

NO. 3

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

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THURSDAY, JANUARY 11, 2018  
(STATEWIDE SESSION)

**Thursday, January 11, 2018**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalms 107:19: "They cried to the Lord, in their trouble, and He answered them."

Let us pray. Merciful God, help these Representatives and staff give voice to all the people of this State and especially for those in special need that we may work for the good of all. Bless these Representatives and staff as they think and work through the agenda in accomplishing the work for the people. Bless our Nation, President, State, Governor, Speaker, staff, and those who contribute to this great cause. Protect our defenders of freedom and first responders as they protect us at home and abroad. Heal the wounds, those seen and those hidden of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. HOWARD moved that when the House adjourns, it adjourn in memory of former Representative Joe E. Brown, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family and friends of former Representative Joe E. Brown.

**SILENT PRAYER**

The House stood in silent prayer for the family and friends of former Representative Isaac Joe.

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**SILENT PRAYER**

The House stood in silent prayer for the family and friends of Spc. Javion "Jay" Shavonte Sullivan.

**SILENT PRAYER**

The House stood in silent prayer for the family and friends of Edith "Edie" Purvis Cross.

**SILENT PRAYER**

The House stood in silent prayer for the family and friends of Myrtle Hall Smith.

**REPORT RECEIVED**

The following was received:

**REPORT OF THE COLLEGE AND UNIVERSITY  
TRUSTEE SCREENING COMMISSION  
January 11, 2018**

The College and University Trustee Screening Commission met November 4, 2017 and found the following candidates qualified to stand for election to their respective Boards:

<u>Francis Marion University</u> 5th Congressional District - seat 5 (term expires June 30, 2018)	<u>Letter of Intent received from:</u> H. Paul Dove, Jr., Winnsboro
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<u>Medical University of South Carolina</u> 7th Congressional District - medical seat (term expires June 30, 2020)	Paul T. Davis, Darlington Gerald E. Harmon, Georgetown
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<u>University of South Carolina</u> 14th Judicial Circuit (term expires June 30, 2020)	Kent M. Eddy, Hilton Head Island <del>Frampton L. Harper, II, Beaufort</del> withdrew 11/9/17 Rose Buyck Newton, Bluffton H. Timberlake (Tim) Pearce, Beaufort
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**Winthrop University**

4th Congressional District - seat 4    Edward R. Driggers, Greer  
(term expires June 30, 2022)    Kristen Gebhart Magee,  
Simpsonville

The Candidates are released to seek the vote of members of the General Assembly at 12:00 noon on Tuesday, January 16, 2018. In addition, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy or statements detailing a candidate's qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 12:00 noon on January 16, 2018.

Transcripts of the screening hearings are available Thursday, January 11, 2018, under Screening Reports on the following website:  
<http://www.scstatehouse.gov/CommitteeInfo/Universities&CollegesScreeningCommittee/Univ&CollScreening.php>

Pending the passage of S. 780, the election will be held on Wednesday, February 7, 2018 at 12:00 noon in the House Chamber.

**COLLEGE AND UNIVERSITY TRUSTEE SCREENING  
COMMISSION FOR COLLEGE AND UNIVERSITY  
BOARDS OF TRUSTEES SCREENINGS**

Date: Monday, November 6, 2017  
Time: 11:00 a.m.  
Location: Gressette Building  
1101 Pendleton Street  
Committee Room 209  
Columbia, South Carolina

Committee Members Present:  
Chairman Senator Harvey S. Peeler, Jr.  
Senator Thomas Alexander  
Senator John L. Scott  
Senator Danny Verdin  
Vice-Chairman Representative Bill Whitmire

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Representative Phyllis Henderson  
Representative John King  
Representative Sylleste Davis

Also Present:

Martha Casto, Staff  
Julie Price, Staff

11:08 a.m.

CHAIRMAN SENATOR PEELER: I will call the meeting to order.

This is the meeting of the College and University Trustee Screening Commission. I'd like to welcome everyone. I pray that God continues to bless us all.

Our chair would like to entertain a motion and go into executive session and receive a briefing by our attorney.

A second.

Any opposition?

All right. We'll go into executive session. We'll try to be as expeditious as we can.

(Executive session transpired from 11:07 a.m. to 11:44 a.m.)

CHAIRMAN SENATOR PEELER: All right. The veil has been lifted.

We received a briefing from our attorney for some legal advice, and Members made some action on South Carolina State. I understand that 12 vacancies will be vacant, and one person has filed from District 6.

Is that all? Just one?

MS. CASTO: (Nodding head.)

CHAIRMAN SENATOR PEELER: So we're going to need to reopen those other seats.

SENATOR SCOTT: Mr. Chairman.

CHAIRMAN SENATOR PEELER: Mr. Scott.

SENATOR SCOTT: Mr. Chairman, I would so move to reopen those 11 seats as of November the 7th, which is tomorrow, for South Carolina University. As you indicated, somebody did file under the 6<sup>th</sup> Congressional Seat, except we'll need -- the other 11 seats will be open as of November 7th, which is tomorrow.

REPRESENTATIVE HENDERSON: Second.

CHAIRMAN SENATOR PEELER: Motion seconded.

Any discussion?

Hearing none, we'll take it to a vote.

All in favor, raise your hand.

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Thank you. It's unanimous. No opposition.

