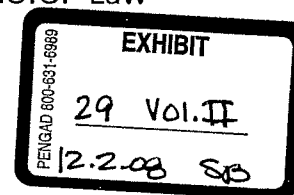


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court Judge, At Large Seat No. 6

1. NAME: Mr. Philip S. Ferderigos  
BUSINESS ADDRESS: 885 Island Park Drive, Charleston, SC 29492  
E-MAIL ADDRESS: pferderigos@barnwell-whaley.com  
BUSINESS NUMBER: (843) 577-7700
  
2. Date of Birth: 1973  
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: Married on March 12, 2005, to Lauren Russell Ferderigos. Never divorced. One child.
6. Have you served in the military? N/A.
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) College of Charleston (8/92-5/96, BA, Major: Political Science, Double Minors: History and Sociology, Summa Cum Laude, GAP 4.0, No. 1);
  - (b) University of South Carolina School of Law (8/96 to 5/99, Juris Doctor, Magna Cum Laude, GPA 3.807, 4/260, 1.5%).
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 – 1999.
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 of Charleston: Top Honor Graduate, Departmental Honors, Outstanding Student Award, Honors Program, Alumni Junior Medal Recipient, Highly Distinguished Dean's List (Fall and Spring of 1992 to 1996), Harrison Randolph Scholarship Recipient, Harper B. Keeler Political Science Award, Harrison Randolph Calculus Award, AHEPA Maistrellis Scholarship Award, Sigma Alpha Phi Society, Order of Omega, Omicron Delta Kappa Society, The Honor Society of Phi Kappa Phi.  
University of South Carolina School of Law: South Carolina Law Review Member, South Carolina Moot Court Bar Member (represented U.S.C. Law



School in 1997 Wagner Labor Law Moot Court competition), U.S.C. Law School Merit Scholar, Society of the Wig and Robe, Order of Coif, Member of Pro Bono Program, Sinkler & Boyd Merit Scholarship, President's List Fall 1997, Spring 1998, CALI (formerly Am.Jur.) awards: Constitutional Law, Fall, 1996; Property Law, Fall, 1996; Torts II, Spring 1997; Substantive Criminal Law, Spring, 1998; Interviewing, Counseling and Negotiation, Spring 1998.

After graduating from college and immediately before law school, I spent the summer riding a bicycle across the United States from California's Golden Gate Bridge to the steps of the U.S. Supreme Court in Washington D.C. to raise money and awareness for adults and children with disabilities. As a cyclist for PUSH America (People Understanding the Severely Handicapped), I was fortunate enough to participate as part of a "Journey of Hope" team that raised over \$250,000 for the betterment and advancement of rights for disabled Americans. Based on not only this experience, but also a lifetime of attempting to live up to the ideals of this great country, I appreciate the ability of ordinary citizens to do extraordinary things, whether within or outside of the legal arena, so that every individual will be treated with human dignity, kindness, and most certainly equal justice under the law.

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)	CLE at Riverdogs presented by Chief Justice Toal	7/10/08;
b)	What You Need to Know About SC Workers' Compensation Law	5/9/08;
c)	SC Workers' Compensation Law: Evolving Issues 2007	9/7/07;
d)	Workers' Compensation Hearings	5/10/07;
e)	Anatomy for Lawyers	2/23/07;
f)	30 <sup>th</sup> Annual Educational Conference – SCWCEA	10/22/06;
g)	Achieving Successful Outcomes	8/25/05;
h)	SILICA Medicine	7/16/05;
i)	HIPAA	6/5/05;
j)	Advanced Workers' Compensation	2/24/05;
k)	Workers' Compensation	1/12/05;
l)	MCLE Night at the Joe	8/2/04;
m)	Silica Medicine – The Gold	6/10/04;
n)	Commercial Real Estate Financing	3/31/04;
o)	Admissibility of Evidence & Expert Testimony in SC	2/3/04;
p)	Family Law in South Carolina	12/15/03;
q)	Fundamentals of Real Estate Closings in SC	12/10/03;
r)	Successful Judgment Collections in SC	12/9/03;
s)	Bad Faith Litigation in SC	10/30/03.

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) As a CLE instructor, I instructed a CLE course and prepared a Compendium for a CLE Seminar, "Law in Motion: A South Carolina Paralegal's Guide to Effective Motion Practice," March, 2003.
  - (b) In addition, I also taught as a Legal Writing & Research Adjunct Professor at the Charleston School of Law from 2004-2006 while practicing law at Barnwell Whaley Patterson & Helms.

12. List all published books and articles you have written and give citations and the dates of publication for each.
- No published books/articles. However, I prepared a Compendium for a CLE Seminar, "Law in Motion: A South Carolina Paralegal's Guide to Effective Motion Practice," in March, 2003.

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 15, 1999;

South Carolina Federal District Courts – February 17, 2000.

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) Barnwell Whaley Patterson & Helms, LLC, 134 Meeting St, Associate, 1999- 2005;

(b) Barnwell Whaley Patterson & Helms, LLC, 885 Island Park Dr., Special Counsel, 2005-2007;

(c) Charleston School of Law, 81 Mary Street, Adjunct Professor, 2004-2006;

(d) Barnwell Whaley Patterson & Helms, LLC, 885 Island Park Dr., Partner, 2007 – present.

(e) General civil defense litigation and appellate practice with emphasis on personal injury, products liability, professional negligence, toxic torts, workers' compensation, business and commercial litigation. Typical clients include insurance carriers, government entities and private businesses and individuals.

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.

My legal practice and personal philosophy has been a wholesale adoption of what I like to refer to as the "Dawes Cooke" style of practicing law: treating your colleagues and adversaries with the same respect and courtesy you would expect to be treated with and, while zealously advocating for your clients, always playing a fair game. While cases and clients come and go, the way you deal with and treat people throughout your tenure as a lawyer, says more about you as a person and professional than how many victories you may have under your belt. Every day I strive to live up to these expectations, and this same mantra will guide my judicial philosophy if the opportunity presents itself.

As indicated previously, my practice includes general civil defense litigation and appellate practice with emphasis on personal injury, products liability, professional negligence, toxic torts, workers' compensation, business and commercial litigation. My typical clients include insurance carriers, government entities and private businesses and individuals, primarily from a defendant's perspective, although I have also represented plaintiffs as well.

From 1999 to present, I have tried numerous civil court cases that have run the gamut from the average, run-of-the-mill car accident case, to representing governmental entities pursuant to the South Carolina Tort Claims Act, to representing private businesses in contractual disputes. I have tried cases on both sides of the aisle as both a Plaintiff's attorney and a Defendant's attorney. Short of trial, I have argued countless discovery and dispositive motions involving virtually every legal principal that one can imagine. The vast majority of cases, however, tend not to proceed to trial and I have facilitated and negotiated countless settlements beneficial to my clients. Finally, I have both reported and unreported cases in the following appeals:

Reported cases:

- (a) McLaughlin v Williams, \_\_\_ S.C. \_\_\_, 665 S.E.2d 667 (Ct. App. (2008) (chief counsel);
- (b) Henderson v. Allied Signal, Inc., 373 S.C. 179, 644 S.E.2d 724 (S.C. 2007) (associate counsel);

- (c) Home Port Rentals, Inc. v. Moore, 359 S.C. 230, 597 S.E.2d 810 (Ct.App. 2004), certiorari granted, 369 S.C. 493, 632 S.E.2d 862 (S.C. 2006) (associate counsel);
- (d) Herring v. Home Depot, Inc., 350 S.C. 373, 565 S.E.2d 733 (Ct.App. 2002) (associate counsel);  
Grant v City of Folly Beach, 346 S.C. 74, 551 S.E.2d 229 (S.C. 2001) (chief counsel);
- (e) Boone v Boone, 345 S.C. 8, 546 S.E.2d 191 (S.C. 2001) (chief counsel).

Unpublished Decisions:

- (a) Maurer v. Hilliard, Ct.App. Unpublished Opinion No. 2003-UP-136 (2003) (associate counsel);
- (b) Snyder v. Berkeley County School District, Ct.App. Unpublished Opinion No. 2001-UP-531 (2001) (chief counsel);
- (c) Byrd v. Epting, Ct.App. Unpublished Opinion No. 2001-UP-157 (2001) (associate counsel);
- (d) Seabrook Island Realty, Inc. v. Cassatt, Ct.App. Unpublished Opinion No. 2001-UP-146 (2001) (chief counsel).

Current appeals:

- (a) Grant v. City of Folly Beach, Court of Appeals, Case No. 96-CP-10-1827 and Case No. 02-CP-10-1595 (chief counsel);
- (b) Davidson v Tidal Wave 23, LLC, et al., Court of Appeals, Case No. 2006-CP-07-2683 and 2006-CP-07-2683 (chief counsel).

My current practice does not include any criminal law. However, I did serve as a law clerk to the Charleston County Public Defender's Office immediately after my first year of law school where I developed some affinity for this area of the law. While interning in 1997, I interviewed a client in jail awaiting trial for a murder charge. Coincidentally, two years later, while completing my 403's, I witnessed his week long murder trial. Subsequently, a few years later, and again by sheer coincidence, while arguing one of my first appeals to the Supreme Court, I witnessed an appeal from his jury trial concerning an evidentiary matter. In witnessing this methodical judicial process unfold from start to finish concerning a horrific murder, I garnered a deep respect for the gravity of the judicial process, the awesome responsibility of the judiciary, and its sacrosanct role in protecting constitutional rights while also applying justice evenhandedly.

I have experienced both "the thrill of victory and the agony of defeat," or, stated differently, sometimes I have been the windshield and other times the bug. After nearly a decade in private practice, I know the challenges attorneys face in their day

to day practices. I have a tremendous respect for the legal profession and would cherish any opportunity to serve as a judge.

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. I am rated 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: 10%;

(b) state: 90%.

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: 10%;

(b) non-jury: Zero. By definition, non-jury cases do not go to the jury.

