



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 Courtney Clyburn Pope

Business Address: 109 Park Avenue SE, Aiken, SC 29801

Business Telephone: 803-507-9000

1. Do you plan to serve your full term if elected?
Yes, I plan to serve the full remainder of the term, if elected.
2. If elected, do you have any plans to return to private practice one day?
I do not currently have any plans to return to private practice.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
I have met all Constitutional requirements for this position.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Canon 3B (2) states that a judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. Ex parte communications are improper and should not be tolerated. There are exceptions that have special rules and limited circumstances for that type of communication. It is a Judge's duty to apply the rules according to the circumstance.

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?

Canon 3E of the Code of Judicial Conduct requires a judge to disqualify him or herself in a proceeding in which the judge's impartiality might be reasonably questioned. I believe that if the motion is proper and based on reasonableness, I must grant the motion and disqualify myself.

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

It is not my practice to accept gifts so that there is not appearance of wrong doing or inappropriateness. When I am invited to a conference, I strictly abide by Canon 4D. Further, the Judicial Canons do permit a judge to participate in social hospitality. Notwithstanding the Canons, I will participate in social hospitality, sparingly, but do will not accept from any member of the Bar whom has a pending matter before me or under consideration.

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?

I am bound by Canon 3G: Disability and Impairment. Should I become aware of misconduct or some type of infirmity, I am called to take appropriate action. This may include a referral to an assistance program or reporting to an appropriate agency.

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

I am not affiliated with any political party, boards, or commissions.

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

I am a member of the Aiken County Chapter of the Links, Incorporated. Several years ago, I served as the Chairwoman of the Christmas Gala. All funds were donated to the scholarship fund. I have not served in that role since 2018.

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

Preparing to hear cases is a critical responsibility for a member of the judiciary because, I believe, it has a direct impact the fairness and

efficiency of the judicial process. Overall preparation includes attending Judicial continuing education seminars and keeping up with the latest in emerging legal issues and trial issues in order to to enhance the quality of my decisions to ensure the integrity of the judicial system.

Preparation will vary depending on the complexity of each individual case. However, in general, I begin to prepare by reading the file of the case and familiarizing myself with the essential details of each case, the parties involved, legal issues, and the procedural history of the case. Review of pre-trial motions, reports, and evidence submitted by parties is always necessary if conducting a jury or bench trial. Additionally, I ensure that I have an understanding and knowledge of relevant statutes, and precedent that may be applicable to the specific case. Having an understanding of the legal standard and burdens of proof are also essential while preparing for a case. It is often helpful to conduct legal research of specific legal issues that I am aware are being raised in the case.

I frequently prepare notes and questions to clarify issues or seek supplementary information whether conducting a trial of a case or hearing motions on a case. It is also significant to discuss any logistical aspects of the hearing with security, clerks, and the attorneys prior to the case to include all safety concerns, challenges, technology accommodations, or presentation of evidence.

Lastly, I prepare myself mentally by reflecting upon the importance of impartiality, patience, temperament, and fairness during the case.

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

The Judiciary is just one of the three branches of government. The doctrine of separation of powers binds a member of the Judiciary to maintain their position, which is to interpret and enforce the current law as set by lawmakers. I do not believe it is the Judiciary’s role to make law. Activism and legislation is an element of the Legislative branch of government, not the Judiciary.

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 believe it is important to be involved in both bar-related activities and community activities. There is a segment of South Carolina’s population that do not be have a fundamental understanding or trust in the operations of the Judicial system. I believe seeing as a judge provides a great opportunity to help educate small school aged children, young adults, or

those who have had no experience with the court system to gain a better understanding and to establish trust or regain trust of the Judiciary, Though there are flaws, I strongly believe that we have the greatest judicial system in the world. I have been a speaker at career fairs, schools, and youth organizations in an attempt to improve the reputation of the Judiciary. I also believe in leading by example. I have served as a mentor and sounding board to several high school students as well as law students. It is important for all members of the community to feel both represented and heard.

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 have strong support system. I have always had and continue to have the support of my husband and children, parents and family, my husband's parents and family, as well as my close friends. We have established a wonderful network for our children of loving family and friends. Additionally, I have an excellent church family and support from members of various organizations. My husband continues to provide me with encouragement and support. After being a member of the Judiciary for almost 6 years, I believe that this job is no different than in other in terms of the importance of maintaining a healthy balance in work and home life.

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 first look to the plain language of the Constitution. If it is unambiguous, there is no need for clarification. Should there be ambiguity, historical evidence can be used to aid in interpreting the Legislative intent, however this evidence is not given the greatest amount of weight.

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

An agency's interpretation of the Constitution would be given very little weight in interpretation. The Judicial branch of government is tasked with interpretation.

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

Contemporaneously produced documents would carry the most significant amount of weight. These documents have the ability to assist in providing the greatest insight of the intent of the Legislative body.

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?

It is my strong belief that members of the Judiciary should always be respectful of each of the party attorneys, clerk staff, and all those who participate in the judicial process at all times. It is important for a Judge to maintain composure and control of themselves and the courtroom. Civility, courteousness, fairness, and calmness should be paramount characteristics of a judge.

These rules certainly apply in the courtroom, but also outside of the courtroom. As a member of the Judiciary, you represent a body of professionals and an important institution. Your behavior and demeanor should be the same 24 hours a day.

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

Sternness may certainly be appropriate and necessary in certain situations. However, at no time, is it appropriate or necessary for a judge to display anger. Judgements and decisions should not be made with emotion, particularly anger, but should be based on the law and arguments of counsel.

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

Christy Ann Poe

Sworn to before me this 27 day of August, 2024.

Nicole J. A.

(Signature)

Nicole Gaines Harrison

(Print name)

Notary Public for South Carolina

My Commission Expires: 10/25/2027

