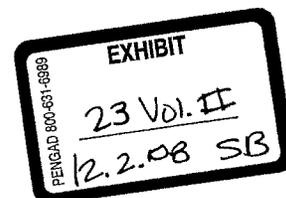


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large,
Seat 1

1. NAME: Mr. Andrew Michael Hodges
BUSINESS ADDRESS: Eighth Circuit Solicitor's Office
600 Monument St.
Park Plaza, Suite 203
Greenwood, SC 29646
P.O. Box 516
Greenwood, SC 29648
E-MAIL ADDRESS: ahodges@co.greenwood.sc.us
BUSINESS NUMBER: (864) 942-8824
2. Date of Birth: 1970
Place of Birth: Wichita, Kansas
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on June 21, 2003, to Dawn Puderbaugh Hodges.
Never divorced. One child.
6. Have you served in the military? I have never served in the military.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
(a) Juris Doctorate, University of Kansas School of Law
May 1993 – Dec 1995;
(b) B.S., Journalism, University of Kansas
Aug 1989 – May 1993.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina (1996). I am a member in good standing with the South Carolina Bar, and have always been a member in good standing. I have never taken another bar examination.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
College:
(a) Solon E. Summerfield scholar;



- (b) Robert C. Byrd Honors scholar;
- (c) University Honors Program (1989-1993);
- (d) Disc Jockey at KJHK 90.7 FM (1991-1992);
- (e) Copy Editor, Photographer, Graphic Artist and Layout Designer for the University Daily Kansan, a daily newspaper with a circulation of about 30,000 (1992-1993).

Law School:

- (a) During my clerkship for Professor Dennis D. Prater, I researched, wrote and edited significant portions of the first edition of his casebook titled Evidence: The Objection Method. The book is now in its third edition and is the evidence book of choice at many law schools (1994-1995);
- (b) I was a member of a mock trial team that represented the University of Kansas School of Law at a regional competition in Denver, CO (1995);
- (c) As a Trial Advocacy Teaching Assistant for Professor Christine Arguello, I assisted in training and critiquing trial advocacy students on trial skills (1995);
- (d) I was the coordinator of the IRS Volunteer Income Tax Assistance (VITA) Program, a program that offers free tax return preparation assistance to low-income individuals who are incapable of preparing their own returns (1995);
- (e) During my participation in the United States Attorney's Summer Law Intern Program for the District of Kansas I researched and wrote appellate briefs and assisted in the preparation and trial of several federal robbery and drug cases (May 1995 – August 1995).

10. Describe your continuing legal or judicial education during the past five years. Include **only** the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2003 Annual Solicitor's Conference	09/28/03 – 10/01/03;
(b) 2004 Annual Solicitor's Conference	09/26/04 – 09/29/04;
(c) 2005 Annual Solicitor's Conference	09/25/05 – 09/28/05;
(d) 2006 Capital Litigation Seminar	05/08/06 – 05/10/06;
(e) 2006 Annual Solicitor's Conference	09/24/06 – 09/27/06;
(f) The Career Prosecutor Course	06/03/07 – 06/13/07;
(g) 2007 Annual Solicitor's Conference	09/23/07 – 09/26/07.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

- (a) At the 2002 Annual Solicitor's Conference, I participated as a lecturer on the topic of pretrial hearings involving the admissibility of

confessions, including issues relating to Miranda v. Arizona and Jackson v. Denno.

- (b) In 2004, I taught a multi-week course on a variety of legal issues including Constitutional Law, search and seizure, and the laws of arrest to a group of Abbeville Police Department reserve police officer candidates who were preparing to be tested on those subjects.
 - (c) On March 20, 2007, I spoke to the Leadership Greenwood Class of 2007 about the role of the Solicitor's Office in the court process. Sponsored by the Greenwood Chamber of Commerce, Leadership Greenwood focuses on "developing future leaders through a year-long series of monthly full day sessions addressing a variety of issues, opportunities, and challenges facing Greenwood County."
 - (d) On March 23, 2007, I participated as a panel speaker at the Governor's seminar on Compliance: Best Practices for Implementing the Victims' Bill of Rights. I spoke specifically about the challenges faced by prosecutors in maintaining contact with transient victims, and ideas about how to keep them notified about and involved in the court process.
 - (e) On September 13, 2007, I spoke to about six hundred student athletes, coaches, fraternity and sorority members, and faculty on The Consequences of Hazing at Lander University. I stressed the dangers of hazing, and the potential for criminal and civil liability, through the use of examples from both local and national incidents. Lander University has requested that I repeat my address to another group of students on September 24, 2008.
 - (f) On September 26, 2007, I spoke at the 2007 Annual Solicitor's Conference Death Penalty Update regarding a novel issue involving the admissibility of wiretap tapes on which I had submitted a brief to the South Carolina Court of Appeals during a capital trial earlier that year.
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
South Carolina state courts (November 18, 1996).
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) Sept. 1996 – Jan. 2005 Assistant Solicitor, Eighth Circuit Solicitor's Office.
As an Assistant Solicitor I prosecuted a wide variety of cases in General Sessions court in Abbeville, Greenwood, Laurens and Newberry Counties. I benefited from working in a small office where I was quickly given the opportunity to handle significant cases. I had my first jury trial

within two weeks of being sworn into the bar and was assigned my first homicide within a year. For five years I was the office drug prosecutor and tried countless drug-related offenses across the Eighth Circuit. As drug prosecutor, my duties also included the resolution of a considerable number of civil asset forfeiture actions.

- (b) Jan. 2005 – Present Deputy Solicitor, Eighth Circuit Solicitor’s Office. In January of 2005 I was promoted to Deputy Solicitor for Greenwood County. I supervise five Assistant Solicitors, a Court Administrator, a Victim/Witness Advocate and an Investigator. I advise the Assistant Solicitors on charging decisions and plea agreements, and often sit with them in trial to provide training and guidance. I coordinate the scheduling of all trials, pleas, hearings, and appearances for approximately twenty weeks of General Sessions Court per year. I also personally prosecute the majority of the violent crimes that occur in Greenwood County.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (b) If you are a candidate for **Circuit Court**, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

With regard to my experience in criminal matters, I have been a prosecutor for nearly twelve years. I have handled thousands of criminal cases, from the simplest DUI to the most complicated capital murder. I spend about twenty weeks a year in General Sessions Court. After spending that much time, and handling that volume of cases, I believe that I have developed an excellent barometer for appropriate criminal sentencing. The sheer number of cases that are processed through General Sessions Court requires that most be disposed of through plea negotiations, and I have presented countless pleas to Circuit Judges who have accepted my negotiations and recommendations. I have also participated in a significant number of jury trials, thereby gaining a firm grip on the rules of evidence and the body of case law related to criminal practice.

My experience as a criminal prosecutor has provided few opportunities for practice in Common Pleas Court. During my time as a drug prosecutor, I did file and pursue a fair number of civil forfeiture actions but all were settled short of trial. I have also pursued a couple of nuisance actions, one of which involved some litigation before it ultimately settled. My background in managing a large criminal docket and ensuring that cases are processed in a timely manner would, I think, help prepare me to manage a civil docket. The skills I have gained in bringing parties together to settle cases short of trial would also be an asset to a Circuit Judge presiding over civil matters. However, I do recognize that my limited experience in civil matters is a weakness and I have been working diligently to compensate for that lack of experience. I always read the advance sheets, and I have been re-reading and briefing the advance sheets from the last year. Further, I intend to study The South Carolina Law of Torts by Professors Hubbard and Felix. Finally, I would plan to attend CLEs on additional civil topics to help compensate for my lack of experience in those areas.

15. What is your rating in Martindale-Hubbell? BV.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?

- (a) federal: none;
- (b) state: about ten full days per month.

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?

- (a) civil: 0.01%;
- (b) criminal: 99.9%;
- (c) domestic: 0%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?

- (a) jury: 2%;
- (b) non-jury: 98%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Most often sole counsel.

19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

- (a) State v. Steven Bixby, Rita Bixby and Arthur Bixby. On December 8, 2003, Deputy Danny Wilson went to the Bixby residence in Abbeville County to attempt to settle a dispute between the Bixbys and construction workers who were engaged in a highway widening project

in front of their residence. Steven Bixby shot Deputy Wilson with a high-powered rifle, cuffed him with his own handcuffs and dragged him inside the home where he died of his wounds. Bixby also shot and killed Constable Donnie Ouzts who had responded to a report that Wilson had been shot. After a fourteen-hour standoff with local and state law enforcement a gun battle erupted between the Bixbys and SLED. Former SLED Chief Robert Stewart said it was "more gunfire than I've ever experienced in over 30 years." Steven and Arthur Bixby ultimately surrendered and were charged with the murder of the two law enforcement officers. Rita Bixby was charged with Accessory Before the Fact to Murder because of her prior knowledge and encouragement of the plan to kill the officers.

The State sought the death penalty against Steven Bixby. I was one of three lawyers on the prosecution team that tried the case in February of 2007. Because of extensive pre-trial publicity we selected and sequestered a jury from Chesterfield County. Concerns over the Bixbys' ties to a militia group in New Hampshire led to extreme security measures including a law enforcement perimeter around the courthouse and an armed convoy to transport the prosecution team to and from court.

A case of first impression arose when the defense moved to suppress a tape of the gun battle that was generated through the use of a SLED wiretap. The applicable statute, that had never been tested, requires the motion to suppress be decided by a panel of three judge of the South Carolina Court of Appeals. I filed a brief on the issue and the Court of Appeals ruled that the statute was constitutional and that the tapes were admissible.

Steven Bixby was ultimately convicted and sentenced to death.

The State also sought the death penalty against Rita Bixby. The trial court granted the defendant's motion to dismiss the State's notice of intention to seek the death penalty. The State appealed and the South Carolina Supreme Court ruled that a charge of Accessory Before the Fact to Murder does not render a defendant eligible for the death penalty. State v. Bixby, 373 S.C. 74 (2007).

I was again one of three attorneys on the prosecution team that brought Rita Bixby to trial in October of 2007. She was convicted and sentenced to life imprisonment.

Arthur Bixby has been found incompetent and is currently in the custody of the Department of Mental Health.