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) Davidson v. Tidal Wave 23, LLC, et al., Court of Appeals, Case No. 2006-CP-07-2683 and 2006-CP-07-2683. This matter is presently before the Court of Appeals from a grant of summary judgment against the Plaintiffs. The appeal is significant because the underlying case deals with the common law liability of a commercial landlord and a commercial landlord's duties to either licensees or trespassers for the foreseeable criminal activities of third parties (an issue which the Court of Appeals or Supreme Court has not yet squarely addressed). Under the previous Jackson v. Swordfish Investments, LLC., 365 S.C. 608, 620 S.E.2d 54 (2005) decision, the Supreme Court suggested that, under the appropriate facts, a commercial landlord may in fact have a duty to protect an invitee against the foreseeable criminal activities of a third party if the commercial landlord "controls" the subject property. In the present case, setting aside the issue of whether or not the commercial landlord had "control" of the subject property, the trial court granted a dismissal because the plaintiffs were found to be either licensees or trespassers as a matter of law. Accordingly, as the

Jackson decision purports to require a person to be classified as an invitee in order to have a corresponding duty of the commercial landlord to protect against foreseeable criminal activity of third parties, this case will squarely place the issue of whether or not a commercial landlord has any such duty to a licensee or trespasser before the appellate courts and will determine whether or not the appellate courts will be more restrictive or expansive in applying legal duties and responsibilities to commercial landlords in the context of foreseeable criminal activities of third parties that occurs on the commercial landlord's premises.

- (b) McLaughlin v. Williams, \_\_\_\_\_ S.C. \_\_\_\_\_, 665 S.E.2d 667 (Ct. App. 2008). This case was an appeal from a grant of summary judgment against the plaintiff, a purchaser of a home who alleged that the seller of the home was liable for fraud and negligent misrepresentation based on the seller's residential property condition disclosure statement pursuant to S.C. Code Ann. § 27-50-10, et seq. (the Residential Property Condition Disclosure Act). This case and appeal was significant for two reasons. First, it was the first case interpreting the then recently adopted Residential Property Condition Disclosure Act. Second, the McLaughlin decision represents a continuing slight swing-back of the pendulum for the Court of Appeals concerning whether or not the issue of "justifiable reliance" for a fraud claim should be submitted to the jury. Although "issues of reliance and its reasonableness, going as they do to subjective states of mind and applications of objective standards of reasonableness, are preeminently factual issues for the triers of facts," the Court of Appeals' Schnellman v. Roettger, 368 S.C. 17, 627 S.E.2d 742 decision in a much more restrictive manner than previous decisions such as Reid v. Harbinson Development Corp., 285 S.C. 557, 330 S.E.2d 532 (Ct. App. 1985). The McLaughlin decision, signifies a continuing pullback from the Court of Appeals' previous expansive interpretation which found that virtually all "reasonable reliance" issues should be submitted to the jury. Accordingly, the McLaughlin decision reflects an ever-so-slight swing-back of the pendulum from previous Court of Appeals cases which reflected a more liberal application for the submission of reasonable reliance to a jury.
- (c) Badillo v. Mejia, Supreme Court, Case No. 2005-CP-10-04795, is an appeal from the Workers' Compensation which was initially appealed to the Court of Appeals but then the Supreme Court divested the Court of Appeals of jurisdiction indicating that it would like to make a decision on the merits of the case. The appeal dealt with the issue of whether or not a North Carolina workers' compensation assigned risk policy would provide any benefits in South Carolina, despite the fact that the parties stipulated that the purported insured employed four or more employees at the time of the injury (thereby arguably requiring the employer to obtain separate South Carolina coverage which, in turn, failed to satisfy

prong two of the Limited Other States Endorsement provisions which, thereby negated coverage under the policy). In addition, a related issue before the Supreme Court was whether or not a North Carolina producer's issuance of a certificate of insurance to a general contractor in South Carolina could create coverage under the aforementioned North Carolina assigned risk policy, despite the endorsement language of the policy. At the initial hearing, the single Commissioner held that no coverage existed under the North Carolina assigned risk policy because the Limited Other States Endorsement provisions were not satisfied. However, the Full Commission reversed the single Commissioner and found coverage existed under the North Carolina assigned risk policy. The trial court later affirmed the Full Commission's decision, finding the Limited Other States provisions were satisfied and, alternatively, under common law agency principles, the Certificate of Insurance estopped the carrier from denying coverage. Although the case was slated to be heard by the Supreme Court, the parties were able to achieve an amicable global settlement, and the Supreme Court will likely be required to decide these insurance construction and agency issues some other day as these issues often arise and are hotly debated in the workers' compensation arena, but also have application for general insurance and agency law which permeates through every facet of the legal profession.

- (d) Grant v. City of Folly Beach, 346 S.C. 74, 551 S.E.2d 229 (S.C. 2001) is a significant case because the Supreme Court held that S.C. Code Ann. § 6-7-760 (1977) does not require agencies to prepare a transcript of proceedings when an issue is appealed. This was a hotly debated issue as it affected how zoning boards across the State had to preserve evidence. Further, the Grant decision is pivotal to understanding the applicability of equitable estoppel to a governmental entity. As a general rule, estoppel does not lie against the government to prevent the due exercise of its police power or to thwart the application of public policy. However, in Abbyville Arms vs. City of Abbyville, 273 S.C. 491, 257 S.E.2d 716 (1979), and Landing Dev. Corp. vs. City of Myrtle Beach, 285 S.C. 220, 329 S.E.2d 425 (1985), the appellate courts did apply the doctrine of equitable estoppel so as to estop the governmental entity in those cases. The Grant decision is significant because the Supreme Court clearly articulated the legal reasoning underlying both the Abbyville and Landing decisions and set forth why those two cases were different than other cases following the general rule. In Grant, the Supreme Court found that the City of Folly Beach should not be estopped (i.e., the City could not be estopped from enforcing its zoning/flood ordinance which precluded residential use of the downstairs floor of the appellants property). The Supreme Court reasoned that one of the keys to applying equitable estoppel to a governmental entity is



whether or not the plaintiff has knowledge or the means of knowledge so that the plaintiffs in both the Abbyville and Landing decisions did not have the means of knowledge to discover the truth (thereby justifying the application of equitable estoppel), whereas the appellant in the Grant case did have the means of knowledge, thereby not justifying the application of equitable estoppel). In the Grant decision, the Supreme Court clearly articulates the legal reasoning behind the Abbyville and Landing decisions to provide guidance to future trial court judges on how to deal with equitable estoppel as it applies to the government. The Grant decision is even more significant nowadays because of the apparent tension reflected in two more recent Court of Appeals' decisions which seem to contradictorily deal with the application of equitable estoppel in the context of zoning. The McCrowey v. Zoning Bd. of Adjustment of the City of Rock Hill, 360 S.C. 301, 599 S.E. 2d 617 (Ct. App. 2004) decision appears to represent a more restrictive interpretation and application of equitable estoppel against a governmental entity, whereas the more recent Quail Hill, LLC v. County of Richland, \_\_\_\_\_ S.C. \_\_\_\_\_, 665 S.E.2d 194 (Ct. App. 2008) decision appears to take a more expansive interpretation and application of equitable estoppel as it applies to a governmental entity. The Supreme Court's Grant decision is the key to understanding the apparent inconsistency behind the Court of Appeals' McCrowey and Quail Hill decisions which, once explained in the context of how the Supreme Court applied equitable estoppel in the Grant decision, reveals that no inconsistency may actually exist between the two Court of Appeals cases.

- (e) Herring v. Home Depot, Inc., 350 S.C. 373, 565 S.E.2d 733 (Ct. App. 2002), originated in small claims court concerning an approximate \$3,000 lawn mower. Nevertheless, the small claims trial court was appealed to the trial court and then the appellate court which issued its decision. This decision is significant because it impacts UCC jurisprudence in this State. Whether an individual is dealing with a \$3,000 lawn mower or a Three Hundred Million Dollar piece of equipment, the UCC applies in both instances. In this case, the Court of Appeals held that the revocation of acceptance is a separate claim and not a remedy which may be limited by the limited repair or replacement clause. Specifically, the jury had found that the plaintiff was entitled to revoke acceptance, but the jury also found that there was no breach of warranty. On appeal, the defendants argued that revocation of acceptance was a remedy and not a separate cause of action so that the finding of "no breach of warranty" prohibited the plaintiff from availing himself of the remedy of revocation of acceptance. The Court of Appeals, however, summarily dismissed the argument that revocation of acceptance is a remedy and held that revocation of

acceptance is a separate cause of action which is independent and is not limited by the repair or replacement clause. Presumably, under the Court of Appeals decision, a purchaser of a product can revoke acceptance of a product irrespective of whether or not there is a breach of warranty and irrespective of whether or not the purchaser complies with the limited repair or replacement clause. The decision was not appealed to the Supreme Court and perhaps someday a similar issue will arise in another context. From a defendant's point of view, the decision turns the UCC on its head and exposes the manufacturer to liability for revocation of acceptance unabated by the limited repair or replacement clause (while the majority of jurisdictions around the country hold that revocation of acceptance is a remedy which necessitates the limited repair or replacement clause to fail its essential purpose before a purchaser can revoke acceptance).