So staff, explain to us, because there is quite a bit of interest in South Carolina State, what will this require?

MS. CASTO: What this will require is tomorrow morning we will send a press release to open up for letters of intent to run for the 11 seats that no one filed for this fall. Those seats will be the 1st Congressional District, the 2nd Congressional District, 3rd Congressional District, 4th Congressional District, 5th Congressional District, 7th Congressional District, and five at-large seats. Filing for these where they will be required to send the Committee a letter of intent to run will be open on the 7th and will close on December the 19th at noon.

At that point, whenever they come to give their letter of intent, they are presented with a packet that all candidates for boards and commissions have to complete. The packets will be due on Wednesday, January the 17th, at noon, and they must be hand delivered. And as we have told people, they can have someone else that they trust hand deliver these, but they must be hand delivered to our office in 213 of the Gressette Building.

CHAIRMAN SENATOR PEELER: So there is nothing in this action that would stop a member of the board now presently from filing.

MS. CASTO: Correct. The interim board of trustees, they can run now.

Keep in mind, one of the interim board of trustee members has already filed to run for the College of Charleston seat. So he will not be able to file for this, but the others will.

CHAIRMAN SENATOR PEELER: What happens if one of the present board members presiding in the 6th Congress District, could that person run at large?

MS. CASTO: Yes, sir. That person could run for one of the five at-large seats.

CHAIRMAN SENATOR PEELER: Okay. Any questions?

So word will go out across the land that anyone who wants to run for South Carolina State Board, now is the time.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Now, Francis Marion University, 5th Congressional District, Seat 5, expires 2018. I think this became open because the present member moved out of the district, right?

Okay. Tab A, H. Paul Dove, Jr., from Winnsboro.

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MS. CASTO: Members of the Committee, on the left-hand side of your notebook are the skinnies that I have done on each of the candidates, but Mr. Dove is behind Tab A.

CHAIRMAN SENATOR PEELER: Okay. Good morning, sir.

MR. DOVE: Good morning, sir. Thank you very much for allowing me to be here.

CHAIRMAN SENATOR PEELER: Thank you.

Would you please raise your right hand?

MR. DOVE: Yes, sir.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. DOVE: I do.

CHAIRMAN SENATOR PEELER: Thank you.

Would you give us your full name for the record and just a brief few minutes on why you'd like to serve on the Francis Marion Board of Trustees.

MR. DOVE: My name is Herbert Paul Dove, Jr. I'm a career educator, and I spent 33 years on the faculty at Francis Marion.

And so in my retirement, I'll be very delighted to go back to Florence and be a part of that group. I have seen Francis Marion move from 1975, when I first joined the faculty, until I retired in 2008. I have worked with all four presidents and have a lot of love and respect for that institution. And I would see it as a deep honor to be able to serve on that board.

CHAIRMAN SENATOR PEELER: Thank you.

Any questions or comments from the Committee?

SENATOR SCOTT: Thank you, Mr. Dove, of course, spending the time to educate our children over the last 33 years. I'm pretty sure at Francis Marion, you have really seen Francis Marion really grow, and its intake on minority students have really, really increased.

Tell me a little bit about what you know about diversity, especially among faculty, staff. And we know you have a very diverse student body. What's going on with that?

Most of the schools now are beginning to have diversity offices to reflect the growth of the school. Tell me a little bit about what you know about that and where you are in that process.

MR. DOVE: I do know that the student body, like you say, sir, is approximately 46 percent Caucasian and 46 percent African American. So you can't get much more diverse than that.

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Faculty and staff is a whole different issue. I know that President Carter and others have worked hard to address that issue. I know on the staff, every time that we hired somebody in the library, we did have to go through affirmative action and were able to recruit some local folks to come help us with our library program. It's much more different when it comes to faculty.

Francis Marion, I would say, is not one of the highest-paying schools in the nation. And so you're competing with every over school with salaries. And on the one hand, while I do know that perhaps chemists and other scientists are more in demand than some professions, maybe history and English for example.

And so there was some inequity in salary. You also had to be careful that you didn't buy people and get salaries out of whack with the existing salaries. I would suspect that that would be part of the problem that I know.

For example, a good friend of mine who was one of the art professors got hired away simply because another institution could pay him more.

MR. SCOTT: What about administration, finance department, business department, those other departments that vacancies do occur, how much input -- you haven't been in it long -- that you have watched any changes occur -- and in that process in going on that board if you are elected for it, where would you fit in in terms of trying to bring about those kind of changes at that board?

MR. DOVE: One of the things that I -- quite frankly, sir, that bothered me a little bit is that it appears that the board is mostly white males. It hasn't always been that way.

And so I would like to see the board become more diverse; certainly the faculty become more diverse. Again, I think the staff is very diverse. But I don't have a plan. I just think I agree with you. I think I agree with it. It needs to be emphasized.

Again, our vice president for student affairs, Dr. Joe Haywood, was a minority, and when he retired, there wasn't anybody except some staff members on campus that could move up to his position. My replacement at Francis Marion, the dean of the library right now, is Ms. Joyce Durant, who moved up in 2008 when I retired, and Joyce is black. And I'm very pleased that -- in fact, the first time she sent me an annual report, I commented that I was both excited and disappointed because the annual report was so good that it looked like they didn't miss me.