- (b) State v. Lentigus Floyd. This case is personally significant because it was my first murder case to go to a jury verdict. In this case, the defendant's brother got into an altercation with the victim, Kiki Miller, at a local car show. During the altercation, Floyd shot the victim in the back of the head in front of numerous witnesses. The case went to trial

in July of 2004. Floyd was convicted of murder and the Court sentenced him to life imprisonment. Sadly, Miller's brother was murdered in an unrelated incident. That case remains unsolved;

- (c) State v. Joey Haymes. In November of 2004 the family of Billy Ray Adams reported him missing. A deputy found his body in a wooded area behind his house. A BOLO was issued for the victim's missing vehicle. The defendant was stopped in Spartanburg County while driving the victim's car. I had prosecuted Haymes earlier that year for a Breach of Trust where Adams was the victim, and there was some animosity by Haymes about the restitution that he was ordered to pay to the victim. At trial on the murder charge, the defendant claimed that he had shot the victim in self defense. Through the testimony of a forensic pathologist, and successful cross examination of the defendant, I was able to disprove the defendant's claims of self defense. The defendant was convicted of murder and sentenced to life imprisonment;
 - (d) State v. Freddie Edwards. On July 16, 2005, Freddie Edwards, a fairly prominent business owner in Greenwood, shot and killed George Freeman during a dispute over a two dollar bet during a poker game at the defendant's residence. I called the case to trial in August of 2006. The defendant was convicted of murder and received a thirty year sentence. An interesting footnote to this case is that the defendant is the father of Armani Edwards, the star quarterback of Appalachian State University. It is encouraging to see that he has continued to be successful despite the mistakes of his father;
 - (e) Eighth Circuit Solicitor v. Club Weekend. Club Weekend, a Greenwood nightclub, was the site of ongoing crowding, noise, violent crime and drug activity. Following a murder (that I subsequently prosecuted) in the parking lot, I filed a nuisance action in 2002 against the owner of the building and the proprietors of the nightclub. After an evidentiary hearing in December of 2002, the Court issued an Order for Temporary Injunction that effectively closed the nightclub's doors. A settlement in January of 2003 terminated Club Weekend's lease and placed restrictions on any future use of the property. This case was significant because it eliminated an establishment that posed a serious safety threat to both the public and local law enforcement.
- 20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. N/A.
 - 21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter. N/A.
 - 22. Have you ever held judicial office? have never held judicial office.

23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. N/A.
24. Have you ever held public office other than judicial office?
I have never held public office.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
I have never been an unsuccessful candidate for elective, judicial, or other public office.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?
I have never engaged in any occupation other than the practice of law.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
I am not, nor have I ever been, an officer or director involved in the management of any business enterprise.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
I am not aware of any financial arrangements or business relationships that would pose a conflict of interest.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?
No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
Not to my knowledge.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally?
It appears from an online search that I have been named in a pro se action filed in South Carolina District Court on March 19, 2008. The action is captioned

Wanda Scott v. State of South Carolina, Abbeville County, Abbeville, City of, GWD Prosecutors, Abbeville County Sheriff's Dept, Abbeville County Jail, Tommy Ferguson, Tommy Hite, Marion Johnson, Don Morris, Charles Goodwin, Trish LNU, Beasley David, Kelly Lowe, Andrew Hodges, Frank Addy, Wyatt Saunders, Tim Thomas, John Schrier, Rucker FNU, Eve Wilson, Townes Jones, Abbeville Police Dept, Anna Padgent, Ladona Johnson, State of Alabama, Calhoun, County of, David Forrester and Greenwood Solicitor. I have not been served with any pleadings in this action.

36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek.

2008 South Carolina Legislative Manual	8-22-08	\$10.37
Postage	9-9-08	\$8.40
Paper, envelopes & inkjet printer cartridge	9-9-08	\$72.83

41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened?

I have not had any contact, either direct or indirect, with any member of the General Assembly. I have notified a number of public officials about my

- candidacy; however, they are aware of the pledging prohibitions and have not contacted any member of the General Assembly on my behalf.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
 44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
 45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
 46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) South Carolina Bar Association;
 - (b) Greenwood County Bar Association.
 47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
 - (a) Ancient Free Masons of South Carolina – Past Master of Mathews Lodge No. 358. (Steward 2003, Senior Deacon 2004, Junior Warden 2005, Senior Warden 2006, Worshipful Master 2007);
 - (b) Volunteer for United Way Day of Caring, yearly 1998-2003;
 - (c) Volunteer for Kiwanis Kids' Triathlon, yearly 2006-2008;
 - (d) Greenwood Community Theater – acted the part of Sir Lionel in a production of Camelot in June of 2002, and acted the part of The Guard in a production of Twelve Angry Jurors in March of 2008.
 48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be. Nothing further.
 49. References:
 - (a) The Honorable Jerry W. Peace
Solicitor, Eighth Judicial Circuit
600 Monument Street
Park Plaza, Suite 203
Greenwood, South Carolina 29646
(864) 942-8823;
 - (b) W. Townes Jones, IV
The Jones Law Firm
116 W. Court
Greenwood, South Carolina 29646
(864) 223-1111;

- (c) William H. Nicholson, III
Nicholson & Anderson
109 Court Ave.
Greenwood, South Carolina 29646
(864) 538-0111;
- (d) Michael T. Coulter
Clarkson, Walsh, Terrell & Coulter, P.A.
1164 A Woodruff Road
Greenville, South Carolina 29607
(864) 232-4400;
- (e) Heather Fultz
First Citizens Bank
518 South Main Street
Greenwood, South Carolina 29646
(864) 388-9397.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

s/Andrew Michael Hodges

Date: 09/23/08

ANDREW M. HODGES

227 JENNINGS AVENUE
GREENWOOD, SC 29649

December 2, 2008

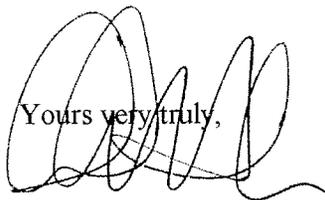
Judicial Merit Selection Commission
104 Gressette Building
1101 Pendleton Street
Columbia, SC 29202

Dear Judicial Merit Selection Commission members:

I wish to respectfully submit the following amendments to my Personal Data Questionnaire:

With regard to Question 12, I wrote an article entitled "The First Challenge to South Carolina's Wiretapping Law" that was published October 15, 2008, in Volume I, Issue 3, of *The Higher Standard: A Quarterly Newsletter on Emerging Advocacy, Investigative, Legal, and Prosecution Issues and Trends*.

With regard to Question 40, I spent \$12.60 for postage on October 8, 2008, raising my total expenditures to \$104.20. Pursuant to South Carolina Code Section 8-13-920, I reported to both the House and Senate Ethics Committees that I spent in excess of one hundred dollars in seeking judicial office.

Yours very truly,


Andrew M. Hodges
Candidate for Judicial Office

Dawn Puderbaugh Hodges, married June 21, 2003

- (b) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.

N/A

- (c) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Andrew Michael Hodges, Jr. 3 years old

Note: The Commission no longer publishes the information relating to children.

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number, present status, and the character of your discharge or release.

I have never served in the military.

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

Juris Doctorate	University of Kansas School of Law	May 1993 – Dec 1995
B.S., Journalism	University of Kansas	Aug 1989 – May 1993

8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

South Carolina (1996). I am a member in good standing with the South Carolina Bar, and have always been a member in good standing. I have never taken another bar examination.

9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

College

Solon E. Summerfield scholar
Robert C. Byrd Honors scholar
University Honors Program (1989-1993)
Disc Jockey at KJHK 90.7 FM (1991-1992)

Copy Editor, Photographer, Graphic Artist and Layout Designer for the University Daily Kansan, a daily newspaper with a circulation of about 30,000 (1992-1993)

Law School

During my clerkship for Professor Dennis D. Prater, I researched, wrote and edited significant portions of the first edition of his casebook titled *Evidence: The Objection Method*. The book is now in its third edition and is the evidence book of choice at many law schools (1994-1995).

I was a member of a mock trial team that represented the University of Kansas School of Law at a regional competition in Denver, CO (1995).

As a Trial Advocacy Teaching Assistant for Professor Christine Arguello, I assisted in training and critiquing trial advocacy students on trial skills (1995).

I was the coordinator of the IRS Volunteer Income Tax Assistance (VITA) Program, a program that offers free tax return preparation assistance to low-income individuals who are incapable of preparing their own returns (1995).

During my participation in the United States Attorney's Summer Law Intern Program for the District of Kansas I researched and wrote appellate briefs and assisted in the preparation and trial of several federal robbery and drug cases (May 1995 – August 1995).

10. Describe your continuing legal or judicial education during the past five years.¹ Include **only** the title and date of any continuing legal or judicial education course completed. **Do NOT attach a separate list. This must be listed on your completed PDQ form.**

(Example format below - Please do not insert a table.)

	<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a)	2003 Annual Solicitor's Conference	09/28/03 – 10/01/03
(b)	2004 Annual Solicitor's Conference	09/26/04 – 09/29/04
(c)	2005 Annual Solicitor's Conference	09/25/05 – 09/28/05
(d)	2006 Capital Litigation Seminar	05/08/06 – 05/10/06
(e)	2006 Annual Solicitor's Conference	09/24/06 – 09/27/06
(f)	The Career Prosecutor Course	06/03/07 – 06/13/07
(g)	2007 Annual Solicitor's Conference	09/23/07 – 09/26/07

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture. **Do NOT attach a separate list.**

At the 2002 Annual Solicitor's Conference, I participated as a lecturer on the topic of pretrial hearings involving the admissibility of confessions, including issues relating to Miranda v. Arizona and Jackson v. Denno.

¹ This information may be obtained from the Commission on CLE & Specialization, 950 Taylor Street, Suite 120, P.O. Box 2138, Columbia, SC 29202, Telephone number (803) 799-5578.

In 2004, I taught a multi-week course on a variety of legal issues including Constitutional Law, search and seizure, and the laws of arrest to a group of Abbeville Police Department reserve police officer candidates who were preparing to be tested on those subjects.

On March 20, 2007, I spoke to the Leadership Greenwood Class of 2007 about the role of the Solicitor's Office in the court process. Sponsored by the Greenwood Chamber of Commerce, Leadership Greenwood focuses on "developing future leaders through a year-long series of monthly full day sessions addressing a variety of issues, opportunities, and challenges facing Greenwood County."

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On September 26, 2007, I spoke at the 2007 Annual Solicitor's Conference Death Penalty Update regarding a novel issue involving the admissibility of wiretap tapes on which I had submitted a brief to the South Carolina Court of Appeals during a capital trial earlier that year.