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).**
- (a) Home Port Rentals, Inc. v. Moore, 359 S.C. 230, 597 S.E.2d 810 (Ct. App. 2004), certiorari granted, 369 S.C. 493, 632 S.E.2d 862 (S.C. 2006);
  - (b) Grant v. City of Folly Beach, 346 S.C. 74, 551 S.E.2d 229 (S.C. 2001) and still continuing in the current Court of Appeals appeal concerning consolidated cases No. 96-CP-10-1827 and 02-CP-10-1595;
  - (c) Boone v Boone, 345 S.C. 8, 546 S.E.2d 191 (S.C. 2001);
  - (d) Herring v. Home Depot, Inc., 350 S.C. 373, 565 S.E.2d 733 (Ct. App. 2002);
  - (e) Snyder v. Berkeley County School District, Ct. App. Unpublished Opinion No. 2001-UP-531 (2001).
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? N/A.
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? N/A.
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 applied for federal magistrate judgeship vacancy in 2008. Of over 50 applicants, I was one of ten who were interviewed for the position, but did not progress to the top five spots.
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 grew up working in the family restaurant business.
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.
- (a) P&L Properties and Lantern Properties, LLC - property rental business, owner;
  - (b) Ferderigos Enterprises, LLC - telecommunications tower and property rental services and part owner of property at 1179 Sam Rittenberg Blvd.;
  - (c) Old Towne Restaurant - part owner of property at 229 King Street.
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? 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)? 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.
  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? No.
  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) Charleston County Bar;
    - (b) SC Workers' Comp. Education Association;
    - (c) American Bar Association;
    - (d) Charleston Area Claims Association;
    - (e) National Association of College and University Attorneys.
  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) Earlybirds (formerly Toastmasters) President, 2006;
    - (b) Pi Kappa Phi Alum. Association;
    - (c) AHEPA.

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 was fortunate enough to work for Gedney Howe, III through my college years. Being even a small part of his prominent practice as a "runner" for three years was an invaluable experience which still guides me by providing a role model for our profession.

Further, I also had the honor of interning with Federal Magistrate Judge Robert S. Carr and witnessed first-hand, from behind the bench, a normal day in the life of a federal magistrate judge, and became intimately familiar with the day-in-and-day-out expectations for judges. Moreover, I view Federal Magistrate Judge Carr as a standard-bearer for the profession I now seek and, if honored to be selected, will strive to fulfill my duties in a similar fashion.

Finally, I would be remiss if I did not mention my greatest experience – being a proud father of my two-and-one-half-year-old daughter. I have become proficient in the life lessons of Barney, Dora, and the Wiggles which, although simplistic, are nevertheless the harborers of great wisdom – especially for one character trait which I believe is key to being a good judge – patience.

49. References:

- (a) Federal Magistrate Judge Robert S. Carr
- (b) Gedney M. Howe, III
- (c) M. Dawes Cooke, Jr.
- (d) Ronnie L. Crosby
- (e) Bank of America, Manager

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/Phillip S. Ferderigos

Date: 09/25/08

**BARNWELL WHALEY  
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Robert A. Patterson (1921-2004)  
Nathaniel B. Barnwell (1877-1950)  
Ben Scott Whaley (1909-1967)  
Samuel J. Corbin (1907-1975)

December 2, 2008

The Judicial Merit Selection Commission

Dear Commission,


I am writing to formally request to amend number 49 of my PDQ submission in order to substitute William C. Helms, III for Federal Magistrate Judge Robert S. Carr. The contact information for Mr. Helms is as follows:

William C. Helms, III, Esquire  
Barnwell Whaley Patterson & Helms, LLC  
P.O. Drawer H  
Charleston, SC 29402-0197  
885 Island Park Drive  
Charleston, SC 29464  
843-577-7700

Mr. Helms has already submitted a letter of recommendation to the Commission.

With kind regards, I am

Very truly yours,



Phillip S. Ferderigos

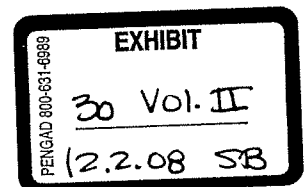
PSF/bbm

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

Circuit Court  
(New Candidate)

Full Name: Phillip Stavros Ferderigos  
Business Address: 885 Island Park Drive  
Charleston, SC 29492  
Business Telephone: (843) 577-7700

1. Why do you want to serve as a Circuit Court judge?  
When my father emigrated from Greece in the mid-1950s, he did not have any formal education, any physical possessions, or any money/wealth. Nevertheless, by seeking and achieving the American Dream in a country where life, liberty and the pursuit of happiness are available to every citizen, my father achieved his dreams by providing his family with far greater opportunities than he ever had. Thanks to his sacrifices, I have enjoyed the benefit of being an American, receiving an education, and having the opportunity to give back to the community which has been so kind to me, my father, and my family. From elementary school, through college, through law school and through my progression through the practice of law as a law clerk, then associate, and then a partner, I have always fought hard to do what I thought was right and to give back to the community which has given me so much. I can think of no better avenue for me to give back to the community than to serve as a circuit court judge entrusted with the sacrosanct responsibility of protecting individual rights while also administering equal justice under the law. If chosen to serve, I can think of no better "next chapter" to be written in a story that started with a simple person's dream – being an American.
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?  
My philosophy is that *ex parte* communications are improper and should not occur. The only circumstance where I could envision an *ex parte* communication being tolerated would be an emergency hearing or action that requires immediate attention, for example, a temporary injunction.



This circumstance, however, should be extremely rare and both parties should be allowed an opportunity to retain counsel to represent their interests if at all possible.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

My philosophy is that a judge should always recuse himself, especially in situations in which lawyer-legislatures, former associates, or law partners are to appear before the judge, unless the parties are specifically informed of the judge's prior dealings/relationships with legislatures, associates, or lawyers, and the parties have no objection to the judge hearing the matter to be resolved.

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 give great deference to a party that requested my recusal if I disclosed some information that had the appearance of bias, despite my belief that such information would not actually prejudice my impartiality.

I would likely grant such a motion if a party were to request it. In my mind, there should be no question among the parties that the judge is being impartial to both sides. If I, as the judge, believed that a matter would not prejudice me, but a party believed that such matter would prejudice me, that party's belief, in and of itself, would be enough to justify my recusal unless a party's motion is made in bad faith or based on improper motives such as judge shopping. I believe that the even-handed administration of justice and the right of both parties to be dealt with even-handedly dictate that a recusal may be necessary to instill confidence in both parties in receiving an impartial and fair judge. A judge must place his or her personal feelings aside and, when necessary, recuse himself or herself even if he or she personally believes that he or she can be fair, simply due to the appearance of a potential bias which, in actuality, may not exist.

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 handle the appearance of impropriety because of the financial or social involvement of my spouse or close relative in the same manner that I have outlined in numbers 6 and 7.

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

As a judge, I would neither accept any gifts nor 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 were made aware of any misconduct of a lawyer or fellow judge, first, I would review the ethical rules for judges and lawyers and,



second, I would inform the appropriate body such as the office of disciplinary conduct concerning the misconduct in accordance with our ethical rules.

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?  
Aside from owning several rental properties, I would not have any other business activities which I envision remaining involved with if elected to the bench.
13. If elected, how would you handle the drafting of orders?  
In a perfect world, I would certainly strive to draft and prepare all orders that are issued. However, realizing the volume of decisions that must be made, I certainly have no objection to the common practice of allowing a prevailing party to draft a proposed order, as long as the opposing party has an opportunity to review and comment on the proposed order before it is submitted to the judge. In such a scenario, I certainly would advise the party preparing the order that certain findings of fact and conclusions of law are to be set forth explicitly in the order and that no findings of fact or conclusions of law contrary to my oral order should be put forth in the proposed order. Once the proposed order has been reviewed by the other party and submitted, I would then review the proposed order and make any revisions that would be necessary to effectuate the order of the court.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
As a judge, I would use the same methods as any practicing attorney uses to meet timelines and deadlines. One of those methods is the use of a calendar/task pad which specifically sets forth important deadlines which would provide my staff and me with the appropriate information with which to allow us to meet every deadline that is required.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I do not believe in "judicial activism." I believe that a judge's job is to enforce the laws that the Legislature has passed, subject to constitutional requirements, not to create "new law." I believe it is improper for a judge to attempt to set or promote any "public policy" that is contrary to the public policy that has been set by the Legislature and/or the appellate courts as the common law progresses.
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?  
If elected, I would seek to give lectures to elementary, high school, colleges, and law schools concerning the importance of the law in every

- individual's life. The purpose would be to spur an interest in the law and to spark both academic and intellectual curiosity in the importance of the law, the legal system, and the administration of justice.
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?
- No. I am balancing being a father, husband and law partner and I feel I have the sufficient temperament and patience to serve as a judge.
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 have very little sympathy for repeat offenders. Although I believe that individuals can certainly be rehabilitated, in my personal opinion, a person that is a repeat offender has indicated that he or she does not wish to be rehabilitated. Accordingly, out of the five categories of offenders listed in this example, repeat offenders of any kind would certainly garner the least sympathy.
  - b. Juveniles (that have been waived to the circuit court): Recognizing that the family court has an "in loco parentis" role, I would sentence juveniles fairly in accordance with the laws of this State, taking into account the juveniles' age when permitted by law.
  - c. White collar criminals: As for sentencing, I do not have a distinction between "blue collar" and "white collar" criminals. If a so-called "white collar" criminal has violated the laws of this State, then I would sentence the "white collar" criminal fairly in accordance with the laws of this State.
  - d. Defendants with a socially and/or economically disadvantaged background: Recognizing that a defendant with a social and/or economic disadvantaged background may certainly engender a much more sympathetic set of circumstances than a criminal who, for example, committed a crime for no apparent reason other than to commit a crime, I would sentence the defendants fairly in accordance with the laws of this State, taking into account these defendants' social or economic background when permitted by law.
  - e. Elderly defendants or those with some infirmity: Recognizing that elderly defendants or those defendants with some infirmity may certainly engender the most sympathetic set of circumstances, I would sentence the defendants fairly in accordance with the laws of this State, taking into account these defendants' social or economic background when permitted by law.
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, unless both parties are comfortable with my hearing a particular case for reasons explained in numbers 6, 7 and 8.
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 wholeheartedly agree with the Judicial Merits Selections Commission's evaluative criteria, number 9, entitled "Judicial Temperament," which states that: "Among the qualities that comprise such temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility" and further "requires the ability to deal with lawyers, litigants, jurors, witnesses, staff, and other court participants calmly and courteously and the willingness to hear and consider the views of all sides." Overall, I believe that a judge must be fair, impartial and must apply the law equally and evenhandedly in a professional 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?  
These rules would apply seven days a week, 24 hours a day.
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?  
As a judge, I do not believe that anger would ever be an appropriate response at any time with a member of the public, a criminal defendant, attorneys or pro se litigants. I believe that "anger" would indicate a lack of the appropriate temperament as would "arrogance, impatience, pomposity, arbitrariness, and tyranny" as indicated in sub-paragraph 9 of the Judicial Merit Selection Commission Evaluative Criteria.
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?  
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? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?  
No. 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/Phillip Stavros Ferderigos

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

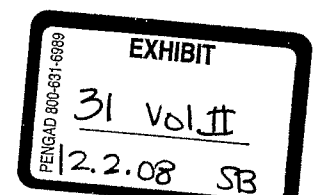
Notary Public for S.C.