And her very wise reply was, "Well, Paul, we are just trying to keep up with what you did."



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And so I had mixed emotions about her first annual report.

SENATOR SCOTT: Well, just know that those particular type of issues are out there now. It's not that I'm picking on Francis Marion. All colleges and universities are looking at -- we're the 18th largest state in the country. We are probably more -- and most folks probably don't even know that. We have probably the most international companies coming in with very diverse-type staff and top execs, and we want to make sure our institutions will be working when these companies begin to reflect it. But just know it's out there --

MR. DOVE: Yes, sir. Yes, sir.

SENATOR SCOTT: -- and it's not a question you get didn't get asked.

And so when you're sitting down with your board on those kind of issues, you can put it on the table.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

And thank you, Mr. Dove, for your willingness to serve. You've got a very impressive resume here.

MR. DOVE: Thank you, sir.

REPRESENTATIVE WHITMIRE: I was reading down, and I saw where you listed your biggest weakness is academic advising, especially to freshmen. And, as we know, a lot of freshmen enjoy going to college too much that first year, and then they have a hard time the rest of the time. How would you go about advising, especially freshmen, you know, to take a more studious approach toward their college career?

MR. DOVE: That's a good question, sir.

When I worked with freshmen as an advisor and when I worked with University LIFE Program -- by the way, we took freshmen and tried to literally hold their hands that first semester. I had problems when I went from Winnsboro High School to college. And so I understand and identify with these students very well.

One of the tactics I tried to use was having seniors come in and talk to those freshmen about don't get behind. You know, from day one, take your class notes. Study your class notes. Prepare for your quizzes.

Do whatever your professor asks you to do. Turn your assignments in. These seniors would say, as a freshman, I wish I had known that.

Well, four years later, you can get those same freshmen back, and they would say the same thing. You know, they don't listen to the other students. They don't listen to us. You know, it's an adjustment.

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And, you know, you do your best to hold on to them because you want them to succeed. But I wish there was an easy answer to that.

REPRESENTATIVE WHITMIRE: Well, unfortunately, I was one of those who didn't listen when I was in college, but I had a great time.

What bothers me about this is we have so many, you know, scholarship opportunities for students here in South Carolina, and so many of them don't take advantage of it. Either they end up dropping out of school, or they don't maintain the, you know, academic standards they need to keep it. And a lot of these kids -- I'm sure at Francis Marion -- if you didn't get the scholarships, they probably couldn't attend school.

So, you know, this is something -- I used to serve on an education committee in the House, and this has always concerned me, that particular kids who maybe don't have the guidance at home that others have. And they get into college, and they're kind of overwhelmed, and, you know, then it's too late for them to take advantage if they mess up.

MR. DOVE: Well, Francis Marion, like a lot of other universities, has been criticized for the time it sometimes takes for students to graduate, more than four years. But Francis Marion, for example, has an awful lot of first-generation college students who come from homes where higher education schools is not emphasized or not fully understood.

And so I don't feel like they always get the support they need. So many of them live off campus. So many of them do have to work. As we say, if you work more than 20 hours, you cannot take a full course load.

There's just not enough time in the week to do both. Not that they listen to us, but that, to me, partially explains why the average student may take six years to finish. I also think -- I've heard too many students say this -- that mom and dad have said, We're not going to send you to Clemson or wherever. It's too big, too expensive. We're going to send you to Francis Marion, and if you can survive a year or two there, then come talk to me about going on to where you really want to go.

And so that's another reason we lose some students that we'd like to keep.

REPRESENTATIVE WHITMIRE: Well, I, personally, am very thankful for a school like Francis Marion who reaches out to young people who might not have a chance to go to Clemson or USC or some other school like that. You really offer a chance for those young people to rise up above, maybe, their surroundings and stuff. So thank you very much.

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MR. DOVE: Yes, sir. Thank you.

CHAIRMAN SENATOR PEELER: I saw several hands.  
Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.  
I have a couple of questions for you.

MR. DOVE: Yes, sir.

REPRESENTATIVE KING: As a board member, how would you promote -- if elected, how would you promote diversity as a board member to reflect the student -- through the faculty and staff to reflect what the student body looks like?

MR. DOVE: I was able to do it as the dean of the library. I don't know whether the same tactics, the same leadership, the same priorities would work on the board or not, but I would simply try to point out that we needed to be more representative of the people we serve.

REPRESENTATIVE KING: Thank you.

MR. DOVE: Is that vague enough?

REPRESENTATIVE KING: Well, I would hope that you would be a voice on the board.

MR. DOVE: Yes, sir, most definitely.

REPRESENTATIVE KING: In keeping with the quality of education, the high quality of education, that we try to offer at our colleges and universities here in South Carolina, what would you do to ensure that we continue to have a high-quality education for all students that attend colleges and universities in South Carolina but at a reasonable price? The cost for families to make it more reasonable for people to attend college, what would you do as a board member?

MR. DOVE: I would certainly support the administration's efforts to hold costs down. One of the best things about being a librarian is you learn how to do a lot with a little bit of money. In fact, it used to be called library economy before it was called library science.

And so you stretch that dollar as tightly as you can. I think Francis Marion does that. I'm amazed at what President Carter can do with what he has to work with. I know there is a strong emphasis on faculty at Francis Marion.

