



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

**Supreme Court/Court of Appeals
(New Candidate)**

Full Name: Jocelyn Newman

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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?

I generally avoid *ex parte* communications, as all involved parties are entitled to be privy to such conversations. As a public official who presides in a court of record, I am keenly aware that engaging in *ex parte* communications is disrespectful to the rights of the parties, counsel, victims, and the public. Having said that, I find *ex parte* communications to be necessary when the parties would otherwise be required to disclose trial strategy or settlement positions, or in criminal matters where public disclosure may negatively impact the constitutional rights of the accused.

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?

Any time there is a legitimate concern about the appearance of bias, deference is given to the party requesting recusal and such motions should be granted. In other words, if a neutral observer would believe that recusal is appropriate, I recuse myself. However, these requests must always be considered in connection with the duty to promptly hear and dispose of matters before the court.

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

I do not accept gifts of significant value (i.e., greater than \$25) from any individual attorney or litigant. I do accept gifts with lesser value only from those persons with whom I have a personal relationship that exists irrespective of my position.

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?

To uphold the integrity of the profession – and 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. In addition, I would endeavor to assist them on a more personal level which, in many cases, is more effective.

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

- (a) Member, Commission on Judicial Conduct
- (b) Member, South Carolina Bar's ADR Commission

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 read and study the record, review relevant precedent, and endeavor to anticipate the parties' arguments. In all cases, it is important to read the record in preparation for hearing them. In appellate cases, I believe that is significantly more important than it is in the trial court. In appellate matters, the record and applicable law are the crux of the case while trial courts often encounter recurring issues, and the court's decisions necessarily rely on matters which cannot be anticipated, such as witness testimony and oral arguments of counsel.

11. 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. No matter whether the judiciary disagrees about the letter of the law, we are bound to follow that law. The judiciary typically promotes, rather than sets, public policy except in those matters where the legislature has been silent; and even then, the judiciary's decisions become the catalyst for the legislature to act.

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?

I would continue to appear for speaking engagements, as I believe that it is important to offer education and a unique perspective about the field of law to both lawyers and non-lawyers. In addition, I plan to seek out additional opportunities to author published articles.

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?

During my time on the Circuit Court bench, I have not felt considerable strain on my personal relationships. I am fortunate to have family and friends who understand the pressures in my life and are often able to empathize, as they have similar concerns in their own lives. I do not anticipate that this will change in the foreseeable future.

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:
- b) The use and value of an agency's interpretation of the Constitution:
- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

I believe that my role is to analyze South Carolina's Constitution considering the intent of the legislature. Therefore, it is important to consider documents produced contemporaneously to the Constitution. A secondary resource is practical application of the Constitution because that often sheds light on the intent and common effect of certain provisions. Agency interpretations of the Constitution may be the least instructive unless, of course, those interpretations are so practical and so consistent with one another that they make the Court's analysis plain.

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.

No.

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?

Judges should remain as curious as possible. Maintaining a calm, curious, respectful spirit results in the proverbial win-win: the

litigants are afforded the opportunity to be fully heard, and the court is provided with as much relevant information as possible so that a sound decision can be made.

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

Anger is not appropriate, but sternness is occasionally warranted. Specifically, I have found it necessary to be firm with only those attorneys who demonstrate a disregard for the authority and sanctity of our judicial system.

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 _____, 2024.

(Signature)

(Print name)
Notary Public for South Carolina
My Commission Expires: _____