12. List all published books and articles you have written and give citations and the dates of publication for each.

N/A

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

South Carolina state courts (November 18, 1996)

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

Sept. 1996 – Jan. 2005 Assistant Solicitor, Eighth Circuit Solicitor's Office

As an Assistant Solicitor I prosecuted a wide variety of cases in General Sessions court in Abbeville, Greenwood, Laurens and Newberry Counties. I benefited from working in a small office where I was quickly given the opportunity to handle significant cases. I had my first jury trial within two weeks of being sworn into the bar and was assigned my first homicide within a year. For five years I was the office drug prosecutor and tried countless drug-related offenses across the Eighth Circuit. As drug prosecutor, my duties also included the resolution of a considerable number of civil asset forfeiture actions.

Jan. 2005 – Present Deputy Solicitor, Eighth Circuit Solicitor's Office

In January of 2005 I was promoted to Deputy Solicitor for Greenwood County. I supervise five Assistant Solicitors, a Court Administrator, a Victim/Witness Advocate and an Investigator. I advise the Assistant Solicitors on charging decisions and plea agreements, and often sit with them in trial to provide training and guidance. I coordinate the scheduling of all trials, pleas, hearings, and appearances for approximately twenty weeks of General Sessions Court per year. I also personally prosecute the majority of the violent crimes that occur in Greenwood County.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (a) If you are a candidate for **Family Court**, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.
- (b) If you are a candidate for **Circuit Court**, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit

Court Judge, or how you would compensate for your lack of experience in this area.

With regard to my experience in criminal matters, I have been a prosecutor for nearly twelve years. I have handled thousands of criminal cases, from the simplest DUI to the most complicated capital murder. I spend about twenty weeks a year in General Sessions Court. After spending that much time, and handling that volume of cases, I believe that I have developed an excellent barometer for appropriate criminal sentencing. The sheer number of cases that are processed through General Sessions Court requires that most be disposed of through plea negotiations, and I have presented countless pleas to Circuit Judges who have accepted my negotiations and recommendations. I have also participated in a significant number of jury trials, thereby gaining a firm grip on the rules of evidence and the body of case law related to criminal practice.

My experience as a criminal prosecutor has provided few opportunities for practice in Common Pleas Court. During my time as a drug prosecutor, I did file and pursue a fair number of civil forfeiture actions but all were settled short of trial. I have also pursued a couple of nuisance actions, one of which involved some litigation before it ultimately settled. My background in managing a large criminal docket and ensuring that cases are processed in a timely manner would, I think, help prepare me to manage a civil docket. The skills I have gained in bringing parties together to settle cases short of trial would also be an asset to a Circuit Judge presiding over civil matters. However, I do recognize that my limited experience in civil matters is a weakness and I have been working diligently to compensate for that lack of experience. I always read the advance sheets, and I have been re-reading and briefing the advance sheets from the last year. Further, I intend to study *The South Carolina Law of Torts* by Professors Hubbard and Felix. Finally, I would plan to attend CLEs on additional civil topics to help compensate for my lack of experience in those areas.

- (c) If you are a candidate for **Master-In-Equity**, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.
- (d) If you are a candidate for **Administrative Law Judge**, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law Judge Division.

15. What is your rating in Martindale-Hubbell? If you are not listed in Martindale-Hubbell, state the reason why, if known. If you are currently a member of the judiciary, list your last available rating.

BV

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: none
 - (b) state: about ten full days per month
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 0.01%
 - (b) criminal: 99.9%
 - (c) domestic: 0%
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 2%
 - (b) non-jury: 98%
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Most often sole counsel
19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant. **Do NOT attach a separate list.**
- (a) State v. Steven Bixby, Rita Bixby and Arthur Bixby. On December 8, 2003, Deputy Danny Wilson went to the Bixby residence in Abbeville County to attempt to settle a dispute between the Bixbys and construction workers who were engaged in a highway widening project in front of their residence. Steven Bixby shot Deputy Wilson with a high-powered rifle, cuffed him with his own handcuffs and dragged him inside the home where he died of his wounds. Bixby also shot and killed Constable Donnie Ouzts who had responded to a report that Wilson had been shot. After a fourteen-hour standoff with local and state law enforcement a gun battle erupted between the Bixbys and SLED. Former SLED Chief Robert Stewart said it was "more gunfire than I've ever experienced in over 30 years." Steven and Arthur Bixby ultimately surrendered and were charged with the murder of the two law enforcement officers. Rita Bixby was charged with Accessory Before

the Fact to Murder because of her prior knowledge and encouragement of the plan to kill the officers.

The State sought the death penalty against Steven Bixby. I was one of three lawyers on the prosecution team that tried the case in February of 2007. Because of extensive pre-trial publicity we selected and sequestered a jury from Chesterfield County. Concerns over the Bixbys' ties to a militia group in New Hampshire led to extreme security measures including a law enforcement perimeter around the courthouse and an armed convoy to transport the prosecution team to and from court.

A case of first impression arose when the defense moved to suppress a tape of the gun battle that was generated through the use of a SLED wiretap. The applicable statute, that had never been tested, requires the motion to suppress be decided by a panel of three judge of the South Carolina Court of Appeals. I filed a brief on the issue and the Court of Appeals ruled that the statute was constitutional and that the tapes were admissible.

Steven Bixby was ultimately convicted and sentenced to death.

The State also sought the death penalty against Rita Bixby. The trial court granted the defendant's motion to dismiss the State's notice of intention to seek the death penalty. The State appealed and the South Carolina Supreme Court ruled that a charge of Accessory Before the Fact to Murder does not render a defendant eligible for the death penalty. State v. Bixby, 373 S.C. 74 (2007).

I was again one of three attorneys on the prosecution team that brought Rita Bixby to trial in October of 2007. She was convicted and sentenced to life imprisonment.

Arthur Bixby has been found incompetent and is currently in the custody of the Department of Mental Health.

- (b) State v. Lentigus Floyd. This case is personally significant because it was my first murder case to go to a jury verdict. In this case, the defendant's brother got into an altercation with the victim, Kiki Miller, at a local car show. During the altercation, Floyd shot the victim in the back of the head in front of numerous witnesses. The case went to trial in July of 2004. Floyd was convicted of murder and the Court sentenced him to life imprisonment. Sadly, Miller's brother was murdered in an unrelated incident. That case remains unsolved.
- (c) State v. Joey Haymes. In November of 2004 the family of Billy Ray Adams reported him missing. A deputy found his body in a wooded area behind his house. A BOLO was issued for the victim's missing vehicle. The defendant was stopped in Spartanburg County while driving the victim's car. I had prosecuted Haymes earlier that year for a Breach of Trust where Adams was the victim, and there was some animosity by Haymes about the restitution that he was ordered to pay to the victim. At trial on the murder charge, the defendant claimed that he had shot the victim in self defense.

Through the testimony of a forensic pathologist, and successful cross examination of the defendant, I was able to disprove the defendant's claims of self defense. The defendant was convicted of murder and sentenced to life imprisonment.

- (d) State v. Freddie Edwards. On July 16, 2005, Freddie Edwards, a fairly prominent business owner in Greenwood, shot and killed George Freeman during a dispute over a two dollar bet during a poker game at the defendant's residence. I called the case to trial in August of 2006. The defendant was convicted of murder and received a thirty year sentence. An interesting footnote to this case is that the defendant is the father of Armani Edwards, the star quarterback of Appalachian State University. It is encouraging to see that he has continued to be successful despite the mistakes of his father.
- (e) Eighth Circuit Solicitor v. Club Weekend. Club Weekend, a Greenwood nightclub, was the site of ongoing crowding, noise, violent crime and drug activity. Following a murder (that I subsequently prosecuted) in the parking lot, I filed a nuisance action in 2002 against the owner of the building and the proprietors of the nightclub. After an evidentiary hearing in December of 2002, the Court issued an Order for Temporary Injunction that effectively closed the nightclub's doors. A settlement in January of 2003 terminated Club Weekend's lease and placed restrictions on any future use of the property. This case was significant because it eliminated an establishment that posed a serious safety threat to both the public and local law enforcement.

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. **If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). Do NOT attach a separate list of your briefs.**

- (a) N/A
- (b)
- (c)
- (d)
- (e)

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter. **Do NOT attach a separate list.**

- (a) N/A
- (b)
- (c)
- (d)
- (e)

22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I have never held judicial office.

23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.

- (a) N/A
- (b)
- (c)
- (d)
- (e)

24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

I have never held public office.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

N/A

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

I have never been an unsuccessful candidate for elective, judicial, or other public office.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

I have never engaged in any occupation other than the practice of law.

28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

I am not, nor have I ever been, an officer or director involved in the management of any business enterprise.

29. Provide a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
 - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

A sample net worth statement is provided with this questionnaire for your convenience. You may use any other comparable form if it was prepared within the past six months.

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

I am not aware of any financial arrangements or business relationships that would pose a conflict of interest.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.

No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

Not to my knowledge.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.

No.

34. Have you ever been sued, either personally or professionally? If so, give details.

It appears from an online search that I have been named in a *pro se* action filed in South Carolina District Court on March 19, 2008. The action is captioned Wanda Scott v. State of South Carolina, Abbeville County, Abbeville, City of, GWD Prosecutors, Abbeville County Sheriff's Dept, Abbeville County Jail, Tommy Ferguson, Tommy Hite, Marion Johnson, Don Morris, Charles Goodwin, Trish LNU, Beasley David, Kelly Lowe, Andrew Hodges, Frank Addy, Wyatt Saunders, Tim Thomas, John Schrier, Rucker FNU, Eve Wilson, Townes Jones, Abbeville Police Dept, Anna Padgent, Ladona Johnson, State of Alabama, Calhoun, County of, David Forrester and Greenwood Solicitor. I have not been served with any pleadings in this action.

35. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? If so, give the details and describe any final disposition.

No.

36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

No.

38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.

None.

39. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.

None.

40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek.

2008 South Carolina Legislative Manual	8-22-08	\$10.37
Postage	9-9-08	\$8.40
Paper, envelopes & inkjet printer cartridge	9-9-08	\$72.83

41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.

None.

42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

I have not had any contact, either direct or indirect, with any member of the General Assembly. I have notified a number of public officials about my candidacy; however, they are aware of the pledging prohibitions and have not contacted any member of the General Assembly on my behalf.

Note: Attached are a) Section 2-19-70(c); b) JMSC Rule 24, and c) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? If so, give details.

No.

44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No.

45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate?

No.