I know that 90 percent of the faculty hold terminal degrees, although, I will also say -- and maybe I shouldn't say this on the record -- that some of the best professors I had did not have terminal degrees. They knew more about teaching than some of the Ph.D.s did. But how do we promote that? A lot of it has to do with recruitment and the reputation of the school, and Francis Marion does attract mostly local students.

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And "we serve the Pee Dee" was our original mission. But one of the phenomena that we've run into is that students from Greenville and Spartanburg and Orangeburg and Charleston want to get out of town, and Francis Marion is an opportunity for them to get out of town. Just like a lot of students in Florence don't want to stay in Florence.

My daughter lives in Easley, and I wanted her to go to Furman. She wound up at Wofford because Furman was too close to home. It's that kind of...

REPRESENTATIVE KING: I have two more questions.

MR. DOVE: Yes, sir.

REPRESENTATIVE KING: What motivates you to want to be on this board besides being a former employee there? What truly motivates you?

MR. DOVE: Well, I guess the first thing was a call from the board chairman saying, "We need somebody in the 5th District, and you're in the 5th District. Would you be interested in applying?"

And so that was an honor for Ken Jackson to make that phone call. And I have since been in touch with President Carter just having worked for him for nine years. I wasn't sure how it would work out with a previous faculty member now on his board. He seems to be fine with that.

Having committed my career to higher education, I think I see the importance of education in our society, especially as we move toward a more highly technological age. The folks that are coming up, my grandchildren, are going to have to be very sophisticated in how they earn a living. And I know that colleges -- that being a college graduate opened doors for me that would not have been opened had I not had that opportunity.

So I am very eager to see that happen in my state, especially in my county, where we just lost that V.C. Summer Nuclear plant, 5,600 jobs. I now see that Fairfield County has the highest unemployment in the state. I believe education plays a vital role in fixing that.

REPRESENTATIVE KING: And on that, my entire family is from Fairfield County, and my mother is from the Blair area.

MR. DOVE: Really?

REPRESENTATIVE KING: Yes, sir.

MR. DOVE: Well, I'm from the Lebanon area, which is right next door.

REPRESENTATIVE KING: Yes, sir. I know exactly where that is.

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My last question is: When we talk about diversity and keeping up with diversity within the classroom, as well as through the student body, as well as the, you know, faculty and staff as a whole, I just found out with the institution that resides in my district, which is Winthrop, they do that through adjunct professors to make it look as if they have African Americans who are on staff or as faculty members, but they never promote them to full-time professors. How would you make sure that if they are qualified to be adjunct instructors that they have a pathway to be full-time instructors at the institution?

MR. DOVE: I was privileged as a faculty member at Francis Marion to serve on the Academic Promotion and Tenure Committee. Not many librarians were. I know the trustees have a committee that works with that committee, or with the academic program.

And so if I were privileged to be appointed to that committee or work with other board members on that committee, I would certainly endorse that and promote that and simply remind ourselves of the need to be more representative of our communities.

I'm very active in the South Carolina Alliance, and we have two problems. One is recruiting young people, and one is recruiting minorities. We need more young folks in Alliance. We need more minority folks in Alliance, but it's not as easy as it sounds.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

Thank you, Mr. Dove.

MR. DOVE: Thank you.

REPRESENTATIVE HENDERSON: So I wanted to ask about an issue that I've been working on a lot over the last few years, and it has to do with substance abuse.

I'm looking at a newspaper story from The State about USC where almost two-thirds of the freshmen drinkers said that they have engaged in high-risk drinking in the previous two weeks before this study, and another 45 percent said they had used a drug other than alcohol in the last two weeks before this survey. And substance abuse is a raging problem in our country, and especially on college campuses.

That you know of, has Francis Marion ever conducted any kind of survey, have any kind of figures about this issue on the campus there at Francis Marion?

MR. DOVE: No, ma'am, I do not. I would have to check with student affairs to see what had been done. I do know that we have a very active

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and very effective public safety force on campus to handle drinking especially. I have found beer cans upstairs in the library, which is not permissible.

REPRESENTATIVE HENDERSON: Well, I'm also mostly interested in other drug abuse, prescription drug abuse and others. I mean, alcohol is definitely a major problem.

What programs does the university have in place to offer to those folks who are dealing with struggling and addiction and recovery, and do they have any safe harbor programs, any alcohol-free programs, or anything happening on campus that helps students dealing with this issue?

MR. DOVE: I don't know specifically, but I would think through the counseling services on campus, which is a very active and, I feel like, very effective program. The Ph.D. in psychology that has headed that program every semester came to my university life class I taught and talked to the students about all sorts of issues, not simply related to drug abuse, but also to safety, security, and what her office and her staff did in terms of counseling students that had any kind of issues that -- for which they thought they needed help.

We also worked with the Pee Dee Coalition against domestic and sexual assault to counsel any victims of any kind of sexual assault and to caution them about ways to avoid the risk of sexual assault.

REPRESENTATIVE HENDERSON: Well, if the university has not conducted a survey nor do they have any programs, I would encourage you when you become a member of this board to challenge the rest of your commissioners to take this as a very serious issue and put some programs in place for students that are struggling with this and would like to have opportunities to do things other than participate in events that involve alcohol.