My Commission Expires: 4/13/2011 \_\_\_\_\_

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. Leland Bland Greeley  
BUSINESS ADDRESS: 128 E. Main St., Ste. 102  
Post Office Box 2981  
Rock Hill, SC 29732  
E-MAIL ADDRESS: lgreeley@lbgreeleylaw.com  
BUSINESS NUMBER: (803).329.0088
  
2. Date of Birth: 1958  
Place of Birth: Rock Hill, South Carolina
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 August 8, 1981, to Sabella Mitchell Greeley. Never divorced. Two 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) Clemson University - 8/77-12/81, Received BA in History;
  - (b) University of the South (Sewanee, Tenn.) - 9/79-10/79, Decided to withdraw and return to Clemson University. The lady whom I was dating and later married was a student at Clemson University.;
  - (c) Clemson University - 1/82-8/83, Graduate studies in History. Left in August, 1983 to enter law school. I completed all course work for my MA but did not complete my thesis.;
  - (d) University of South Carolina School of Law - 8/83-5/86, Received J.D.
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 1986.
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.  
Undergraduate: While an undergraduate at Clemson University I participated in intramural sports. I was not very active in extra-curricular activities for my wife and I were married while undergraduates. I spent my evenings for a



period operating a textile machine 6 nights a week from 6:00 p.m. until 10:00 p.m.

Graduate: Upon beginning my graduate studies at Clemson University I was awarded a graduate assistantship in the Department of History. In the evenings I was working in the textile plant. My wife was still an undergraduate who graduated in 1983. I was laid off at the textile plant and was hired by the Clemson Athletic Department to tutor athletes studying History.

In 1983 I received the Lander Award for a paper I presented. The paper compared significant events in the American Revolution and the formulation of our country with ancient religious rights of passage and rebirth.

School of Law: During my second year I participated in moot court competition. I also was employed as a page in the House and Senate assisting John C. Hayes, III. I continued in this position during my third year and also received a position as a clerk in the criminal division of the United States Attorney's Office.

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)	Orientation School for Magistrates	03/19/07;
(b)	SCACDL Spring Seminar	05/17/07;
(c)	Public Defender Conference	09/24/07;
(d)	DUI on Trial	11/09/07;
(e)	Orientation School for Magistrates	04/17/06;
(f)	Orientation School for Magistrates	7/31/06;
(g)	Blues, Bar-BQ, and Bar CLE	6/15/05;
(h)	Orientation School for Magistrates	7/25/05;
(i)	SC Public Defender Conference	9/26/05;
(k)	Building and Winning DUI Defense	11/18/05;
(l)	SC Public Defender Conference	09/27/04;
(m)	Attorney Ethics	12/21/04;
(n)	Orientation School for Magistrates	7/21/03;
(o)	Difficult Clients and Difficult Cases	09/05/03;
(p)	SC Public Defenders Conference	9/29/03.

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

- (a) 2002 - Update on Search and Seizure Law  
S.C. Public Defenders Assoc. Conference;
- (b) 2003 - Involuntary Manslaughter v. Murder  
S.C. Public Defenders Assoc. Conference;
- (c) 2004 - Anticipatory Search Warrants  
S.C. Public Defenders Assoc. Conference;

- (d) 2005 - Meaning and Application of Crawford v. Washington Summer Seminar. S.C. Assoc. of Criminal Defense Lawyers;
  - (e) 2007 - Drug Forfeiture Update Summer Seminar. S.C. Assoc. of Criminal Defense Lawyers;
  - (f) 2008 - Search and Seizure Update Summer Seminar: S.C. Assoc. of Criminal Defense Lawyers;
  - (g) 2003 – 2007 - Orientation School for Magistrates and Municipal Judges Presented three times between the above dates. Presented regarding Constitutional rights and Defenses;
  - (h) 2008 - Advanced Magistrate Conference. Greenville, SC Presented regarding the law of Criminal Domestic Violation;
  - (i) 2008 - Briefly presented at Public Hearing before the S.C. Supreme Court regarding Court Rule changes.
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.
- (a) South Carolina State Courts - November 1986;
  - (b) Federal District Court for the District of South Carolina - June 1988;
  - (c) Federal Fourth Circuit Court of Appeals - Spring 2004.
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) May 1986 - March 1988  
Upon graduation from law school I was hired as the first full time assistant solicitor for the County of York, Sixteenth Judicial Circuit. I assisted in preparing matters for trial when I first arrived, until I passed the bar in November 1986. Afterward I prosecuted felonies and misdemeanors before juries. I assisted in the preparation of death penalty cases and also was put in charge of the drug forfeiture cases in the office. I resigned in 1988 to accept a job with a law firm in Rock Hill, South Carolina.
  - (b) March 1988 – August 1990  
During the above period I worked as an associate with the law firm of Hayes, Brunson & Gatlin in Rock Hill, South Carolina. I worked with Keith Gatlin, Nolan Brunson, John C. Hayes, III and Earl Gatlin. My practice consisted primarily of criminal defense and civil litigation. The civil litigation included both Plaintiff's and Defendant's in tort. I left the firm in 1990 to open my own practice.
  - (c) August 1990 – March 1998  
During this period I had my own practice with the exception of an 18 month period when I practiced with Bruce Poore of Rock Hill. It was a

general practice including criminal defense as well as civil and domestic litigation. The civil practice included personal injury, construction litigation and contract litigation.

In 1998 I ran for the resident York County Family Court Judgeship for the Sixteenth Judicial Circuit. Although I was one of the three candidates reported out of the screening process, Henry Woods of Rock Hill was selected as the Judge.

(d) March 1998 – Present

During the last 10 years, with the exception of a 12 month period where I practiced with two other attorneys, my practice has continued as a one attorney practice. I have continued to practice in the trial courts of this state in both the civil realm and the criminal realm. I have also been appointed several times in Federal Court to represent indigents under federal indictment. Through these years I have tried almost every kind of case from simple allegations in Magistrate Court to felony drug and murder charges in both State and Federal Court.

I have moved away from Family Court. However, my practice in the civil area has continued with contract litigation and personal injury, as well as at least two corporate fraud trials in State Court.

I have also practiced in the Appellate area having appeared before the South Carolina Court of Appeals, the South Carolina Supreme Court, and the Fourth Circuit Court of Appeals in Richmond, Virginia.

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.

In Criminal Court over the last five years I have handled many cases ranging from Magistrate Court offenses to Murder. I have handled four murder cases in the last 5 years. Two of these went to trial and were, or are now, under appeal and the other two pled. I have also handled many drug cases and property crimes.

In Civil Court I have handled cases in the areas of personal injury, contract disputes, construction, civil drug forfeiture, and corporate fraud allegations. The civil drug forfeiture case I handled from the trial hearing through the S.C. Supreme Court over 8 years and received a favorable result. Some cases were



settled and some went to trial. One case involved allegations of corporate fraud and slander, as well as issues at law requesting an accounting and dissolution of a corporation. I received a favorable result and it is currently under appeal which I am handling.

15. What is your rating in Martindale-Hubbell? 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: Twice a year;
- (b) state: At least once a week.

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

- (a) civil: 35%;
- (b) criminal: 60%;
- (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: 80%;
- (b) non-jury: 20%.

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) State v. Bolin, South Carolina Supreme Court, May 19, 2008. Op. No. 26494

I represented Berry Scott Bolin on the murder and other related charges. This case has been significant because of a ruling by the South Carolina Supreme Court that the statute prohibiting possession of a pistol by a person younger than 21 but older than 18 was found unconstitutional. Additionally, the primary appeal is currently pending before the South Carolina Court of Appeals and one of the issues deals with how the "self defense" statute will be applied. This is a case of first impression. I am handling the appeal.

- (b) State v. Smith, 363 S.C. 111, 609 S.E.2d 528 (Ct.App. 2004)

I represented Neil Smith with co-counsel from Charlotte, North Carolina after Mr. Smith was charged with Murder and related offenses in the shooting death of his step father. His step father years before had molested Mr. Smith's only living daughter and he was told this the day of the shooting. Mr. Smith had years before suffered the loss of his 4 year daughter when she was kidnapped, raped, murdered and left in the

woods. No person was ever tried for that offense. Thus there were issues regarding Post Traumatic Stress Disorder as well as involuntary manslaughter as opposed to murder. At trial Mr. Smith was found guilty of voluntary manslaughter and sentenced to 20 years. The Court of Appeals reversed the verdict and it was returned to the trial level. Following these events Mr. Smith entered a plea to involuntary manslaughter and was sentenced to 90 days in jail.

