Member Spotlight: An Interview with Judge Clifton Newman

Judge Clifton Newman has had many roles in the legal profession. Prior to being elected Circuit Court Judge by the South Carolina General Assembly in 2000, he was a partner in his own law firm, first in Cleveland, Ohio, then in Columbia and Kingstree, South Carolina. He also served as a defense attorney, civil practitioner, and prosecutor. “I’ve run the gamut, as far as handling all aspects of the law,” says Judge Newman.

He’s been very involved with the ABA’s Judges Initiative Committee of the Business Law Section, which seeks to increase judicial involvement in the section. “The Business Law Section is an amazing resource,” he says. “It’s an honor to serve on this committee.”

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I read that you were inspired to pursue a legal career after playing a role as an attorney in a high school play. Can you tell us about that experience?

It was a wonderful experience. I grew up in rural South Carolina, so the opportunity to play the role of a lawyer in a play required me to get dressed up, as opposed to the tattered clothing that the other children in the play wore. The play was based on the 1954 school desegregation case, Briggs V. Elliott, which was later consolidated with Brown v. Board of Education. I played the role of a New York City lawyer, who came there to save the people.

What stayed with you?

It really inspired me in the sense that it helped to create a vision of something greater than I otherwise would have been exposed to. To come from a rural community, a farming community, and to go from that scenario to playing the role of a lawyer was quite inspiring.

You attended Cleveland-Marshall College of Law, where you worked for the Legal Aid Society representing indigent clients. How did that experience shape you?

At Cleveland-Marshall College of Law, a student could become a legal intern in their second year in law school. The students could represent people and go to court under supervision. Legal Aid provided me with that opportunity. My first exposure to law was representing people who could not afford to hire lawyers, primarily in consumer-related matters. I would often find myself fighting an uphill battle in trying to provide some relief for a person who was unable to pay their bills and was being sued as a result of it, and trying to find creative defenses and applying some of the laws that might provide some protection to them.

You spent 24 years in private practice. What do you most enjoy about it?

I’ve run the gamut, as far as handling all aspects of the law. I had the opportunity to practice in Cleveland as a civil practitioner and a defense lawyer. I was also appointed to handle cases by the probate court there. Then I relocated to Columbia, South Carolina, and became a member of the bar there, and studied and learned the law and the way it was practiced in the medium-size city of Columbia. I was also going back home to Williamsburg County and to practice law in a rural community. I practiced as a private practitioner as well as a prosecutor.

Are you referring to the 17 years you spent as Assistant Solicitor for Williamsburg County?

Williamsburg County is my home county. I was a prosecutor there, and before that a defense attorney. I was convinced I could do more to defend by prosecuting because prosecutors have wide discretion in dealing with matters. While I was a prosecutor, I also had a private practice. It was a small area, and we did not have court throughout the year. That was a wonderful experience, probably my best experience in the law as a practitioner and prosecutor.

You could serve as a prosecutor for Williamsburg and keep your private practice going?

When I started, which was way back in the early ‘80s, we only had court three weeks per year, so it gave me a lot of free time to do something other than prosecute. So the practice of law was my full-time job—I had a law firm that I was a managing partner and founder of—and I was also pros-
executing and representing the Department of Social Services.

**What did you most enjoy about being a prosecutor?**
I enjoyed the challenges involved in litigation. Prosecutors play a very important and critical role in our judicial system in pursuing justice. Prosecutorial discretion gives you an opportunity to give someone a break or to dismiss a case if you believe that it’s a wrongful prosecution. I certainly appreciated the discretion involved in the prosecution, but most importantly to me were the challenges of litigation and proving cases, examining and cross-examining witnesses.

**In 2000, you were elected to be a Circuit Court Judge by the South Carolina General Assembly. Did you always aspire to be a judge?**
It became a dream after practicing law for a period of time and always being before the court and saying, “May it please the court,” and, “If your Honor pleases,” and asking and begging and seeking things from the judge.

**You’ve been a judge now for a while. What do you enjoy about that position and what don’t you enjoy?**
I enjoy the responsibility, the awesome responsibility. It’s also a challenge, carrying the weight of the judicial system on your shoulders and seeking to dispense justice in a way that it should be dispensed.