MR. DOVE: May I add something to that? Because of a medical condition I used to have, on several occasions -- because I was engaged to somebody here in Columbia -- I wound up in the Palmetto Baptist Hospital ER on a Thursday night, and it took them forever to treat me because of the gurneys that were lined up with students who had overdosed on alcohol.

And so I saw that firsthand and resented it because I had to wait for treatment for the students who had just been out drinking on Thursday night, fraternity night. And we do have fraternity nights and marches at Francis Marion.

REPRESENTATIVE HENDERSON: Thank you.

Thank you, Mr. Chairman.

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CHAIRMAN SENATOR PEELER: Any other questions or comments?

The motion is a favorable report.

SENATOR SCOTT: I second the motion.

CHAIRMAN SENATOR PEELER: Second.

Any other discussion?

Hearing none, all in favor, raise your right hand.

It's unanimous.

Thank you so very much for your willingness to serve, sir.

MR. DOVE: Thank you, sir, for this opportunity. And the Lord willing, I'll be back next year.

CHAIRMAN SENATOR PEELER: For the benefit of the candidates and the Members, when will they be free to ask for commitments and so forth?

MS. CASTO: We are going to have the report printed the first week y'all come back in session. So by Thursday it has to be printed in the House and Senate journals. After that, the following Tuesday, which will be the second week of -- third week of January.

CHAIRMAN SENATOR PEELER: I know, Mr. Dove, you're running unopposed, but we have some people that are opposed. I just want to remind all candidates that there is a certain time that you can ask for commitments. So be sure and abide by those times.

All right. That takes care of Francis Marion.

Now, we'll take the Medical University of South Carolina, 7th Congressional District Medical Seat. It expires 2020.

Dr. Paul T. Davis from Darlington.

Good morning, Doctor.

DR. DAVIS: Good morning.

CHAIRMAN SENATOR PEELER: Let me give you -- thank you.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. DAVIS: I do.

CHAIRMAN SENATOR PEELER: Give us your full name and a brief statement on why you'd like to serve on the Medical University Board of Trustees.

DR. DAVIS: Sure.

My name is Paul Thomas Davis, and I appreciate this opportunity to be here today.

If I could start out, I just wanted to say a brief word about Dr. Conyers O'Bryan, who held this seat for, I believe, over 35 years. And growing

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up in Florence, I always knew him to be just such a fantastic physician and somebody who just cared so deeply about the Medical University. And it would just be a great honor for me to not only to serve on the board, but to follow him would be an even greater honor.

MUSC was always near and dear to my heart. First of all, I was born there. So it kind of is maybe my first home, I guess. And, also, I had my first job there at MUSC as a lab technician.

And then I was fortunate enough to get into dental school and had a career in dentistry there and have been -- I'm now in my 18th year as a dentist in Florence. And I just feel so very fortunate that I can do what I do every day and enjoy treating patients, and, you know, I just owe so much of that to the Medical University.

And, you know, growing up, the Medical University had a big impact on my family as well. My mother was a nurse at MUSC. My father was a physician. And they met at the Medical University.

And then both of my sisters graduated from the Medical University. One of them is a physician there now. She's been there for over 15 years. She's an anesthesiologist.

And so I just feel that with my medical background growing up and my experience in dentistry of -- in organized dentistry, and I've had some experience on some school boards, that I could maybe bring a little different insight to the Medical University Board, and it would be a great honor.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you for your willingness to serve.

How much, Dr. Davis, do you really know about MUSC and how progressive it's become in the last -- I guess since this new president has come in?

I had dinner with them the other night. I just left looking at the campus and what it's doing on the cutting edge with telemedicine and working with schools and some of the challenges it's also facing with growth and also recruiting minorities, not only just faculty, but students as well on that campus. And with the gap between Charleston and back to Orangeburg, Orangeburg Regional, there's really no health centers or places to take care of people.

Tell me a little bit about what you know that has transpired with the new changes, the new growth, and the new building, some \$380 million in construction. Just kind of update me about what you know that's going on. And if you've got a private practice at home, do you spend a lot of time with that? Tell me about what you really know about that.



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DR. DAVIS: Okay. Well, I don't know everything, obviously, not being privy to the board proceedings. However, I know about, you know, obviously, they built a new dental school. But recently, the children's hospital, I know about that. And I know that's a very big expense.

I know the expansion that -- they have gone into several communities and are buying up a lot of places, and with that comes challenges. Anytime you grow at a rate that MUSC has grown, certainly there are challenges to maintain the quality of care that you have as a small, intimate hospital that it used to be way back when.

So, you know, I am familiar with telemedicine. I think that's a great thing of the future. I think teledentistry is also kind of on the horizon as well. I don't know exactly how that's going to work, but I think certainly a lot of these smaller towns and areas where things have been bought up and physicians are no longer in some of these towns, MUSC has just been such a big, huge, massive entity now.

It's certainly a challenge to grow at the rate that they've grown.

SENATOR SCOTT: I know MUSC just received an award for its diversity in terms of service contracts it's been able to provide to the community, especially the minority community. Are you quite familiar with that?

DR. DAVIS: Well, I know that MUSC, as far as diversity goes, I believe they're around 23 to 27 percent depending on what school, as far as the students go, depending on which school you're talking about. But I know about the Diversity and Inclusion Program department.