- (c) I represented a small closed corporation in Common Pleas court when it and the majority shareholders were sued by the minority shareholder claiming fraud and slander as well as requesting an accounting and dissolution. The suit followed the minority shareholders ouster by the majority as the managing shareholder of the corporation. There were counter claims for similar relief sought by my client the corporation as well as the majority shareholders. After almost two years of litigation the case was tried before a jury. It lasted a week. It was most interesting being able to use the bank and corporate records to show how the minority shareholder had committed fraud and left the corporation in dire financial straights. Despite a favorable ruling for my client and the majority shareholders, the minority shareholder filed an appeal and it is currently pending.
- (d) I recently had the opportunity to represent a 16 year old boy charged with murder following the stabbing death of another at a party both were attending. It was a possible self defense case in that my client was small and young and the other was a 21 year old male who was larger than him. It was agreed that that larger older person was the initial aggressor when my client was pushed and struck in the kitchen. The difficult issue was that my client grabbed a kitchen knife and stabbed the person in the throat causing him to bleed to death. We were able to reach an agreement with the State by having the matter referred back to Family Court for disposal.
- (e) Pope v. Gordon, 369 S.C. 469, 633 S.C.2d 148 (S.C. 2006)  
I represented Willie Edward Gordon in a drug forfeiture wherein the State was seeking the forfeiture of over \$24,000.00 it had confiscated from a business account owned by Mr. Gordon following his arrest for drug trafficking. Over a period of 8 years and continued appeals by the State, the case finally came to conclusion when the South Carolina Supreme Court ruled in favor of Mr. Gordon and affirmed the return of his money with interest. The case is significant because it provides a clearer understanding of the forfeiture statute and rejected arguments by the State for the interpretation to be the same as the Federal Fourth Circuit Court of Appeals.

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) Pope v. Gordon, 369 S.C. 469, 633 S.C.2d 148 (S.C. 2006), S.C. Supreme Court. Decided July 3, 2006, also 359 S.C. 572, 598 S.C.2d 288 (Ct. App. 2004). S.C. Court of Appeals. Decided April 19, 2004.;
- (b) Armstrong v. First Union National Bank, S.C. Court of Appeals. 2002 Unreported decision.
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.
- (a) State v. Bolin, South Carolina Supreme Court, May 19, 2008. Op. No. 26494 (South Carolina Supreme Court Case of the Month for March, 2008);
- (b) State v. Smith, 363 S.C. 111, 609 S.E.2d 528 (Ct. App. 2004), South Carolina Court of Appeals. Decided January 10, 2004. (Although Co-lead counsel, I did not write the brief filed so it is not included with this package.);
- (c) United States v. James Williams, United States Fourth Circuit Court of Appeals. Unpublished Opinion. May 2007;
- (d) In Re Snyder, South Carolina v. Doe, et al., 308 S.C. 192, 417 S.E.2d 572 (S.C. 1992), South Carolina Supreme Court. Decided April 13, 1992. (Due to age could not locate brief for submission).
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. 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? Not Applicable.
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?  
1998: York County Resident Family Court for the Sixteenth Circuit. I was one of the three reported out of screening. I was unsuccessful in my bid.
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? 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. 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.

I do not know of any business interests that would provide a conflict of interest. I would recuse myself from matters involving current creditors, and maybe past creditors, depending on the relationship involved.

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?
- (a) I have never defaulted on a student loan nor filed bankruptcy;
  - (b) 1997: A state tax lien was filed in 1997 following an audit performed. The amount in question was paid in full upon receipt of notice of the lien;
  - (c) 2001, 2002, and 2004: State liens were filed for these years and all were satisfied;
  - (d) Federal Tax Lien: A lien was filed for 2005 and 2006 and has been satisfied.

Explanation:

I have practiced as a sole practitioner for about 18 years in a geographical location and an area of the law wherein the annual gross revenue can be predicated either by the week, month, or year. Each of the liens above do not reflect the total tax liability I have had. The liens reflected that which was left due and owing after payments had been made toward the total amount. I have never known until tax time what my liability may be from year to year. The federal tax lien from the year 2005 resulted from a very unusual year of calculated gross income between my wife and I. 2006 resulted from a consecutive year of unusually high taxable income and the snowball affect of moneys earned that went to pay the amount owed for 2005. The amount shown on the lien for those years was the remaining balance to be paid. We made arrangements this year and have satisfied the lien. Thus over, the 18 years of my business, to date all income taxes and penalties and interest have been satisfied.

(I have attached satisfactions of all tax liens.)

34. Have you ever been sued, either personally or professionally?
- 1997: I was sued by Leroy Johnson, an inmate at the time at Turbeville Correctional Institute. The plaintiff was pro se and the complaint appeared to allege a combination of breach of contract and malpractice. The matter was

- dismissed on June 26, 1997, by the Honorable J. Buford Grier following a motion hearing and no appeal was taken. The case number is: 97-CP-46-94.
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)?  
I have not been a lobbyist. Regarding being a lobbyist principal, I am this year the President of the South Carolina Association of Criminal Trial Lawyers. The Association does employ a lobbyist. As the President I would probably be considered the principal for 2008. My duties as Principal expire December 31, 2008.
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?  
I am scheduled to be the Association's representative at a table at the South Carolina Public Defender Association's conference in Myrtle Beach September 30 and October 1, 2008. The Association is paying for one night lodging for my stay. I anticipate reimbursing the Association for this since it is a non-profit corp.
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 at this time, nor at the time of filing the application.
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? No.

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?  
I have not requested any to contact members of the General Assembly, nor am I aware of any friends or colleagues contacting members of the General Assembly.
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 - No office;
  - (b) York County Bar Association - No office;
  - (c) South Carolina Association of Criminal Defense Lawyers:
    - (i) Current President;
    - (ii) Former Vice President and President Elect.
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) Member of Sexually Violent Predator Assessment Team. Appointed by Chief Justice Toal in Spring 2008;
  - (b) Member of former Public Defender Corporation of York County. Held office of President;
  - (c) Vestry member and Senior Warden, Episcopal Church of Our Saviour, Rock Hill, South Carolina.
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.
- My career as an attorney has provided me the opportunity to meet, and get to know, people from every walk of life. I have represented the young, the old, the wealthy and the very poor of every gender and race. Through these relationships I have seen the trials, tribulations, and fears of people. I have also had the opportunity to continue to study the law and its application on a day to day basis. Thus, the law and people's lives are the primary components in our trial courts. My experience will help me with an understanding as to how these two interact will continue to meet in the judicial system.

49. References:

- (a) Lisa G. Collins, Esquire  
Senior Assistant Solicitor  
Sixteenth Judicial Circuit  
1675-1A York Highway  
York, South Carolina 29745  
(803)628-3020;
- (b) Michael H. Lifsey, Esquire  
Assistant Solicitor  
Sixth Judicial Circuit  
Post Office Box 607  
Lancaster, South Carolina 29721;
- (c) Harry A. Dest, Esquire  
Chief Public Defender  
Sixteenth Judicial Circuit  
Post Office Box 691  
York, South Carolina 29745  
(803)628-3031;
- (d) Daniel J. Ballou, Esquire  
Hamilton, Martens, Ballou & Sipe, LLC  
Post Office Box 10940  
Rock Hill, South Carolina 29731  
(803)329-7609;
- (e) Renee Brannan, Senior Vice President  
South Carolina Bank & Trust of the Piedmont  
1127 Ebenezer Road  
Rock Hill, South Carolina 29732.

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/Leland Bland Greeley

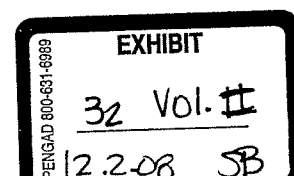
Date: 09/25/08

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

Circuit Court  
(New Candidate)

Full Name: Leland Bland Greeley  
Business Address: 128 East Main Street, Suite 102  
Post Office Box 2981  
Rock Hill, South Carolina 29732  
Business Telephone: (803)329-0088

1. Why do you want to serve as a Circuit Court judge?  
I have spent almost 22 years serving as an advocate in our State and Federal Courts. I continue to be amazed at how the system can bring a resolution to disputes between parties, whether in the civil arena or the criminal arena. I have learned to argue positions, present cases making the facts real to those who hear them, and to accept the result, whether, for or against the party I represent.  
At this point in my legal career I wish to take on a different role in the process. I believe the experience and knowledge I have gained from my work in the courtroom will benefit my transition into this position. Hopefully having about 20 years left to contribute to this system, I would like to do it in the courtroom, on the trial level, as a 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?  
There are very limited circumstances where an *ex parte* communication with counsel is appropriate. Usually the subject involves an issue of continued representation by counsel and the underlying facts that must be discussed would prejudice the client of counsel if revealed them to the opposing side. Of course, anytime such an occasion arises, the opposing side should be informed of the need for such a communication and when it will occur. This happens very rarely. Otherwise *ex parte* communications should never be tolerated.
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 do not believe that the above classes of individuals would automatically bring a recusal by the trial judge. If such was the case regarding lawyer-legislator, I do not believe lawyer-legislators would ever be able to appear in court. That being said, if a party raises the issue, then it must be reviewed, and if there is an appearance of impropriety arising out of a reasonable perspective by the party, even though in fact there may be no conflict, the Court should then consider recusal.

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?  
The key is that I did something with the appearance of bias and the party, due to my actions, requested the recusal. One again, based on the appearance of impropriety, I would recuse myself.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
For me, it would be important to know the extent of the social or financial relationship my wife or close relative had to the person or entity in question. If there was a close or substantial connection, the recusal should be considered to avoid the appearance of impropriety. If there is no close or substantial connection, then recusal would not be as probable.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
I believe it important to separate gifts and social hospitality. Once separated it is important to divide the areas of gifts and social hospitality between the people with whom I have a relationship that is not based on work or business, and those people with whom the relationship is based on work or business. Gifts should not be accepted from people whose relationship is based on work or business, unless a small holiday gift from a person considered a co-worker. Social hospitality should be considered on an event by event basis.  
If the mere relationship with the person would cause me to recuse myself, then gifts and social hospitality are not an issue.
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 first-hand knowledge of misconduct by either a lawyer or a judge, it would be required to be reported. If a lawyer or Judge came to me to discuss an allegation I would remind them that I was no longer a lawyer and thus privilege would not attach to the discussion.
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?  
I would prefer to draft my own orders with the aid of my clerk if the order cannot be done by way of "slip order". I would prefer to have counsel in the case submit briefs or memoranda in support of their position as opposed to their submission of proposed orders.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
I would continue to use calendaring as I have during my career.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
Setting or promoting public policy is not the responsibility of the trial courts. I have no philosophy on judicial activism as it relates to the trial courts for I do not believe judges on the trial level should attempt "judicial activism."
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 do not know at this time what activities I would engage in to this end. I do not know the opportunities available to the bench for this. However, I would be interested in participating and contributing a I appropriately could.
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?  
No.
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.
- Repeat offenders:  
This category is very broad in the criminal area. I believe that a person's criminal history would be very important to me in formulating an appropriate sentence for that individual. The would be especially so if the individual was a repeat offender of the same offense.
  - Juveniles (that have been waived to the circuit court):  
The age of the individual, especially regarding persons 16 years of age or younger would be a primary issue in the determination of an appropriate sentence of the individual.
  - White collar criminals:  
My philosophy regarding "white collar criminals" is that their offense, although classified as a white collar crime, is more times than not larceny or "stealing". And that is what it should be considered and treated as.
  - Defendants with a socially and/or economically disadvantaged background:

Many of the persons who appear in criminal court have this background. It is something that can be considered in sentencing. However, at the same time there are jurors with the same background.

e. Elderly defendants or those with some infirmity:

This characteristic is important in determining an appropriate sentence. They present a unique situation for in some cases a short sentence may be a life sentence, or the cost of their detention may override the danger to society or the wrong they committed, depending on the offense.