**I’ve heard that being a judge can be rather isolating. Have you found that? And if so, how do you address it?**
That’s a drawback, for sure, because if you’ve been involved in an active practice of law, either as a prosecutor or private practitioner, you’re constantly fielding phone calls and interacting with the clients. You go from that to not being permitted to engage in ex parte communication and not being out there soliciting business and being engaged as much in the public. You find other avenues of fulfillment.

**What have you come up with?**
The one outlet that judges have is engaging in activities that assist with legal education and promote the judicial interests of our legal system. So, networking opportunities that involve legal education, being involved on committees, including the ABA, are great opportunities to give back and help with the development of the law.

**You’ve won awards for restoring historic buildings in Kingstree and Columbia. How did this become an interest for you?**
Primarily through being the managing partner of a law office. I’ve always been interested in real estate and real estate development and studied some of that in law school. As a result, restoring historical buildings became an interest. In most instances, the buildings were restored and became offices of mine and as a result I received those awards.

**Did you first become attracted to the building or were your offices in the building?**
With the first buildings, I was fortunate that they were right across from the courthouse. There were three dilapidated buildings in the heart of downtown. I acquired those and restored them, and along the way, that helped restore that area of town. The community was certainly grateful to have a portion of downtown restored and it provided a great opportunity for me to do something I enjoy doing. It also furthered my interest in construction and real estate development.

**When you have construction or building cases in front of you as a judge, do you feel more knowledgeable about them because of your experience?**
Yes, I have taken a particular interest in construction defects litigation. I have been responsible as a Presiding Judge over construction defect cases throughout the coast of South Carolina, and having an interest helps when you are presiding over technical, complex, and many times, boring types of litigation. Having this interest also helped direct my path toward the area of complex litigation.

**Are there other areas in which you’ve developed a specialty?**
I enjoy complex litigation. We have a Business Court in South Carolina, and I am one of the Business Court Judges. I’m also involved in the American College of Business Court Judges, and we deal with some of the most complex litigation.

**You’ve won many awards. Is there one that’s most cherished?**
It’s hard to rate awards, obviously. I was pleased by ABOTA—a group of trial advocates to be named the Jurist of the Year a few years ago. That was certainly a great award to get. I received a family award—an award wherein my family named me as Family Patriarch. That’s probably my most cherished award, which has nothing to do with the law.

**How do the family members decide?**
Typically, it’s awarded to the most senior member of a family who is sort of considered a family leader. At the time, I wasn’t the most senior member of the family, but I was selected as the family leader, and I have tried to uphold that honor to the best of my ability.

**What are the responsibilities?**
Organizing family reunions primarily. We’ve gone a few years without having one so I have faltered. It’s ceremonial more than anything.

**You mentioned the ABA. You’ve been co-chair of the Judges Initiative Committee of the Business Law Section. What did you set out to accomplish?**
The purpose of the Judges Initiative is to get more judicial involvement in the Business Law Section of the ABA and to hopefully integrate the judges into the activities of that Section. We make judges available to participate on panels and CLEs. We are there as a resource for the Section and for the lawyers who are also involved.

**How did you increase the involvement?**
The Business Law Section is very proactive in seeking to involve judges. Some of the ways that is done is by providing diversity
clerkships for law students and by encouraging and supporting the judges who attend the various section meetings. Time is spent canvassing the nation, identifying judges who have similar dockets, such as handling business and complex cases. Then the judges can share information and strategies for managing that type of litigation.

Are you still involved in that committee? I am still involved. I’ll be moderating a panel in Chicago for a Constitution Day program next week.

What has been overall the value of the ABA to you? The ABA has provided an excellent outlet from the regular activities of presiding and being a judge. It helps create opportunities to join with other lawyers in a more collegial setting as opposed to in a setting where you are presiding.

What do you like to do for fun? Travel to various American cities. I am an American traveler. I like to visit Chicago, New York, and Atlanta. I enjoy traveling the great USA and all the rich diversity of our country. In addition, I am a big fan of our University of South Carolina Gamecocks and all of their teams.

Thank you so much!