I know that Dr. Cole has made a lot of strides for diversity --

SENATOR SCOTT: Yes.

DR. DAVIS: -- and I think that's very important. I recently read an article on a study that was done by the American Association of Medical Colleges, and in that article it talked about how in the year 2050, that the population would be almost 50 percent minorities.

And so what the article described, you know, I always feel like, you know, I want the best doctor and the best dentist to be working on me no matter what their race, color, any of that. However, the importance of that is what you're saying, that in the smaller communities what they found was that people with certain ethnic backgrounds were more willing to see physicians with the same ethnic background.

And so that was important as far as bringing diverse, different cultures, multicultural people to the university. And so I think if you train physicians to be multicultural -- they call it cultural competence --

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then I think that helps when you go out and serve these underserved areas.

SENATOR SCOTT: Thank you so much.

DR. DAVIS: Thank you.

CHAIRMAN SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

On my same questioning, but a little bit different since you are a physician and you're wanting to be on the board of a medical university, I'm just going to make this pretty open-ended. But I'd like your opinion as to what you believe the role of the university is and the medical profession in helping us solve the problem of opioids and prescription drug abuse in our state and in our country.

DR. DAVIS: Well, I believe it's a huge problem. And as far as personally, how I've been affected, obviously, you know, as a physician, as a dentist, we have changed now what we can call in over, you know, the phone for these patients that are maybe addicted to opioids.

And so I think as a university, it's very important to take care and to provide whatever needs that someone in your university -- whether it's a student, faculty, or whoever, I think they need to be very sensitive to the fact it's a disease, and it's a very, very bad disease that's causing a lot of problems of a lot of patients who have been through this in the Pee Dee area. And it's so, so important to correct this problem, and I think as a board member, I certainly would be very supportive of whatever means necessary to support anyone with this problem.

REPRESENTATIVE HENDERSON: What about as a profession, as the university that's training future medical professionals?

DR. DAVIS: Yes. I think you see a lot of overprescribing in the medical profession, the dental profession. Maybe not as much in the dental profession as the medical profession, but I think it's a huge responsibility as a physician that's treating patients to understand the problem; and not only to understand the problem but to take whatever steps necessary to fix the problem so that -- a big burden lies on our profession.

And, I think, you know, I'm not sure of the answers to everything. It is a huge problem that needs to be addressed.

REPRESENTATIVE HENDERSON: In your own personal experience when you go and do your continuing ed each year, could you recall ever actually even ever being offered the opportunity or anything, any kind of training in substance abuse disorder or appropriate prescribing and dispensing guidelines?

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DR. DAVIS: Never. I never have.

REPRESENTATIVE HENDERSON: Thank you.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

I'm looking at Tab 10 where you said that you definitely feel that non-South Carolina residents should be paying out-of-state tuition. Do they not do that now? Do they not pay more than regular? Maybe I misunderstood.

DR. DAVIS: Currently, they do. And I may have read that question wrong.

REPRESENTATIVE WHITMIRE: Okay.

DR. DAVIS: But I -- yes.

REPRESENTATIVE WHITMIRE: Yes, I was thinking all out of state --

DR. DAVIS: All out of state pay out of state, correct.

REPRESENTATIVE WHITMIRE: Okay. And I agree with you.

You mentioned earlier in one of your other tabs that the debt that, you know, people are -- young doctors to be or dentists to be are incurring in the hundreds of thousands of dollars, that's -- you know, you're going to spend your first 10 years in residency, you know, paying off your debt, it seems like.

DR. DAVIS: That's right.

REPRESENTATIVE WHITMIRE: I wish there was -- and I don't know if there's an answer to that. I really don't know.

DR. DAVIS: Well, it's a big problem, especially -- I know the medical school is pretty much in line with tuition. The dental school, after the dental school was built, was the highest dental school, public dental school, in the country at one time. I don't know exactly if it's still there. But I was with some of the professors this weekend, and at that meeting they were talking about it, and they said many of the students were getting out with over \$400,000 in debt.

And the issue with that is if you still have enrollment, we still have kids coming in, and they see I'm going to be a dentist or a doctor, but they're walking in the front door, going out the back door, they don't know what's in the backyard. So, you know, you see dentists especially coming out that don't have all the same options that I had even, you know, 18 years ago coming out because of this debt. So it's a big issue.

REPRESENTATIVE WHITMIRE: Well, you seem highly qualified, and I want you to know that one of your colleagues up in Oconee County

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recently gave me my first root canal, and I am still going to vote favorable for you.

DR. DAVIS: Okay.

CHAIRMAN SENATOR PEELER: Ms. Davis. Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

I'm going to continue with Representative Whitmire's questions for a little bit.

Given that the dental school has high tuition when compared to other dental schools throughout the country, what would you recommend and what would you do as a board member to try to reduce the cost of tuition for the dental school?

DR. DAVIS: Well, you know, as you all know well, there was a new dental school that was built a few years ago, and I think some of that is due to the fact that, you know, MUSC is paying a lot of that off. So I don't know all of the budgetary things that go on with the dental school. I know that I would support any effort to try to lower tuition. I think the value of the education is something more that I would try to look at.

And other things I would look at would be after dental school, what are some ways that, you know, we can help pay down this debt. And I think, you know, of course, the military is one option that a lot of people go to. So now there's some rural incentive programs, and some of the dentists that graduate can go to small towns and practice. And the South Carolina Dental Association is supporting that, and I think the legislature has supported that as well.