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?  
The extent of "de minimus" would be important to know but in most circumstances, probably not.
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?  
A Judge should be polite, attentive, firm and sometimes stern if need be. However, the Judge should always show concern for the matter before him/her.
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 are rules that one should always try and maintain.
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?  
A Judge may very well feel anger but it is never appropriate for a Judge to show anger.
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 to date.
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? 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/Leland Bland Greeley

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

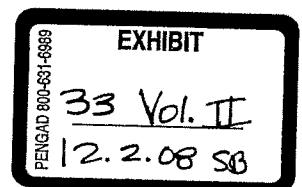
Notary Public for S.C.

My Commission Expires: 9/13/2012 \_\_\_\_\_

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

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

1. NAME: Mr. Daniel Dewitt Hall  
BUSINESS ADDRESS: Moss Justice Center  
1675-A York Highway  
York, South Carolina 29745-7422  
E-MAIL ADDRESS: dan.hall@yorkcountygov.com  
BUSINESS NUMBER: (803) 628-3173
2. Date of Birth: 1954  
Place of Birth: York, South Carolina
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 February 26, 1977, to Cathleen McCreight Hall.  
Never divorced. Four 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) Clemson University, 1972-1976 BS, Animal Science;
  - (b) Campbell University School of Law, 1985-1988, Juris Doctor.
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.
  - (a) South Carolina 1988;
  - (b) North Carolina 1988.
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) Clemson University Animal Science Club  
1972-1976 President, Treasurer;
  - (b) Campbell University School of Law  
Christian Legal Society 1985-1988 President, Vice-President  
National Trial Team - Spring 1988  
Member Law School Dean Search Committee - Spring 1988.



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

Conference/CLE Name

Date(s)

- |     |                                                              |                               |
|-----|--------------------------------------------------------------|-------------------------------|
| (a) | Evidence for Prosecutors<br>Tuscon, Arizona;                 | November 4-8, 2007            |
| (b) | 2007 Annual Solicitor's Association<br>Conference;           | September 23-26, 2007         |
| (c) | 2006 Annual Solicitor's Association<br>Conference;           | September 24-27, 2006         |
| (d) | 2005 Annual Solicitor's Association<br>Conference;           | September 25-28, 2005         |
| (f) | 2004 Annual Solicitor's Association<br>Conference;           | September 26-29, 2004         |
| (g) | Focus on Sexual Assault Victims<br>National Advocacy Center; | August 2-6, 2004              |
| (h) | 2003 Annual Solicitor's Association<br>Conference            | September 29- Oct 1,<br>2003. |
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. None.

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

Clergy Confidentiality: A Time to Speak and a Time to Be Silent, by Lynn Buzzard and Dan Hall, 1988 Christian Management Association.

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 16, 1988;

North Carolina State Courts August 19, 1988.

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) Sixteenth Judicial Circuit Solicitor's Office Assistant Solicitor, 1988 - 1990;

(b) Sole Practitioner 1991-1999  
General practice with focus on personal injury, worker's compensation and criminal defense;

(c) Sixteenth Judicial Circuit Solicitor's Office Assistant Solicitor, 1999-present.

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 **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.
- I have been an Assistant Solicitor for the past nine years. I currently prosecute class A, B, or C felonies. I am employed as an assistant solicitor. I have no experience in civil matters in the past five years. I was in private practice from 1991 – 1999 and had a limited experience in the court of common pleas. My practice included criminal defense, personal injury, probate and some limited litigation in common pleas. I believe that I have the intellectual ability to quickly develop the necessary skills to preside in common pleas.
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. None.
- 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: 0%;
  - (b) state: 100%.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 0%;
  - (b) criminal: 100%;
  - (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: 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) State v. Russell Holley, 2002 GS 46 0698  
Murder trial in which boyfriend stabbed girlfriend to death in a rage of domestic violence. Defendant was sentence to life without parole;
  - (b) State v. Aaron Williams, 2003 GS 46 2745  
Burglary First Degree trial in which a seventy year old widow's home was invaded while she was alone. Victim was physically attacked. Defendant was sentence to a thirty year prison sentence;
  - (c) State v. Sakima McCullough, 2006 GS 46 0110  
Burglary First Degree, Armed Robbery and Kidnapping trial in which the defendant was involved in a home invasion, robbery and assault on the victim. Defendant was sentence to a thirty year prison sentence;
  - (d) State v. Edward Miller, 2003 GS 46 0557  
Defendant was charged with murder. The case was trued billed by the grand jury. In preparing for trial and investigating this case evidence was discovered absolving this defendant of the murder. The defendant had been wrongfully charged. I dismissed this case;
  - (e) State v. Penny Sue Price, 1994 GS 46 2784  
I defended at trial an indigent, mentally handicapped defendant charged with threatening public housing officials. The defendant was found not guilty at trial.
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).** None.
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. None.
22. Have you ever held judicial office?  
Yes. Municipal Judge – City of York, South Carolina – appointed by York City Council. January, 1993 – May, 1999. Signed criminal warrants, set bonds and held preliminary hearings for General Sessions criminal matters occurring in the city limits. Presided over plea court, bench trials and jury trials for criminal or traffic charges in the City of York in which the statutory penalty was no greater than 30 days in jail or the fine was not more than \$200.
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. None.
24. Have you ever held public office other than judicial office? 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.  
Self employed attorney – sole practitioner 1991-1999. My position as York Municipal Judge required 8-10 hours per week of municipal court duties in addition to my private practice.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- (a) Republican Primary candidate for Solicitor, Sixteenth Judicial Circuit, June, 1996;
  - (b) Candidate for Judge, Sixteenth Judicial Circuit Family Court, 1998, withdrew;
  - (c) Candidate for Judge, Circuit Court At-Large, Seat 9, March, 2006  
Qualified but not nominated.
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?
- (a) Goodson Farms, Inc. – Turkey, North Carolina, 1976-1978,  
Cattle Manager;
  - (b) Farmer's Meat Center – York, South Carolina, 1978-1983,  
Meat business, supervisor;
  - (c) York County Credit Bureau, Inc. – York, South Carolina, 1983-1985,  
Owner and Manager.
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, Hunting Deer over Bait. October 13, 2006. Found guilty at bench trial paid court costs.
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?  
Yes, I was a named defendant in a federal lawsuit filed by a disgruntled criminal defendant. He named every elected official and judges in York County in the lawsuit.
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. None.
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? No.
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) York County Bar Association Treasurer, 1992;
  - (b) South Carolina Bar Association;
  - (c) North Carolina Bar.
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) Filbert Presbyterian Church Clerk of Session;
  - (b) York County Beekeepers Association;
  - (c) Palmetto Pregnancy Center, Board Member;
  - (d) National Cutting Horse Association.

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.

Having grown up in a rural environment learning farm work and land surveying from my father, I continued to do farm work, textile mill work and land surveying through high school and college. Prior to attending law school, I managed a cattle operation, worked in a meat processing business and operated a local credit reporting and collection business. In these years, I married my wife of now thirty-one years and we had three small children. Having read and seen the need for attorneys with integrity to fill the ranks of our justice system, I then made the decision to attend law school. I began law school as a thirty year old father to three small children and my wife and I had our fourth child during the law school years. I took and passed the South Carolina and North Carolina bar exams in July, 1988.

Since my time as a lawyer, my family has now grown to four married children, their spouses and five grandchildren. I have deeply enjoyed my work as a public servant as a private attorney, municipal judge and an assistant solicitor in the Sixteenth Judicial Circuit Solicitor's office.

My life experiences give me a deep understanding and appreciation for people from all walks of life. I have been privileged to work with men and women from a broad variety of social and economic backgrounds. The courtrooms of this state belong to such people, and circuit court judges serve those as well the professionals that conduct the business of the courts. I believe I am prepared and have the ability to serve as a circuit court judge with both common sense and experienced knowledge of the law. My commitment to justice and serving the common man has well suited me to be a circuit court judge. I would be honored to serve.