46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) South Carolina Bar Association
- (b) Greenwood County Bar Association

47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) Ancient Free Masons of South Carolina – Past Master of Mathews Lodge No. 358. (Steward 2003, Senior Deacon 2004, Junior Warden 2005, Senior Warden 2006, Worshipful Master 2007)
- (b) Volunteer for United Way Day of Caring, yearly 1998-2003
- (c) Volunteer for Kiwanis Kids' Triathlon, yearly 2006-2008
- (d) Greenwood Community Theater – acted the part of Sir Lionel in a production of *Camelot* in June of 2002, and acted the part of The Guard in a production of *Twelve Angry Jurors* in March of 2008.

48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

Nothing further.

49. List the **names, addresses, and telephone numbers** of five persons, including your banker, from whom references could be obtained.

- (a) The Honorable Jerry W. Peace
Solicitor, Eighth Judicial Circuit
600 Monument Street
Park Plaza, Suite 203
Greenwood, South Carolina 29646

(864) 942-8823

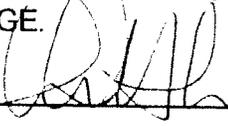
- (b) W. Townes Jones, IV
The Jones Law Firm
116 W. Court
Greenwood, South Carolina 29646
(864) 223-1111
- (c) William H. Nicholson, III
Nicholson & Anderson
109 Court Ave.
Greenwood, South Carolina 29646
(864) 538-0111
- (d) Michael T. Coulter
Clarkson, Walsh, Terrell & Coulter, P.A.
1164 A Woodruff Road
Greenville, South Carolina 29607
(864) 232-4400
- (e) Heather Fultz
First Citizens Bank
518 South Main Street
Greenwood, South Carolina 29646
(864) 388-9397

Please note:

- (a) **Furnish to the Commission letters of recommendation from each person listed above.** While the Commission does not require receipt of these letters of recommendation at the application deadline (Noon on Friday, September 26, 2008), these letters of recommendation must be received within two weeks after the deadline or no later than **Noon on Friday, October 10, 2008.**
- (b) The letter from your banker should relate to whether you are a "customer in good standing" with the bank.
- (c) If you are currently a sitting judge, do not submit letters of recommendation from an attorney who will appear before you.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: 

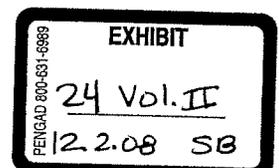
Date: 9-23-08

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

Circuit Court
(New Candidate)

Full Name: Andrew Michael Hodges
Business Address: 600 Monument Street
Park Plaza, Suite 203
Greenwood, SC 29646
P.O. Box 516
Greenwood, SC 29648-0516
Business Telephone: (864) 942-8824

1. Why do you want to serve as a Circuit Court judge?
I have dedicated my legal career to public service. Serving as a Circuit Court judge would allow me to continue with that public service while at the same time meeting new challenges, broadening my legal experience and having the opportunity to meet members of the legal community across the State. I also firmly believe that I have the intelligence, demeanor and disposition necessary to be a fair and effective Circuit 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?
No.
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?
Ex parte communications should be avoided whenever possible so that every person who has an interest in the proceedings may be heard on the matter. If representatives of all the parties could not reasonably be included in the communication, then I would follow Canon 3B(7) of the Code of Judicial Conduct and only engage in non-substantive *ex parte* communications unless otherwise expressly authorized by law to do so.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
Generally, recusal is appropriate in situations where the judge's impartiality might reasonably be questioned. With regard to lawyer-legislators, I do not believe that the Canons of Judicial Conduct would require recusal based solely upon a lawyer's status as a legislator. If



that were true it would be impossible for a lawyer-legislator to appear in any court.

Because I have been a lawyer in a government agency, I do not under the Canons of Judicial Conduct have associates or law partners. My wife is an attorney practicing primarily in Family Court. I would disqualify myself if she were to appear before me in Circuit Court.

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?

Under Canon 3E(1) if my impartiality could reasonably be questioned, I would err on the side of caution and likely disqualify myself so as to maintain the integrity and impartiality of the judiciary.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would disqualify myself.

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

I would generally not accept gifts, and would urge family members not to accept gifts, except as allowed under Canon 4D(5). I would accept ordinary social hospitality.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

If I had actual knowledge of misconduct I would, pursuant to Canon 3D(1) (2), notify the appropriate disciplinary authority. If I only had information indicating a substantial likelihood of misconduct, I would speak with that individual about the situation before deciding whether to notify the appropriate disciplinary authority.

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?

My preference would be to write my own orders with the assistance of my law clerk; however, I recognize that this may be an unrealistic goal given the volume of cases that move through the Circuit Court. I can envision situations where I would ask the attorney for the moving party, or the attorney for the prevailing party, to draft the order. If this situation arose I would not sign the proposed order until opposing counsel had an opportunity to review it, and I had compared its contents to my notes from the hearing to ensure that it included all of the salient points.

14. If elected, what methods would you use to ensure that you and your

staff meet deadlines?

I currently utilize a paper calendar to coordinate the activities of myself and the five other attorneys I supervise. I would intend to use a similar calendar, either paper or, ideally, computerized, to ensure the meeting of deadlines.

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

The General Assembly sets public policy, not the judiciary. I would follow the sentiment expressed in South Carolina Farm Bureau Mut. Ins. Co. v. Mumford, 299 S.C. 14, 19 (Ct. App. 1989), wherein the Court observed that "[o]nce the Legislature has made [a] choice, there is no room for the courts to impose a different judgment based on their own notions of public policy."

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 have when requested, and when time has allowed, spoken to a variety of groups about legal issues. If I were elected I would continue with those activities.

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?

My current position already places restraints and pressures on my family and social life. Travel would likely be the biggest additional strain that serving as a judge would place on my personal relationships. Luckily I have a very supportive network of friends and family, and I do not foresee that serving as a judge would pose any major problems.

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.

I would begin by making the observation that every defendant is different and every case is different so it is somewhat difficult to generalize about the appropriate type of sentence for a class of offenders. In addition to the factors listed below, I would certainly take into consideration the defendant's demeanor. I would also find it significant if the defendant suffers from an addiction that contributed to the crime. If so, I might structure a sentence to address that issue.

- a. Repeat offenders:

Generally repeat offenders should be punished more harshly than first-time offenders. Factors that would be important in sentencing would include the relative seriousness of the defendant's prior convictions, the length of any previous incarceration, and whether the defendant had ever violated probation or parole.

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

If a juvenile is waived to the circuit court, one could presume that the charges are fairly serious. An appropriate sentence would strike a balance between the seriousness of the crime and the juvenile's tender age. A sentence under the Youthful Offender Act would be worthy of consideration. Conditions of the sentence that addressed education and job training might contribute to the rehabilitation of a young offender.

c. White collar criminals:

If an individual uses his education or status to take advantage of less privileged persons, I would think they should be punished more harshly, especially if they have been placed in a position of public trust.

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

Much as I discussed with regard to juvenile offenders, conditions of a sentence that addressed education and job training might be appropriate to assist a socially and/or economically disadvantaged individual into becoming a more productive citizen.

e. Elderly defendants or those with some infirmity:

One practical consideration with regard to the elderly or infirm is the burden that the Court's sentence may place on the State; however, that is only one consideration that must be taken together with the nature of the crime and the history of the defendant.

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?
It would be permissible to hear the case, but out of an abundance of caution I would only do so if, after full disclosure, all parties agreed on the record for me to hear it. Otherwise, I would disqualify myself from the proceeding.
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?
I believe that patience is one of the most important virtues for a judge to possess. In that regard, a judge should remember the pressures under which lawyers operate. Additionally, a judge should be willing to patiently listen to every person who has an interest in a proceeding. Of course, a judge should always be courteous and fair.
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?

Those rules apply at all times. Canon 2 of the Code of Judicial Conduct states that a judge shall act "at all times" to promote public confidence in the integrity and impartiality of the judiciary.

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?

I think it is important that a judge have the ability to be firm so that he may maintain appropriate decorum in the courtroom; however, I do not think that anger is an appropriate emotion for a judge to display. If a judge directs anger towards a litigant, one could perceive that the judge is not impartial.

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?

\$91.60

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

N/A

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?

I am familiar with the rule.

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

s/Andrew Michael Hodges

Sworn to before me this 24th day of September, 2008.

Notary Public for S.C.

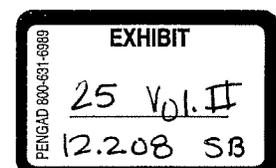
My Commission Expires: 2/04/2013

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At-large seat # 1

1. NAME: William Jeffrey Young
BUSINESS ADDRESS: 108 North Magnolia Street
Sumter, SC 29150
E-MAIL ADDRESS: wyoungj@sccourts.org
BUSINESS NUMBER: (803) 436-2371

2. Date of Birth: 1955
Place of Birth: Sumter, SC
3. Are you a citizen of South Carolina? YES.
Have you been a resident of this state for at least the immediate past five years? YES.
5. Family Status: Married on December 5, 1992, to Sharon Steele Young. Divorced on May 5, 1990, W. Jeffrey Young – Plaintiff, Williamsburg County, SC, One Year's Separation pursuant to code section 20-3-10(5). Four Children.
6. Have you served in the military?
 - (a) USAF - Active Duty, October 1977 - September 1982, Honorable Discharge;
 - (b) USAF - Reserve, September 1982 - May 2007 Retired Honorably.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) The Citadel, 1973-1977, BS Business Administration;
 - (b) USC School of Law, 1982-1984, Juris Doctrate.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina May 1985.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) The Citadel Yearbook Staff, 1975-1977;
 - (b) The Citadel Summerall Guards - Rear Guide, 1977;
 - (c) USC Student Bar Association, 1982-1984.



10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SC Trial Lawyers Convention	08-02-03;
(b) Family Court Judges Conference	04-28-04;
(c) 2004 Orientation School for New Judges	07-12/14-04;
(d) SCTL	08-05-04;
(e) South Carolina Judicial Conference	08-2004;
(f) SC Family Court Bench/Bar	12-03-04;
(g) Family Court Section Seminar	01-21-05;
(h) Family Court Judges Conference	04-27-05;
(i) South Carolina Judicial Conference	08-2005;
(j) General Jurisdiction, National Judicial College	10-17/27-05;
(k) Family Court Bench/Bar	12-02-05;
(l) New Tools for the Alimony Cases	01-27-06;
(m) Family Court Judges Conference	04-26-06;
(n) SCTL	08-03-06;
(o) SC Judicial Conference	08-22/25-06;
(p) SC Family Court Bench/Bar	12-2006;
(q) SC Bar Association Family Court	01-2007;
(r) Family Court Judges Conference	04-2007;
(s) SC Trial Lawyers Conference	08-2007;
(t) SC Judicial Conference	08-2007;
(u) SC Bar Association Family Court Issues	01-2008;
(v) Family Court Judges conference	04-2008;
(w) SC Judicial Conference	08-25/27-08.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) USC - Sumter, 1988-1996, Business Law Adjunct Faculty;
 (b) Central Carolina Technical College, 1987-1992, Paralegal Instructor.

