining the drafter's intent. However, care must be directed to enforce the terms of the Constitution in accordance with the recognized meaning of its terms. The Court's primary function in interpreting the Constitution is to ascertain and give effect to the drafter's intentions. Clear and unambiguous terms must be given their plain and ordinary meaning without resort to subtle or forced construction that expands or limits the meaning of a constitutional provision. When the constitution is clear and unambiguous there is no room for construction and the courts are required to apply terms according to their literal meaning.

15. 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.

Code of Judicial Conduct Canon 2(c) provides that a judge should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or natural origin. Membership in such an organization gives rise to perceptions that the judge's impartiality is impaired. Consistent with the requirements of the Canons I do not belong to any organizations that discriminate based on race, religion, or gender.

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

Yes

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

Code of Judicial Conduct Canon 3(A)(3) provides that a judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control. I feel that the appropriate demeanor for a judge is to be patient, courteous, dignified and deliberate while conducting the Court in an efficient and businesslike manner.

18. Would there be a role for sternness or anger in meetings with attorneys?

Code of Judicial Conduct Canon 1, Canon 2(A), and Canon 3(A)(3) require a judge to be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom he deals in his official capacity. Even though judges are often confronted with patience trying situations it is not appropriate to deal in anger with a member of the public, litigants, a criminal defendant, pro se litigant, or an attorney. It is, however, appropriate for a judge to be firm in maintaining the appropriate decorum of the courtroom and the dignity of the process.

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

Deadra L. Jefferson

Sworn to before me this 3rd day of April, 2024.

(Signature)

Chanda C. Sheppard

(Print name)

Notary Public for South Carolina

My Commission Expires: July 24, 2033