49. References:

- (a) Harry A. Dest  
Chief Public Defender  
Moss Justice Center  
York, South Carolina 29745  
803 628-3031
- (b) Thomas E. Pope  
Attorney at Law  
P.O. Box 11091  
Rock Hill, South Carolina 29731  
803 324-7574
- (c) Dr. Russell W. Booker  
Superintendent, York School District One  
P.O. Box 770  
York, South Carolina 29745  
803 684-9916
- (d) Rev. H. Wallace Tinsley  
1399 Filbert Hwy  
York, South Carolina 29745  
803 684-3600
- (e) Wachovia  
Clover Financial Center  
Attn: Parks Parrish  
203 Bethel Street  
Clover, South Carolina 29710  
803 222-4571

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 Dewitt Hall

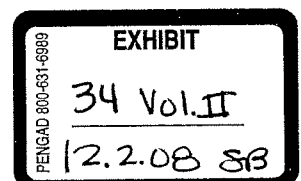
Date: 09/15/08

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

Circuit Court  
(New Candidate)

Full Name: Daniel Dewitt Hall  
Business Address: Moss Justice Center  
1615-A York Highway  
York, South Carolina 29745-7422  
Business Telephone: 803 628-3173

1. Why do you want to serve as a Circuit Court judge?  
I have the strong desire and ability to provide litigants in Common Pleas with a fair and impartial forum to settle their civil disputes and to be a conduit for justice in General Sessions court.
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?  
Possibly on a limited basis upon retirement.
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 are improper except where permitted by law. They are tolerated in certain temporary restraining order circumstances and issues involving appointment of experts in criminal cases. A judge should not initiate, permit or consider ex parte communications ... Except that: under certain circumstances for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits ... with certain provisions of notice to both parties and no procedural or tactical advantage gained.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
A judge should recuse himself in cases involving former associates or law partners. Every judge has a certain degree of conflict with lawyer-legislators who have elected or will reelect that judge. Recusal in those situations would be appropriate if there is a close relationship with the lawyer-legislator.  
A judge should not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. Recusal is not necessary if the judge can maintain fairness and impartiality to all



- parties.
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?  
Yes, I would grant the motion for recusal.
  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 recuse myself from that matter.
  9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
I would not accept gifts and social hospitality would be limited to functions open to all bar members.
  10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?  
I would report that misconduct to the appropriate disciplinary commission.
  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?  
I have the ability to draft orders, however, the normal practice is for the prevailing party in a matter to draft an order, have it reviewed by opposing counsel and presented to the judge for a final review and signature.
  14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
I am computer literate and would rely on computer systems to organize my work.
  15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I believe that "judicial activism" is improper. Public policy is promoted and legislated by our legislative branch of government.
  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 participate in any activity available to circuit court judges that will allow me to offer input into improvements of the legal system.
  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?  
No

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:  
Sentencing of repeat offenders depends on the nature of prior offenses and nature of new offenses. However, repeat offenders may demonstrate an inability or unwillingness to conform to the rules of our society or may be dangerous to the community.
  - b. Juveniles (that have been waived to the circuit court):  
Sentencing of juveniles waived to circuit court is often dependant on family and community support structure available to a sentenced juvenile. It also depends on the nature of the particular offense.
  - c. White collar criminals:  
White collar criminals are a danger to the community. However, probationary sentences with significant jail time suspended is often appropriate.
  - d. Defendants with a socially and/or economically disadvantaged background:  
Depends on the nature of the crime. Violent offenders need to be treated equally without regard to social or economic status. Support from community and family is important in sentencing non-violent offenders.
  - e. Elderly defendants or those with some infirmity:  
Depends on the nature of the crime. House arrest or probationary sentences will often be sufficient protection for the community.
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?  
A judge should be fair and impartial. He should treat attorneys, litigants, court personnel and the public with patient respect.
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?  
Twenty-four hours, seven days a week.
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

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?

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/Daniel Dewitt Hall

Sworn to before me this 15th day of September, 2008.

Notary Public for S.C.

My Commission Expires: 10/2/2016 \_\_\_\_\_

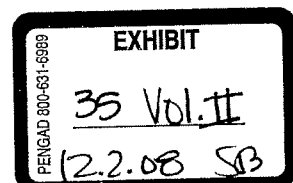


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: At-Large Circuit Court Seat No. 6

1. NAME: Mr. Roger E. Henderson  
BUSINESS ADDRESS: PO Box 311, Chesterfield, SC 29709  
BUSINESS NUMBER: (843) 623 3080
  
2. Date of Birth: 1949  
Place of Birth: Wadesboro, NC
  
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 May 24, 1975, to Sarah Jane Leppard Henderson.  
Never divorced. Three children.
  
6. Have you served in the military?  

<u>Dates and Details of Service</u>	<u>Rank</u>
May 1971 - May 1977, United States Army Reserves Serial Number: XXX-XX-XXXX Honorable Discharge	Specialist Fourth Class
  
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) Wofford College - September, 1967 - May 1971 - B.A.;  
(b) USC School of Law - June, 1975 - December, 1977 - J.D.
  
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 - 1978.
  
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) Pi Kappa Alpha Fraternity - Intramural Sports Director for Fraternity - 1970-71;  
(b) Phi Kappa Alpha Delta Law Fraternity - 1976-1977.
  
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.



I have attended all conferences organized by South Carolina Court Administration for all Judges as well as for Chief Judges for administrative purposes. I have also attended all meetings of the South Carolina conference of Family Court Judges and the annual Family Court Bench/Bar JCLE seminar.

<u>Date</u>	<u>Conference/CLE Name</u>
(a) 01/24/2003	Family Law Mid-Year Meeting;
(b) 04/30/2003	Family Court Judge's Conference;
(c) 08/21/2003	Annual Judicial Conference;
(d) 01/23/2004	Family Law Section Meeting SC Bar Convention;
(e) 03/28/2004-03/31/2004	31st National Conf. on Juvenile Justice;
(f) 04/28/2004	Family Court Judge's Conference;
(g) 08/19/2004	Annual Judicial Conference;
(h) 08/19/2004	Judicial Oath of Office;
(i) 12/10/2004	Seminar for Chief Judges;
(j) 07/12/2004	Orientation School for New Judges;
(k) 01/11/2005-01/14/2005	Juvenile Drug Court Training;
(l) 01/21/2005	Family Law Section Meeting SC Bar Convention;
(m) 04/19/2005-04/22/2005	Fundamentals of Juvenile Drug Court Training;
(n) 04/27/2005	2005 Family Court Judge's Conference;
(o) 07/13/2005	2005 Orientation School for New Judges;
(p) 08/24/2005	2005 Annual Judicial Conference;
(q) 09/20/2005-09/23/2005	Juvenile Drug Court Training;
(r) 12/02/2005	South Carolina Family Court Bench;
(s) 01/27/2006	Family Law Section – SC Bar Convention;
(t) 04/26/2006	Family Court Judge's Conference;
(u) 08/07/2006-08/11/2006	Planning Your Juvenile Drug Court Training;
(v) 08/22/2006	Mini-Summit on Justice for Children;
(w) 08/23/2006	2006 Annual Judicial Conference;
(x) 12/01/2006	Family Court Bench/Bar;
(y) 01/26/2007	Family Law Section – SC Bar Convention;
(z) 08/22/2007	2007 Annual Judicial Conference;
(aa) 12/07/2007	Family Court Bench/Bar;
(bb) 04/23/2008	Family Court Judge's Conference;
(cc) 08/07/2008	SC Association for Justice Convention;
(dd) 08/20/2008	Annual Judicial Conference.

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

(a) I lectured at a CLE seminar on October 21, 1994 on the subject of jury selections as part of the "Successful Civil Litigation; Hot Tips from the Experts" program;

- (b) I lectured at the 1997 Conference of Chief Judges for Administrative Purposes and the 1997 Annual Judicial Conference on the subjects of Civil and Criminal Contempt and Courtroom Security;
  - (c) I was a co-presenter of the Family Law Update at the 2000 Annual Judicial Conference;
  - (d) I was a co-lecturer at the 2000 Orientation School for New Family Court Judges, concerning the areas of Court Rules, Alimony and Equitable Division;
  - (e) I lectured on new issues in Family Court at the 2001 Family Court Judge's Conference;
  - (f) I was co-lecturer at the 2001 Orientation School for New Family Court Judges, concerning the areas of Court Rules, Alimony and Equitable Division;
  - (g) I was co-lecturer at the 2002 Orientation School for New Family Court Judges, concerning the areas of Pendent Lite, Domestic Abuse cases, and Pro se litigants;
  - (h) I was co-lecturer at the 2004 Orientation School for new Family Court Judges concerning Temporary Hearings & Equitable Distribution;
  - (i) I was a panel member at the 2004 South Carolina Bar Convention concerning Conversations Between the Bench and Bar;
  - (j) I was co-lecturer at the 2004 Seminar for Chief Judges for Administrative Purposes of the Circuit and Family Courts concerning Pre-Trial Status Settlement conferences.
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.
- (a) South Carolina State Courts - May 16, 1978;
  - (b) United States District Court, District of South Carolina, April 24, 1980.
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.
- In 1978, I returned to Chesterfield and began the general practice of law with my father-in-law, the late Edward McIver Leppard. He retired in 1982, and I continued a solo general practice until 1985, when I formed a partnership with William O. Spencer, Jr. We continued a general practice of law until I was elected to the bench in May of 1995. During this period of time, we added an associate, Mary Thomas Johnson, in May of 1983. In 1985, I began to concentrate my practice in the areas of Family Law, Criminal Law and Personal Injury.
- 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.

Prior to becoming a Family Court Judge in 1995, I had a general practice of law that included a substantial amount of criminal work. I represented clients in both state and federal court. The types of cases I handled ranged from traffic offenses in magistrate's court to drug cases in federal court. The bulk of my criminal practice was in the Court of General Sessions where I represented individuals charged with DUI, Assault and Battery, Assault and Battery of a High and Aggravated Nature, Assault and Battery with Intent to Kill, Armed Robbery, Sex Offenses, Drug Offenses, Arson, Burglary, Breaking and Entering and Murder (one of which was a death penalty case). Many of the cases I handled were disposed of by way of guilty pleas, however, a significant number of them went through the trial process.

On occasion I was privately employed to help prosecute individuals. In addition to my criminal defense work, I also handled post conviction relief matters and parole hearings.

As for my civil practice, I represented clients in state and federal courts with personal injury claims, which were mostly automobile accident and slip and fall type cases. I handled several medical malpractice cases individually and in association with other counsel. In addition, I represented individuals in condemnation cases, partition actions, probate matters and numerous workers' compensation claims.

15. What is your rating in Martindale-Hubbell. "AV."

**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: Twice a year;

(b) state: 15-20 times per month.

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

- (a) civil: 20% (Personal injury cases, 10% - Probate, Workers' Compensation and non-jury matters, 10%;
  - (b) criminal: 20%;
  - (c) domestic: 40%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 15%;
  - (b) non-jury: 75%.