But, yes, I agree it's, I mean, across the board.

REPRESENTATIVE DAVIS: Well, is the enrollment for dental school down because of the cost of the tuition?

DR. DAVIS: Well, really it's not down, which is surprising to me. And, like I said, I think a lot of people don't understand what they're getting, and they get in, they go, and they don't realize until they get out what they're facing.

Corporate dentistry is a big entity now that has taken over, a lot like the rest of the world, the Aspen Dentals and other areas like that.

And so a lot of the people coming out with this high debt, they're going to work for these places. And I don't want to badmouth anything, but there's a lot of pressure on these dentists to do things that may or may not be completely ethical and because these corporate dentistry places are being run by non-dentists and business people, and they have a bottom line. They tell these dentists -- and I've talked to these dentists.

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They tell them what they have to do, you know, every day, so -- and that's an issue.

REPRESENTATIVE DAVIS: Well, sort of related to that, hasn't MUSC recently instituted a policy whereby the doctors are paid by the number of patients that they see, which sort of incentivizes, you know, that --

DR. DAVIS: They have. They have.

REPRESENTATIVE DAVIS: -- idea where you're just trying to get as many patients through as possible?

DR. DAVIS: They have. I know there was some controversy about that, and I actually spoke with my sister, who is a physician there, about that. And I know some people think it's a good thing; some people thinks it's not a good thing.

REPRESENTATIVE DAVIS: What are your thoughts on that?

DR. DAVIS: Well, I would never want to see anyone motivated by money when you're dealing with treating patients. You always want to do the right thing for the patient, whether -- you know, that's how I've handled my business. I've never gone into it saying, I need to produce this much and do this much. It's always, If I do the right thing, that part will come, and that's how I feel the Medical University should look at that as well.

REPRESENTATIVE DAVIS: Okay. Thank you.

DR. DAVIS: Thank you.

REPRESENTATIVE DAVIS: Thank you, Mr. Chair.

CHAIRMAN SENATOR PEELER: Thank you.

As kind of a follow-up to that, so many medical doctors are selling their practice to hospitals. Do you foresee dentists following in that boat, dentists going to work as an employee of the hospital?

DR. DAVIS: Well, not necessarily. The dentists have kind of stayed out of that thus far. I think what we do see are the dentists selling their practices to these corporate entities. I've seen a lot of that.

These corporate entities, they're coming in, and they're offering a much higher price than the devaluation of your practice. And people are tired. People are ready to sell, and they do.

And so that's what's happening.

CHAIRMAN SENATOR PEELER: That's what's happening.

Other Members have some questions.

I was thinking about time. Are you a solo practitioner, or do you have someone in --

DR. DAVIS: I'm a solo practitioner.

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CHAIRMAN SENATOR PEELER: Would you have time to serve on the board, and how -- would your patients suffer through your service on the board?

DR. DAVIS: I would have time to serve on the board, yes, sir. I feel like with the autonomy of running my business, I've set it up in a way that I would have time, yes, sir.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

Dr. Davis, if there were a change of posture from the federal regulatory agencies -- DEA, FDA, the Justice Department -- and there were available research dollars, what would your position or posture be as it relates to -- and I'm all about peer-reviewed medical and scientific research, but specifically the issue of cannabis.

DR. DAVIS: Oh. I've never been a big fan of this legislation that's happened over in Colorado.

I'll tell you a funny story. I was -- just a side note, I was at the ADA meeting recently and Peyton Manning was our speaker.

And Peyton Manning said, "Well, as most of you know," he said, "I've gotten into the pizza business in Colorado." He said, "I own about 30 Domino's Pizzas -- or Papa John's Pizzas." He said, "With the recent legislative changes in Colorado," he said, "the pizza business has been pretty good."

So it's a joke, but I don't feel that that is a good thing for this country. I feel, you know, some people feel there is a need for that. Personally, I feel that that leads to other things and don't want to see us go down that road.

SENATOR VERDIN: Well, I would probably fall into your camp just by inclination or historical practice and upbringing, but the chairman has thrown me into this matter here over the last couple of years. And I'm really trying to hone in on what would be the justifiable basis of the medical communities, either support or opposition, to that matter, and it always comes back to this matter of where the science is and -- or the lack thereof.

So times are a-changing. I am not going to ask us now to determine for the better or the worse, but this is a matter that is going to continue to be before us, and addressing the matter of good science on the matter is where we all need to end up. So I'm really interested in where our medical research institutions are or could be in this regard.

Thank you.

DR. DAVIS: Thank you.

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CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you. Thank you, Mr. Chairman.

As a board member, can you tell me what do you feel is your obligation to -- in reference to financial giving to the school?

DR. DAVIS: As a board member, I think you have a responsibility to certainly show that you give to the school, and that's something that I do on the local level of the school board that I'm a -- I'm a board member there. And as to the amount, you know, I just don't feel that's a -- should be a set amount. But I do feel like too if you're in the business of supporting your school, certainly the board is looked at as a representative of that school, and I think that a hundred percent participation on the board is something that is a positive thing.

REPRESENTATIVE KING: And how as a board member will you promote keeping costs down while keeping up the high quality of education there at the university?