12. List all published books and articles you have written and give citations and the dates of publication for each. NONE.

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

SOUTH CAROLINA, MAY 1985;

UNITED STATES DISTRICT COURT, APRIL 1994;

UNITED STATES COURT OF APPEALS (4TH CIRCUIT), DECEMBER 1999.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

- (a) KENNETH R. YOUNG, Sumter, SC: MAY 1985-JUNE 1986, GENERAL PRACTICE;
- (b) YOUNG & YOUNG, P.A., Sumter, SC: JUNE 1986-DECEMBER 1990, GENERAL PRACTICE;
- (c) YOUNG, YOUNG & REITER, P.A., Sumter, SC: JAN 1991-DEC 1997, GENERAL PRACTICE;
- (d) W. JEFFREY YOUNG, P.A., Sumter SC: JANUARY 1998-JUNE 2004, GENERAL PRACTICE ;
- (e) YOUNG & GRAHAM, P.A., Sumter, SC: JANUARY 2004-JUNE 2004, GENERAL PRACTICE;
- (f) FAMILY COURT JUDGE, THIRD JUDICIAL CIRCUIT: JULY 2004-PRESENT.

If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

While in private practice I handled numerous criminal and civil matters at the circuit court level. Many of the cases in General Sessions court related to drug offenses, DUIs, and white collars crimes such as embezzlement. I also handled several felonies such as Criminal Sexual Conduct and Armed/ Strong-armed robbery.

In the Court of Common Pleas I was primarily a plaintiff's attorney but occasionally defended when hired to do so. If I am deficient in areas of experience I will study as necessary to be proficient as I am in Family Court matters. I also believe my skills as a judge give me confidence and knowledge in running a courtroom in a solemn and judicial atmosphere.

15. What is your rating in Martindale-Hubbell? BV.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?

- (a) federal: 1%;
- (b) state: 99%.

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 20%;
 - (b) criminal: 10%;
 - (c) domestic: 70%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 10%;
 - (b) non-jury: 90%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? SOLE COUNSEL.
19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
- (a) Hemming (v) Hemming, 1998-DR-43-1630
This case involved virtually all aspects of divorce litigation. The issues concerned divorce, highly contested custody, psychological experts, equitable division and attorney fees. This case was tried over a 3 day period. Subsequent contempt actions were also required for enforcement of the Order issued by the Court.
 - (b) Tiffault (v) Tiffault, 1987-DR-43-1630
This case concerned separation, equitable distribution and support. This case is the landmark case of equitable division of military retirement in South Carolina.
 - (c) Telford (v) Schwab, et al., 2001-DR-43-2020
This case involved a surrogate mother's pregnancy that involved the implantation of the Plaintiff's (biological parents) zygote into the surrogate mother. This was the first case in South Carolina where an original birth certificate was issued, to the biological parents, without the birth mother's name being shown on the birth certificate;
 - (d) Godfrey (v) Green, 2000-DR-43-250
This was significant because it involved custody, visitation, support and out-of-state moving by the mother during the litigation. The parents of the child were never married, which added a variant to the situation.
 - (e) Ursula Draper (v) Draper, 1998-DR-43-2375
This was significant because it involved the issue of grandparent visitation, while the father of the child was away on military duty.
20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Tiffault v Tiffault, 303 S.C. 391, 401 S.E. 2d 157 (1991)
This is the landmark case on equitable division of military retirement. Although my client prevailed at the trial, the case was reversed by the

Court of Appeals. The Supreme Court granted cert. and the case was affirmed.

- (b) Clyburn v Sumter School District #17, 317 S.C. 50 (1993)
The issue in this case was whether or not the school district had committed gross negligence concerning the injury of a student in its care. At trial the court granted summary judgment on the issue of liability. The case was appealed to the Court of Appeals and the circuit court was affirmed.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None.
22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
YES. FAMILY COURT JUDGE, 3RD JUDICIAL CIRCUIT, SEAT 2
JULY 1, 2004 – PRESENT.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) Jozwiak v Carberry, 2005-DR-43-1156, Sumter County
This was a highly contested change of custody matter with parents in different states.
- (b) Richardson v. Sires, 2006-DR-10-334, Charleston County
This highly contested grandparent / parent custody matter that was tried over a nine month period involving numerous mental health and fitness questions.
- (c) Hetzel v Hetzel, 2004-DR-40-1773, Richland County
This was a divorce and equitable division case where the parties had been separated for 18 years and the bulk of the assets were acquired during the separation.
- (d) DSS v Wolfinger, 2004-DR-43-856, 2007-OR-031, Sumter County
This was a Termination of Parental Rights case where DSS had not done all they could do, but the child had been in DSS foster care for over 4 years. This case was appealed to the Court of Appeals and I was affirmed in Opinion.
- (e) Mr. T v Mrs. T, Ct of Appeals Op. 4369
This was a case that was appealed and I was reversed. The issue was whether the paternity of children could be reversed five years after the paternity had been established in an un-appealed order. I did not feel that I had the authority to bastardize the children and that only either the appellate courts or the legislature could change what I thought was the settled law of South Carolina.
24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your

report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty?

Yes, I was elected to the SC House of Representatives to represent District #67. I served from 1994-1998 and 2000-2002. I always filed reports properly and timely.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

USAF Reserves, Shaw AFB, SC Contracting Officer, 1990-2007

Supervisor was Lt Col Dan Jenkins. I was utilized as a special projects officer and was dispatched to numerous bases in the Middle East to present briefings, conduct Commander Directed Investigations, and conduct staff assistance visits to the contracting squadrons under Ninth Air Force command. I traveled extensively throughout Iraq on four different missions since the execution of Operation Iraqi Freedom.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Yes. In 1998 I was not re-elected to the House of Representatives, however, in 2000 I was re-elected to represent House District # 67. In 2002, I resigned as a result of the Federal Court redrawing of the district lines which placed my statehouse desk mate and I in the same district.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

Yes. United States Air Force, Oct 1977-Sept 1982 - Contracting Officer.

I later transferred to the active reserve and served from 1982-2007. I was assigned to the National Security Agency at Ft. Meade, Maryland and United States Central Command Air Forces (USCENTAF) at Shaw AFB, SC. Throughout my career I maintained a Top Secret / Sensitive Compartmented Information (TS/SCI) security clearance.

28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. NO.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. NONE.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?

Yes.

(a) In 1977, I, along with my college roommates went to Savannah, Georgia for an evening. Upon leaving, one roommate obtained a souvenir street sign and was caught. We were detained by the Savannah police for about 30 minutes and then released. No charges were filed.

(b) Speeding - 75/60, 1/24/08 - \$128.00.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? NO.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? NO.
34. Have you ever been sued, either personally or professionally? NO.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? NO.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? NO.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. NONE.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. NONE.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. 0.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. 0.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? NONE.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? NO.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? NO.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? NO.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) Sumter County Bar Association;
 - (b) South Carolina Bar Association.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Sumter Sunrise Rotary Club - Honorary Member;
 - (b) Sumter Sertoma Club , Past President – Resigned;
 - (c) Sumter Citadel Club, Past President;
 - (d) Air Force Association;
 - (e) Camellia Ball Dance Club, Past President;
 - (f) American Legion Post #15;
 - (g) First Presbyterian Church - Sumter, Clerk of Session.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
- As a Lt Col in the Air Force Reserve, I traveled on seven mission to the Middle East, South West Asia and Iraq after September 11, 2001 in support of Operations Enduring Freedom and Iraqi Freedom. I have been awarded two Air Force Commendation Medals and two Air Force Meritorious Service Medals and the Global War on Terrorism Medal. This experience and the people I met reminded me how precious our freedoms are and how much sacrifice may be required to preserve those freedoms.
- I currently serve on the Family Court Advisory Council and have instructed at the New Judges school for four years.
49. References:
- (a) Henry A. McFaddin, CPA
2830 Brownfield Way
Sumter, SC 29154
(H) 803-469-8655
(W) 803-773-1359;

- (b) William Nock, Banker
10 Marion Avenue
Sumter, SC 29150
(H) 803-775-8592
(W) 803-775-7701;
- (c) Raymond F. Reich
996 Heather Lane
Sumter, SC 29154
(H) 803-778-2687;
- (e) Wayne L. Hogan, Banker
757 Henderson St.
Sumter, SC 29150
(H) 803-775-4167
(W) 803-778-8271;
- (f) Charles L. Griffin, III, Esquire
640 Chickasaw Drive
Sumter, SC 29154
(H) 803-469-4117
(W) 803-774-4445.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

S/William Jeffrey Young

Date: 09/23/08

W. Jeffrey Young
988 Heather Lane
Sumter, SC 29154
(803) 775-1611

December 1, 2008

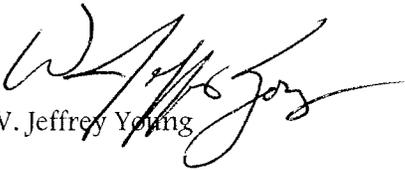
To : Judicial Merit Selection Commission
From : W. Jeffrey Young, Candidate, Circuit Court At -Large, Seat #1
RE : Amendment to Personal Data Questionnaire

Dear Commission Members:

I would like to amend my Personal Data Questionnaire by adding paragraphs :

47(h) Sunset Country Club, Sumter SC
47 (i) Riverside Hunting Club - Resigned.