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) Chesterfield County Rural Water Company, Inc., v. Town of Cheraw, South Carolina: This matter was significant in that we obtained an Order in Federal Court prohibiting the Town of Cheraw from entering the Rural Water Company's service areas. Additionally, I represented the Rural Water Company in law suits against the Town of Pageland and Chesterfield, South Carolina, and obtained out-of-Court settlements which resulted in agreements establishing permanent service territories for the Rural Water Company and the towns;
- (b) Danny Lee Rainwater v. Donna Kay Wolfe Rainwater: This matter was significant in that it involved custody of the Rainwater's four children which was originally split by the Family Court, but through our continued efforts we managed to obtain custody of all four children for Mr. Rainwater. After custody was obtained for Mr. Rainwater, Mrs. Rainwater kidnapped all four children and took them to Germany; however, Mrs. Rainwater was arrested and the children were returned to Mr. Rainwater upon their return to the United States;
- (a) Mary C. Crowley v. Robert Taylor: This matter was significant in that we obtained a jury verdict of \$2,000.00 actual damages for Mrs. Crowley and \$40,000.00 in punitive damages due to the fact that Mr. Taylor was operating an automobile in flagrant violation of the law in that he was driving under the influence of alcohol, while being pursued at a high rate of speed by a police officer. The jury saw fit to punish Mr. Taylor with a sentence commensurate with the offense;
- (c) James H. Dixon v. Nucor Steel Corporation: 368 SE 2d 680, 295 SC 387 (1988). This matter was significant in that we were successful in proving before the Workers' Compensation Commission that Mr. Dixon was permanently disabled from materials he breathed during his employment;
- (d) STATE v. John Parks: This matter was significant in that Mr. Parks, who was charged with criminal sexual conduct with his eight year old

step-daughter, was acquitted after we were able to convince the jury that the child's testimony was without feeling and emotion due to her having been coached by her mother, who was separated from Mr. Parks.

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**
- (a) Leaton E. Jenkins vs. Marjorie E. Jenkins - South Carolina Supreme Court - No decision was rendered as the Appellant died after briefs had been filed and the matter was dismissed the Court;
  - (b) James H. Dixon v. Nucor Steel Corporation - South Carolina Court of Appeals, May 9, 1988, 368 SE 2d 680, 295 SC 387 (1988);
  - (c) Kate G. Laney vs. Bi-Lo, Inc. - South Carolina Court of Appeals, June 22, 1992, 419 SE 2d 809, 309 SC 37 (1992).
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. NONE.
22. Have you ever held judicial office? Yes.
- (a) 1978 - 1982 Assistant Recorder and Recorder for the Town of Chesterfield, appointed by the Mayor. This Court handled all traffic and criminal offenses in which the punishment did not exceed 30 days or a \$200.00 fine;
  - (b) July 1, 1995 to Present - Family Court Judge for the Fourth Judicial Circuit, Seat No. 1, Elected by the South Carolina General Assembly. Statewide jurisdiction to hear all domestic relations matters.
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) 95-DR-16-0712 - Leslie Douglas Stewart vs. Susan Fellows Van Epps;
  - (b) 97-DR-42-1170 - Charles Tyrone Courtney vs. Carol Lynn W. Courtney;
  - (c) 03-DR-16-0593 - Karen Allen-Hines vs. Franklin Hines- Unpublished Opinion No. 2008-UP-198;
  - (d) 05-DR-34-340 - Ronald H. Stanton vs. Tracy P. Stanton;
  - (e) 07-DR-16-0487 - Alice Ball Fitzwater vs. Lloyd A. Fitzwater.  
See attached orders and the appellate review in the Hines case.
24. Have you ever held public office other than judicial office? Yes.  
If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed.
- (a) October 29, 1997 - January 23, 1984 Chairman, Chesterfield County Election Commission - appointed;
  - (b) June 27, 1986 - July 23, 1993 Member, South Carolina Commission on Higher Education - appointed;

(c) April 6, 1995 - May 25, 1995 Member, Chesterfield County District Board of Education, - elected.

Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office.

Two of the positions did not require a report. I served as a member of the County Board of Education for a period of only two months since I was elected to the Family Court Bench just after being elected to the school board. If I filed a report I am unable to locate it, but I am certain that I was never subject to a penalty.

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.  
1978 - 1982 Assistant Recorder and Recorder for the Town of Chesterfield, supervised by the Mayor and Town Council. Major responsibilities were to issue warrants and preside over Recorder's Court.
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? Yes.  
(a) January, 1972 - September 1972 - Circulation Manager, Wing Publications, Cayce, South Carolina;  
(b) October, 1972 - October 1974 - Supervisor, Burlington Industries, Reidsville, North Carolina, and Rocky Mount, North Carolina.
28. Are you now an officer or director or involved in the management of any business enterprise? 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? 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? Yes.  
Have you ever defaulted on a student loan? No.  
Have you ever filed for bankruptcy? No.

South Carolina Tax Lien in the amount of \$37.29 dated January 20, 1983, filed in File Number 7878 in the office of the Clerk of Court for Chesterfield County, South Carolina, for penalties and interest which were satisfied on March 2, 1983. This tax lien was filed as a result of my oversight in not mailing a check for penalty and interest owed on my 1981 tax return to the Tax Commission prior to the due date.

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.  
I know of no allegations against me or any other candidate for violations of these provisions.
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.  
I know of no allegations against me or any other candidate for violations of these provisions.
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.
- |          |                |    |        |
|----------|----------------|----|--------|
| 07/28/08 | Postage        | \$ | 142.00 |
| 07/28/08 | Envelopes      | \$ | 22.72  |
| 07/28/08 | Paper          | \$ | 2.27   |
| 07/28/08 | Photo-Paper    | \$ | 25.42  |
| 07/28/08 | Web Page       | \$ | 15.00  |
| 07/28/08 | Printing Costs | \$ | 36.00  |
|          | TOTAL          | \$ | 243.41 |
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? No.
- 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? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No.
- 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) Chesterfield County Bar Association;
  - (b) South Carolina Bar;
  - (c) South Carolina Conference of Family Court Judges, Treasurer - August 2001- August 2002; Vice President - August 2002-August 2003; President, August 2003-August 2004.
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) American Legion Post Number 74;
  - (b) Chesterfield High School Athletic Booster Club;
  - (c) Chesterfield Touchdown Club;
  - (d) Chesterfield Marlboro Technical College Hall of Fame.
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 grew up in a family with two brothers and both parents, and I now have my own family of two daughters, one son and two grandchildren. My parents were married for 60 years, and I have been married for over 33 years. Therefore, I have experienced a lot of the ups and downs that affect most families. When dealing with litigants before me, I draw on my personal experiences when considering how children feel about their parents, how parents feel about their children and how a husband and wife feel about one another when dealing with the various issues that affect every family.

After graduating from college, I had several different experiences that I have fallen back on when dealing with those who appear before me. I spent six years in the Army Reserves so I can relate to those who appear before me who are in the National Guard or Reserves or who are on active duty. I realize that their schedules and responsibilities must be considered when making certain decisions. After completing my active duty for the Reserves, I worked for a publishing company as an hourly employee. This experience has enabled me to relate to those who struggle on a meager income to make ends meet. I left the publishing company job to take a job in textiles (Burlington Industries) for two years as a salaried employee. This experience helps me to relate to those who work in factories or for "big business". I had to depend on unemployment compensation for a while, and had to supplement my income by substitute teaching. I can relate to those who appear before me who have lost jobs and are doing all they can to make ends meet. I also use this experience when considering those before me who don't make attempts at gainful employment. My experience while substitute teaching has given me a perspective of young people that I might not have otherwise have had. It has allowed me to see how teachers feel in certain situations. Four years after graduating from college, I entered law school. Upon graduation from law school, I practiced law for seventeen years before being elected to the bench. Having practiced law for seventeen years, I saw a lot of different situations and different types of people that I think about and sometimes reflect back on when making certain decisions. Finally, I have spent about twenty years coaching youth baseball and football teams. Because of this experience, I know how a lot of juveniles from all walks of life think and what is important to them as well as their parents. Also, I know how they are affected by various situations. My life experiences have made me realize that there is no one solution for all problems. I realize that every case is different, just as all people are different and all situations are different. Every case I deal with must be dealt with individually and the law applied in accordance with the unique facts found in each individual case.

49. References:

- (a) Henry Suggs, Branch Manager, Carolina Bank  
166 W Main Street  
Chesterfield, SC 29709  
(843) 623 7393.
- (b) Rev. Lee Coyle, Chesterfield Baptist Church  
207 E Main Street  
Chesterfield, SC 29709  
(843) 623 2390
- (c) Tommy Atkinson, Retired Pharmacist  
139 Main Street  
Chesterfield, SC 29709

- (d) (834) 623 2632  
Charles H. Gray, III, CEO  
Chesterfield County Rural Water Co., Inc.  
PO Box 270  
Chesterfield, SC 29709  
(843) 623 6090
- (e) Terry J. Rogers, CHESCO Services Executive Director  
1224 E Blvd.,  
Chesterfield, SC 29709  
(843) 623 9016

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/Roger E. Henderson

Date: 09/09/08

# Roger E. Henderson

P.O. Box 111  
Chesterfield, SC 29709  
Cell#: (843) 910 4072  
E-Mail: [judgehenderson@aol.com](mailto:judgehenderson@aol.com)

November 26, 2008

Judicial Merit Selection Commission  
P.O. Box 142  
Columbia, S.C. 29202

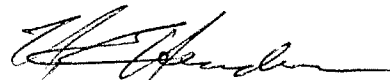
Dear Commission Members:

I would like to amend my Personal Data Questionnaire as follows:

Question #17 (a) - The percentage of my practice in civil matters was 40%.

Question #18 (a) - The percentage of my practice in trial court involving matters that went to a jury was 25%.

Sincerely yours,



Roger E. Henderson