Respectfully submitted,

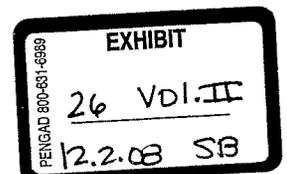

W. Jeffrey Young

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

Circuit Court
(New Candidate)

Full Name: William Jeffrey Young
Business Address: 108 North Magnolia St.
Sumter, SC
Business Telephone: (803) 436-2371

1. Why do you want to serve as a Circuit Court judge?
Having served in several positions in the South Carolina government and judiciary I want to expand my service into a court with wider and more diverse legal issues.
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?
As I have practiced for over the last four years *ex parte* communications should be avoided, except in limited situations. Such situations would occur when scheduling for administrative purposes or emergencies that do not deal with the substance of the matter. I also assure myself that the communications are not used to gain a tactical advantage by on party over the other. It is important that the provisions be made to notify the other parties and they have the ability to promptly be heard on the issues. I make it a practice to only issue an *ex parte* order when the safety of someone is involved or irrevocable harm will occur by not granting the *ex parte* order.
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 believe the appearance of impartiality of the Judiciary is extremely important to the integrity of the Judiciary. If a former associate or partner appears before me I inform the opposing counsel or party of the relationship and if it is perceived that a bias is present, I believe it is prudent to recuse myself. In Sumter my brother practices law. I do not touch anything that has his name on it. As to his associates, I inform the opposing party of the relationship with my brother and unless they specifically consent to the case going forward, I recuse myself.
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?

I would probably grant the motion for recusal because of what may be perceived as a conflict. There are always other judges who can hear the case.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I believe the appearance of impropriety in finances or social involvement of my spouse or close relative could in fact give the wrong perception and hint of bias in the proceeding. I think recusal would be proper, unless all parties consent after full disclosure.

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

As I have done over the last four years I simply do not accept gifts and quite frankly no one has offered any gifts to me.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I will question the offending party about the situation to establish what occurred and then report so a proper investigation can be made.

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?

As I have done over the last four years I will either draft them promptly or appoint one attorney to draft and submit to me after allowing the opposing attorney to review and comment.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

As I do now my administrative assistant closely keeps track all of my deadlines. We use a daily and weekly reminder system. No order or correspondence comes in or out of my office without being logged and scanned into the computer.

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

As I have ruled in several cases, public policy in SC is established by the General Assembly and the Supreme Court. The purpose of a trial court is to determine the facts, apply the settled law of the State of South Carolina and make a ruling.

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 like to continue my speaking to youth at the local schools concerning our legal system and its importance in our society.

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?
It has not strained my family so far and I do not believe being on the Circuit Bench will be any more stressful than being on the Family Court Bench.
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:
I would sentence in accordance the statutory and case law of the state of South Carolina to assure the protection of the public and provide justice to the individual depending on the facts of that case.
 - b. Juveniles (that have been waived to the circuit court):
Juveniles who have been waived to the circuit court would be sentenced in accordance with the statutory and case laws of South Carolina depending upon the facts of that case.
 - c. White collar criminals:
I would not sentence any harder or lighter merely because the crime is considered a "white collar" crime. The statutory and case laws of South Carolina and the facts of the case will be my guide.
 - d. Defendants with a socially and/or economically disadvantaged background:
I would sentence in accordance with the statutory and case law of South Carolina depending upon the facts of that case.
 - e. Elderly defendants or those with some infirmity:
I would weigh the threat to the safety of the community with the right's of the individual and applying the statutory and case law of our state before making a ruling.
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? No
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? Calm and deliberate.
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? Yes
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.

No, anger clouds judgment and clouded judgment leads to injustice. As I have done over the last four years, if ever angered by inappropriate behavior of a party (which is rare), I reserve my ruling until any harsh feelings are dissipated. I then issue an order that I believe to be fair and just under the circumstances of that particular case based upon the law and facts.

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? No
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/William Jeffrey Young

Sworn to before me this 23rd day of September, 2008.____

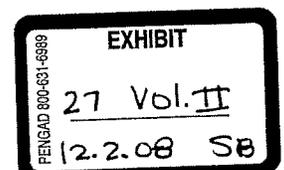
Notary Public for S.C.

My Commission Expires:11/15/2012_____

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large,
Seat 6

1. NAME: Mr. Daniel Francis Blanchard, III
BUSINESS ADDRESS: Rosen, Rosen & Hagood, LLC, 134 Meeting Street,
Suite 200, Charleston, SC 29401
E-MAIL ADDRESS: dblanchard@rrhlawfirm.com
BUSINESS NUMBER: (843) 577-6726
2. Date of Birth: 1967
Place of Birth: Charleston, SC
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five
years? Yes.
5. Family Status: Engaged to be married to Laura Katherine Olenik with a
planned wedding date of June 6, 2009. No children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your
attendance, the degrees you received, and if you left an institution without
receiving a degree, the reason for your departure.
 - (a) Furman University
Greenville, SC
Fall 1985 – Spring 1989
Bachelors of Arts Degree, Major in Political Science;
 - (b) College of Charleston
Charleston, SC
Summer of 1988
Attended one summer school class during undergraduate studies, no
degree received;
 - (c) University of South Carolina School of Law
Columbia, SC
Fall 1989 – Spring 1992
Juris Doctor Degree cum laude.
8. List the states in which you have been admitted to practice law and the year of
each admission. Also list any states in which you took the bar exam but were
never admitted to the practice of law. If you took the bar exam more than
once in any of the states listed, please indicate the number of times you took
the exam in each state.
South Carolina, admitted on November 18, 1992 (admitted after taking the
bar exam once).



9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

Furman University:

- (a) Phi Eta Sigma Honor Society;
- (b) Furman Scholar Scholarship;
- (c) Kennedy Foundation Scholarship;
- (d) Outstanding College Students of America;
- (e) Coordinator, Collegiate Educational Service Corps;
- (f) Fellowship of Christian Athletes;
- (g) Participant and Referee for Intramural Sports.

University of South Carolina School of Law:

- (a) Order of Wig & Robe (received May 1991);
- (b) The Order of the Coif (received May 1992);
- (c) John Belton O'Neall Inn of Court (received 1992);
- (d) ABA Real Property, Probate & Trust Journal Student Editorial Board (Associate Editor 1991-92; Member 1990-91);
- (e) Outstanding Service Award, ABA Real Property, Probate & Trust Journal (received in 1991);
- (f) American Jurisprudence Award (fall 1990);
- (g) Bar Foundation Scholarship;
- (h) Dean's List (spring 1990, fall 1990, spring 1991, fall 1991).

10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Ethics Seminar with Chief Justice Toal at Joe Riley Stadium	07/10/08;
(b) Trucking Litigation & DOT Regulations	04/10/08;
(c) S.C. Trial Lawyers Annual Convention	08/02/07;
(d) Ethics Seminar with Chief Justice Toal at Joe Riley Stadium	07/12/07;
(e) NC/SC Labor & Employment Law	10/27/06;
(f) S.C. Trial Lawyers Annual Convention	08/03/06;
(g) Video Replay of Ethics 2000	12/17/05;
(h) The Unforgiving Minute--Ethics	12/10/05;
(i) Family Court Bench/Bar Update	12/2/05;
(j) This is the Year That Was—Ethics	1/5/05;
(k) Attorney Federal Court Electronic Filing Training	3/23/05;
(l) New Lawyers Oath CLE	8/2/04;
(m) MCLE Night at The Joe	8/2/04;
(n) Helping Lawyers Stay in the Game—Ethics	5/25/03;
(o) Employment Discrimination	5/8/03;

- (p) The Faragher-Elerth Affirmative Defense
in Employment Cases 5/15/03;
 - (q) Third Annual Practical Legal Ethics 12/11/02;
 - (r) Ethics Luncheon—Judge Patrick Duffy 12/4/02;
 - (s) Appellate Practice in S.C. 10/11/02;
 - (t) Employment Law Update 9/12/02.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) Lectured on the topic of “medical malpractice” as part of National Association of Legal Secretaries (NALS) Advanced Legal Training Course (Oct. 1997);
 - (b) Lectured on the topic of “workplace violence” as part of Council on Education in Management Personnel Law Update 1999 Seminar (Feb. 1999);
 - (c) Spoke on the topic of “lemon law/consumer warranties” as part of Charleston Association of Legal Assistants (CALA) Legal Training (Mar. 1999);
 - (d) Spoke on the topic of “advanced legal writing” as part of Institute for Paralegal Education (IPE) Seminar (Dec. 2000);
 - (e) Spoke on legal aspects applicable to apartment managers as part of seminar sponsored by the National Apartment Association Education Institute (NAAEI) (Dec. 2006).
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Co-authored chapter with Richard S. Rosen entitled “Interference with Contractual and Business Relations” published by S.C. Bar Association’s Continuing Legal Education Division as part of treatise on South Carolina Damages (2004);
 - (b) Authored article entitled “The Faragher-Elerth Affirmative Defense as Implied Waiver of Privileges: Is the Defense a Shield or Double-Edged Sword?” 14 S.C. LAW. 38 (May 2003);
 - (c) Authored article entitled “South Carolina Evidence Rule 703: A Backdoor Exception to the Hearsay Rule?” 13 S.C. LAW. 14 (May/June 2002);
 - (d) Authored article entitled “Supervisor Liability for Sexual Harassment Under Title VII in the Fourth Circuit: Continued Uncertainty After Lissau v. Southern Food Service, Inc.,” 13 S.C. LAW. 36 (Nov./Dec. 2001);
 - (e) Co-authored article with Susan C. Rosen entitled “Controlling Person Liability for Motor Vehicle Dealer Violations of the South Carolina Motor Vehicle Unfair Trade Practices Act: A Proposal for Reform,” 47 S.C. L. REV. 349 (1996);

- (f) Co-authored seminar materials with Susan C. Rosen entitled "South Carolina Automobile Dealers Law," published by the S.C. Bar Association's Continuing Legal Education Division (1994).
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
South Carolina Bar (November 1992);
United States District Court, District of South Carolina (February 1995);
United States Court of Appeals, Fourth Circuit (June 1996);
United States Court of Appeals, Eleventh Circuit (December 1998);
United States Supreme Court (June 1996).
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
Rosen, Rosen & Hagood, LLC (formerly known as Rosen, Rosen & Hagood, P.A. and Rosen, Goodstein & Hagood, LLC)
134 Meeting Street, Suite 200
Charleston, South Carolina 29401
(a) Law Clerk: May 1991-August 1991;
(b) Associate: Aug. 1992-Dec. 1999;
(c) Non-Equity Member/Shareholder: Jan. 2000-December 2007;
(d) Equity Member/Shareholder: Jan. 2008-present).
- Since 1992, I have had the privilege of working for and with some of the most talented trial attorneys our State has to offer and for a law firm that holds its attorneys to the highest standards of performance, conduct, and character. I have been actively involved in civil litigation and trial work for the past 16 years involving a diverse range of cases with primary emphasis in employment, civil rights, personal injury, consumer law, governmental, commercial litigation, and business litigation cases. I have experience handling cases from both the plaintiff and defense perspectives. The clients in these cases have included personal injury victims, malpractice victims, victims of discrimination and civil rights violations, employees, employers, consumers, automobile dealerships, partnerships, businesses, small business owners, investors, professionals, trucking firms, schools, school districts, governmental entities, landowners, homeowners, and real estate developers. I have practiced before many county magistrate's courts, municipal courts, county Circuit Courts, the South Carolina Court of Appeals, the South Carolina Supreme Court, the Federal District Court for the District of South Carolina, the Fourth Circuit Court of Appeals, and numerous administrative agencies (including the Equal Employment Opportunity Commission, the S.C. Human Affairs Commission, the S.C. Employment Security Commission, and the S.C. Department of Labor, Licensing & Regulation). I have also

participated in numerous alternative dispute resolution matters including mediations and arbitration hearings.

During the first half of my experience as an attorney, my case load primarily involved employment, personal injury, professional malpractice, governmental, education, and consumer cases. These cases included civil litigation arising from motor vehicle accidents, slip and fall accidents, products liability, wrongful termination, employment discrimination/sexual harassment under Title VII of the Civil Rights Act of 1964, civil rights violations under 42 U.S.C. § 1983, medical malpractice, accounting malpractice, contract disputes, defamation, whistleblower act violations, "lemon law" claims, motor vehicle warranties, teacher discipline hearings, student expulsion hearings, Payment of Wages Act violations, and claims under various statutes including the S.C. Unfair Trade Practices Act and the S.C. Motor Vehicle Unfair Trade Practices Act.

During the first half of my experience as an attorney, I primarily represented plaintiffs or claimants. The approximate split was 75% plaintiff/claimant and 25% defendant.

In the last half of my experience as an attorney, I have continued to handle the types of cases described above, but the number of cases that I have handled for plaintiffs, particularly personal injury cases, has decreased as a percentage of my workload. Our law firm does not advertise for business. As part of our firm's business strategy, we decided to develop an expertise in more complex cases. As a result of a shift in our firm's business objectives, the number of cases that I have handled involving business and commercial litigation has increased during this time and the number of personal injury cases has decreased. During the last half of my experience as an attorney, I have handled more cases from the defense side, including the defense of governmental entities in lawsuits alleging violations of the S.C. Tort Claims Act and employment-related statutes. I have also defended numerous trucking companies in motor vehicle accident cases. I have significant experience handling cases involving probate or estate litigation issues and have represented real estate developers in litigation involving partnership disputes, property owners' associations, horizontal property regimes, master deeds, and restrictive covenants. The approximate split is currently 50% plaintiff/claimant and 50% defendant.

I do not have significant experience handling criminal matters and I have not tried a criminal case before a jury. I have been appointed as counsel for defendants in juvenile criminal cases and I was previously appointed as trial counsel to represent a criminal defendant in his post-conviction relief application, which we won at the trial court level, but the decision was eventually reversed on appeal. *Brown v. State*, 340 S.C. 590, 533 S.E.2d 308 (2000).

In the criminal field, I understand that orientation and further training will be invaluable. Despite my limited experience in the criminal area, I feel that my

active participation in civil trials, hearings, and other litigation proceedings during the past 16 years has prepared me to meet the challenge of presiding over criminal proceedings. Considerable overlap exists among the laws applicable to civil and criminal cases, including the rules of evidence. I plan to review and study various treatises on criminal procedure and criminal law to expand my knowledge of the law applicable to criminal cases. As part of any orientation or training for the position, I am willing to meet and consult with attorneys from the local Solicitor's and Public Defender's offices as well as criminal defense attorneys to gain a more in-depth understanding of the procedures followed in criminal cases.

15. What is your rating in Martindale-Hubbell? BV rating.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
(a) federal: Approximately 10 appearances per year (including trials, motion hearings, pretrial conferences, etc.);
(b) state: Approximately 60-75 appearances per year (including trials, motion hearings, pretrial conferences, etc.).

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 95%;
(b) criminal: 0%;
(c) domestic: 5%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
(a) jury: 85%;
(b) non-jury: 15%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? 30% sole or chief counsel; 70% as junior or associate counsel.

19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) Served as sole trial counsel for the Charleston County School District in a lawsuit alleging that the school district was grossly negligent in allowing a participant in a youth football game to wear golf spikes, which player later "cleated" and severely and permanently injured another player's knee and leg. I was able to win a complete defense verdict for the school district at the jury trial. Colten P. Ryals v. Charleston County Parks & Recreation and Charleston County School Dist., 2002-CP-10-3742 (Charleston County Ct. Common Pleas).

- (b) Served as chief trial counsel for a trucking company that was sued in a wrongful death action. The suit alleged that the trucking company's driver was operating his truck in excess of the posted speed limit in foggy and dark conditions without his headlights activated, thereby resulting in a collision that caused the death of the other driver. The deceased's family members were seeking actual and punitive damages in excess of the company's insurance limits. The case largely centered on the testimony of accident reconstruction experts. I was able to successfully negotiate a settlement for well below the plaintiff's pretrial settlement demands after three days of trial testimony. Alfred Franklin Hartzog, as Personal Representative of the Estate of Sophie C. Hartzog v. Double B Trucking Company, Inc., and Ronny Bennett, 2003-CP-25-24 (Colleton County Ct. Common Pleas).
- (c) Served as primary junior counsel for the plaintiff in a lawsuit involving a brain injury resulting from a bicycle accident on Kiawah Island. The plaintiff was injured when the front fork on the bicycle he had rented from a Kiawah Island Golf & Tennis Resort bike shop suddenly snapped and sent him over the handle bars, causing him to hit his head on the packed beach sand. We were able to win a \$1.75 million settlement for the plaintiff. Christopher A.L. Cox v. Kiawah Island Inn Co., 2:00-1199-18 (U.S. District Court, District of South Carolina, Charleston Division).
- (d) Served as primary junior counsel for the defendants in a case involving a question of first impression under S.C. law. The case centered on the issue of whether a written disclaimer or "non-reliance clause" in a real estate sales contract, under which the buyers agreed that they were not relying on any pre-contract oral statements of the seller, barred the buyers from later suing the sellers for negligent misrepresentation and fraud based on alleged pre-contract oral misstatements made by the sellers' real estate agent involving the existence of a sewer line easement across the property. The case was eventually decided by the S.C. Supreme Court. Slack v. James, 364 S.C. 609, 614 S.E.2d 636 (2005).
- (e) Served as primary junior counsel in a case involving a question of first impression under S.C. law. The case centered on the issue of whether a decision issued by an arbitrator in an arbitration hearing conducted at a location outside of S.C. may be modified or vacated by a S.C. court when the underlying events occurred in this state, but the parties executed a written contract giving exclusive jurisdiction to the courts of another state. The case was eventually decided by the S.C. Court of Appeals. Ashley River Properties I, LLC v. Ashley River Properties, II, LLC, 2007 WL 1816369 (S.C. Ct. App. 2007).

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). Do NOT attach a separate list of your briefs.
- (a) Sundown Operating Company, Inc. et al. v. BFPE International, Inc., Op. No. 2007-UP-091 (S.C. Ct. App., Feb. 23, 2007) (prepared briefs and made oral argument);
 - (b) Ashley River Properties I, LLC v. Ashley River Properties, II, LLC, 2007 WL 1816369 (S.C. Ct. App. 2007) (prepared briefs);
 - (c) Slack v. James, 364 S.C. 609, 614 S.E.2d 636 (2005) (prepared briefs);
 - (d) Gene Reed Chevrolet, Inc. v. Farmers & Merchants Bank of South Carolina, Op. No. 2002-UP-477 (S.C. Ct. App., June 26, 2002) (prepared briefs; no oral argument held);
 - (e) Delmar N. Rivers, Jr. v. American Ultraviolet Company, Inc., Op. No. 97-UP-137 (S.C. Ct. App., Feb. 12, 1997) (prepared briefs and made oral argument).
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter.
I have not personally handled any criminal appeals.
22. Have you ever held judicial office? No.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. [Not applicable] Also list citations to any appellate review of these orders or opinions. Not applicable.
24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer. No.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

I am currently an equity member/shareholder in the law firm of Rosen, Rosen & Hagood, LLC, and have been since January of 2008. From January 2000 until December 2007, I was a non-equity member/shareholder of the firm.

29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
None other than I am currently an equity member/shareholder in the law firm of Rosen, Rosen & Hagood, LLC, and have been employed by the firm as an attorney since 1992.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally? No.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed. No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.

40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek.
None, other than ordinary postage to submit my intent to apply for the position to the Judicial Merit Selection Commission.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened?
I have not directly or indirectly requested the pledge of any member of the General Assembly. I have not received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) Charleston County Bar Association (1992 to present);
 - (b) South Carolina Bar Association (1992 to present);
 - (c) American Bar Association (1992 to present);
 - (d) United States Supreme Court Historical Society (past member);
 - (e) American Association for Justice, formerly Association of Trial Lawyers of America (past member 1993-97);
 - (f) South Carolina Association for Justice, formerly South Carolina Trial Lawyers Association (past member 1993-97);
 - (g) South Carolina Bar, Young Lawyers Division, Charleston County (member and co-chair of various subcommittees from 1994 to 2002);
 - (h) South Carolina Bar, House of Delegates, Circuit Delegate for Ninth Circuit (July of 2008 to present);
 - (i) Member of Primerus Defense Institute (2007 to present);
 - (j) Member of Charleston Motor Carriers Association (2008 to present).

47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Graduate of Charleston Metro Chamber of Commerce "Leadership Charleston" Class of 2002;
 - (b) Play softball with the Citadel Square Baptist Church men's softball team;
 - (c) Attend church services and social events at Grace Episcopal Church in Charleston and Circular Congregational Church in Charleston, but am not a member of either church.

48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I am a hard-working and ethical attorney dedicated to the rule of law and the pursuit of justice. I was raised in Harleyville, South Carolina, which is a small town in Dorchester County. I have never lived in a state other than South Carolina. I graduated from Mims Academy, in Harleyville, as valedictorian of my high school class. I am the oldest of three sons. My parents, siblings, and numerous relatives currently reside in Dorchester County, thus I have a strong affection for and connection to the area and community.

My mother served as the town clerk for the Town of Harleyville for numerous years until her retirement. My father served in the military, graduated from The Citadel as a veteran, and retired from employment as a civil servant with the federal government. My father's family lived on Sullivan's Island, South Carolina. My paternal grandfather, Daniel F. Blanchard, Sr., was a veteran of World War I and later worked as a contractor on the island. He built numerous houses that still stand on Sullivan's Island. My paternal grandmother, Grace Blanchard, was known for her community service on the island, including her leadership of the Sullivan's Island Garden Club and her devotion to the Sullivan's Island First Baptist Church. My mother's family lived in Harleyville. My maternal grandfather, Jefferson H. "Buster" Westbury, was a veteran of World War II and later retired from Giant Cement Company in Harleyville. He is also a long-time farmer. My maternal grandmother, Virginia Fralix Westbury, was a housewife, employee of Ace Hardware in Holly Hill, and devoted member of the Harleyville Southern Methodist Church.

Although our family was not poor and I always had the love and moral support of my family, my parents were of modest means and could not afford to finance my college or law school education. I was able to pay for my education through a combination of merit-based scholarships, educational loans, and income received from various jobs that I held throughout school. I worked my way through school, including numerous summers doing manual

labor at a cement factory owned by Giant Cement Company and a summer working in the Warden's Office at Lieber Correctional Facility in Ridgeville.

I still remember the value and lessons of hard work, perseverance, self-discipline, and dedication to achieving one's goals. I firmly believe that our country provides unlimited opportunities and we should constantly strive to become better citizens.

49. References:

- (a) Morris D. Rosen
Rosen, Rosen & Hagood, LLC,
134 Meeting Street, Suite 200,
Charleston, SC 29401
843-577-6726 (current employer);
- (b) Susan C. Rosen
Rosen Law Firm, 18 Broad Street, Suite 201
Charleston, SC 29401
843-377-1700 (former supervising attorney).
- (c) Professor S. Alan Medlin
University of South Carolina School of Law
1713 Phelps Street
Columbia, SC 29205
803-777-7465 (former law school professor and faculty advisor for the
ABA Real Property, Probate & Trust Journal)
- (d) John Welch, Senior Vice President, South Carolina Bank & Trust, 5542
Memorial Boulevard, St. George, SC 29477, 843-563-2324 (former
high school coach)
- (e) Thomas P. Nolen, Vice President
First Citizens Bank
182 Meeting Street
Charleston, SC 29401
843-722-5823 (current banker)

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE
CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR
ANY INFORMATION CONCERNING YOUR CREDIT.

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

s/Daniel Francis Blanchard, III

Date:

Frank Blanchard

From: Frank Blanchard
Sent: Thursday, October 30, 2008 11:27 AM
To: pgb@scsenate.org
Subject: Follow up to Interview on 10/29/08

Paula,

It was a pleasure meeting with you yesterday in Columbia. As we discussed during the interview, I have attended several additional CLEs since my application for the Circuit Court judgeship was submitted back in September. Specifically, it would be greatly appreciated if you would update my response to Question 10 on the Personal Data Questionnaire to include the following additional seminars:

- (1) Ethics Seminar with Jack Marshall (part of Primerus National Conference in Colorado Springs, CO) on October 23-24, 2008.
- (2) NC/SC Labor & Employment Law Update (Asheville, NC) on October 17-18, 2008
- (3) U.S. District Court, District of South Carolina, Training on Electronic Courtrooms (Charleston, SC) on October 15, 2008.

If you need any additional information, please do not hesitate to contact me. Thank you!

Frank Blanchard

Frank Blanchard <i>Attorney</i> fblanchard@rrhlawfirm.com Direct Phone: (843) 266-8123 - Direct Fax: (843) 266-2232	My Bio Download V-Card			
ROSEN, ROSEN & HAGOOD, LLC 134 Meeting Street, Suite 200 P.O. Box 893 Charleston, South Carolina 29402-0893 Main Phone: (843) 577-6726 Main Fax: (843) 724-8036	<i>Experience. Integrity. Results.</i> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">www.rrhlawfirm.com</td> <td style="text-align: center;">Attorneys</td> <td style="text-align: center;">Practice Areas</td> </tr> </table>	www.rrhlawfirm.com	Attorneys	Practice Areas
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Primerus Lawfirms

Brain Injury Law Group of
South Carolina

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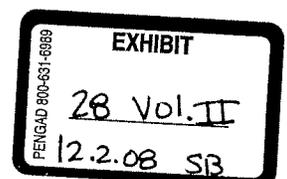
12/2/2008

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

Circuit Court
(New Candidate)

Full Name: Daniel Francis Blanchard, III
Business Address: Rosen, Rosen & Hagood, LLC
134 Meeting Street, Suite 200
Charleston, SC 29401
Business Telephone: 843-577-6726

1. Why do you want to serve as a Circuit Court judge? I want to become a judge because I desire to take a leadership role in achieving justice in our state. I also wish to experience the fulfillment and satisfaction of serving my state and country in a public capacity.
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? Undecided.
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? I do not believe that *ex parte* communications should occur. Are there circumstances under which you could envision *ex parte* communications being tolerated? Only if *ex parte* communications are specifically permitted by a court order, the Code of Judicial Conduct, or if required by law.
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 would not preside over any proceeding in which my impartiality might reasonably be questioned for any reason. I would also adhere to the Code of Judicial Conduct's provisions involving disqualifications, including but not limited to Canon 3E. Subject to those requirements, I would not preside over cases in which my former law partners or associates are to appear before me.
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? I would not hesitate to grant a motion for recusal if some disclosure might reasonably cause my impartiality to be questioned. Because I would not want to create the appearance of impropriety, I would recuse myself even if I personally felt the disclosure would not affect my impartiality.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I



would not hesitate to disqualify myself or to grant a party's motion for recusal in any case or matter if my spouse or family member has an economic or other interest in the subject matter in controversy that could be affected by the proceeding.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept a gift, bequest, favor, or loan from anyone that violates the requirements of the Code of Judicial Conduct's provisions involving financial activities, including but not limited to Canon 4D(5). I would also urge members of my family residing in my household not to accept any such gifts, bequests, favors, or loans.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would immediately take appropriate action (including direction communication with the offending judge or lawyer) and/or to report the misconduct to the appropriate disciplinary authorities in accordance with the requirements of the Code of Judicial Conduct's provisions involving disciplinary responsibilities, including but not limited to Canon 3D.
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? My preference would be to personally draft any orders that I will sign as I greatly enjoy analyzing legal issues, developing logical arguments, and crafting language for arguments. However, in those situations where time constraints or other considerations prevent me from drafting an order, I do not find it objectionable to request counsel for a party to prepare and submit a proposed order that is consistent with the judge's prior verbal instructions and rulings made on the record. Under such circumstances, the proposed order would need to be simultaneously submitted to the other parties or their counsel. Obviously, the judge would have the prerogative to alter or change the order until a final ruling is made.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines? As a shareholder in a highly demanding, motivated, and effective law firm, I have learned to supervise and manage an efficient office. As with my law office, I would implement internal office procedures (calendar and reminder system with backups) to ensure that my secretary or staff members immediately diary any due dates or deadlines so that the required actions are taken in a timely basis. I would ensure that my staff is informed and trained regarding the procedures, the importance of following them, and the consequences of failing to follow them. I would also personally participate in, supervise, and monitor cases to ensure that they are handled in a timely and efficient manner. I would devote adequate time

to my judicial duties, be punctual in attending court, be expeditious in adjudicating matters and issuing rulings, and insist that staff and court officials cooperate with me to this end.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I believe that judges should respect and comply with the state and federal Constitutions, statutes, and other laws as written so as to carry out and implement the clearly expressed intent of the law. I do not believe a judge is free to disregard the law's requirements or mandates simply because he or she may dislike the outcome that will result from enforcement of the law or based on any personal disagreement the judge may have with the wisdom of or policy behind the law.
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 will personally participate in the S.C. Bar's continuing legal education courses as a lecturer or speaker and would participate in similar events that are available to the general public. I intend to write articles involving the law to be published in bar association periodicals, law reviews, or other similar publications. I would consider teaching a course at either of our in-state law schools. I would also be willing to serve on committees or panels to recommend measures to improve the law.
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 do not anticipate any problem in my personal relationships. My fiancée is very supportive of my candidacy.
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:
 - b. Juveniles (that have been waived to the circuit court):
 - c. White collar criminals:
 - d. Defendants with a socially and/or economically disadvantaged background:
 - e. Elderly defendants or those with some infirmity:I strongly believe that all offenders should be treated equally and fairly and that those who commit crimes should be held accountable for their misconduct. I also believe that mitigating or aggravating factors may be considered in determining appropriate sentences in accordance with the requirements of law, but such factors must be considered on a case-by-case basis. Stereotypical or generalized assumptions should be avoided. From a general philosophical standpoint, I agree that repeat offenders should generally receive harsher sentences than first-time offenders; that juvenile offenders generally should be treated less severely than

mature adults; that "white collar" crimes are no less onerous than other crimes (an objective of punishment for such crimes should include monetary restitution for the victims in addition to other punishment, if appropriate); that social or economic disadvantages may explain an offender's conduct, but should not completely exonerate the conduct; and that it is appropriate to consider alternative punishment for elderly or infirm offenders if it is demonstrated that normal punishment would endanger their lives or safety or would be cruel or unusual under the circumstances. Particular facts and circumstances may render these general assumptions inapplicable.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? Not applicable.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Although the Code of Judicial Conduct's provisions (including but not limited to Canon 4E(1)(d)) do not prohibit a judge from presiding over a proceeding in which the judge's spouse or family member is known to have a *de minimis* financial interest that could be affected by the proceeding, I would nevertheless not feel comfortable presiding over such a proceeding and would recuse myself.
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, I have exceeded the requirements.
23. What do you feel is the appropriate demeanor for a judge? At all times a judge should be patient, dignified, and courteous to litigants and others with whom the judge deals in his judicial capacity. As part of the judge's obligation to be in charge of the proceedings and to maintain order and decorum, he or she should require the litigants, parties, court officials, and others to conduct themselves in a similar manner.
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? They would apply at all times, whether acting in a judicial capacity or otherwise.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? No. Is anger ever appropriate in dealing with attorneys or pro se litigants? No.
26. How much money have you spent on your campaign? None. If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
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? No. 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 have familiarized myself with the 48-hour rule and related restrictions.

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

s/Daniel F. Blanchard, III

Sworn to before me this 25th day of September, 2008.

Notary Public for S.C.

My Commission Expires: 6/10/2018