DR. DAVIS: Well, I certainly would support keeping costs down. You know, I think President Cole has done a good job.

REPRESENTATIVE KING: Can you give me some examples of what you may introduce as a board member to try to keep costs down.

DR. DAVIS: Well, you know, examples, as far as tuition goes -- or are you specifically talking about --

REPRESENTATIVE KING: Whatever you think that will --

DR. DAVIS: Yes.

REPRESENTATIVE KING: -- help keep costs down, because I heard you say that some of these students are leaving with excessive debt of over \$400,000.

DR. DAVIS: Right.

REPRESENTATIVE KING: What would you do to try to keep the costs down for those students so that we do not have a generation where they are graduating and still not able to be self-sufficient because they're so overwhelmed with debt?

DR. DAVIS: I would certainly encourage more scholarships and grant money to help keep costs down from a tuition standpoint. I think that the Medical University has done a good job with that, but I think we could do more with, you know, I think in endowments and fundraising around the communities. There may be some ways that certain small communities could donate the funds to bring others back to their community to help keep costs down for certain individuals.

REPRESENTATIVE KING: Thank you.

DR. DAVIS: Thank you.

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CHAIRMAN SENATOR PEELER: Anything else?

Motion is a favorable report.

SENATOR VERDIN: Second.

CHAIRMAN SENATOR PEELER: Second.

Any other discussion?

We'll take it to a vote.

All in favor, raise right hand.

Thank you.

DR. DAVIS: Thank you very much.

CHAIRMAN SENATOR PEELER: Thank you for your willingness to serve, Doctor.

DR. DAVIS: Thank you.

CHAIRMAN SENATOR PEELER: Next, under Tab C, Gerald E. Harmon, Georgetown.

Good afternoon, Dr. Harmon.

DR. HARMON: How are you, sir?

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. HARMON: I do.

CHAIRMAN SENATOR PEELER: Have a seat.

DR. HARMON: I just may take the right seat.

CHAIRMAN SENATOR PEELER: Okay. That will be good.

Make sure your green light is bright.

DR. HARMON: It is. I checked it out before I sat down.

CHAIRMAN SENATOR PEELER: Okay. Good.

Give us your full name for the record.

DR. HARMON: Gerald Edward Harmon. My nickname as Gerry, spelled with a "G." I'll introduce myself as Gerry Harmon.

Mr. Chairman, thank you very much for the opportunity to speak with this body. Thank y'all very much, senators and representatives. It's a privilege to be here. I want to tell you I thank you for coming in.

I know we talk about your session not starting until June -- January, and it's only for the calendar year almost every week, and I talk to my state senators and representatives, and it's become more than a citizen part-time job. It's a full-time job. And, again, I sincerely thank you for this. God help you for doing it.

Thank you.

CHAIRMAN SENATOR PEELER: Questions? Comments?  
Senator Scott.



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SENATOR SCOTT: First, let me thank you, Dr. Harmon, for your interest in serving. How much do you really know about what's going on at MUSC, especially with the children's hospital?

I had a chance to visit it last week. And all of the progressive things they're doing, they -- even doing well and trying to -- they have a diversity office there. They're doing quite well in terms of service contracts and really trying to keep the community involved.

Tell me about where you are in your thinking pattern with that and what you know about what's going on at MUSC.

DR. HARMON: Senator Scott, good question. I have a fair amount of interaction with MUSC on a number of levels. I am a graduate there. I graduated from there about 40 years ago, and my wife taught there in the school of nursing.

Like Dr. Davis and me, my son was born there. He's, you know, an attorney in South Carolina. I am on the board of visitors currently of MUSC. So I get some inside information, you know. I'm aware of some of that stuff.

You talked about the children's hospital. I've taken a tour of it too.

I know President Cole pretty well. He's a surgical oncologist; still is a practicing doctor, as am I.

SENATOR SCOTT: Still doing surgery.

DR. HARMON: He's still doing surgery, and I'm still making rounds at the hospital. So I make referrals to David Cole. Sometimes I'll call him up, not as the President Cole, but as David, my doctor, surgical oncologist, and talk medical situations with him. So I have inside information.

You mentioned diversity too. I'll go ahead and jump right in with both feet on that. One of the things I get to do in my other part-time job is -- I'm with the American Medical Association. One of the things I would like to do is bring some national perspective to the governing body of the Medical University.

I'm five years into an eight-year term of the board of trustees right now. I'm the chairman of the American Medical Association Board of Trustees. The last three years, I've been the liaison of the Minority Affairs Section, which is the underrepresented minority students, physicians, of the AMA.

Two years ago, I got to present three Minority Affairs scholarships worth 10- to \$20,000 each to three Medical University graduates -- or students, then they've graduated. So I've seen that.

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Last year we only had one. We had a lot of qualified applicants. We managed to bring one there.

You mentioned the contracting for minority qualified businesses at MUSC, and that's great, and I agree with that. One of the things I think our weakness is in health care is we need to get engaged with these students at a much younger age. Not when they're in college; not even when they're in high school. I've been able to -- and I'll shut up in a minute, but you struck a chord here.

I participated in what's called Doctors Back to School with the Medical Association. I've spoken to large groups in Jackson, Mississippi. I've spoken to 900 youngsters in the seventh to the ninth grades, and even to the tenth grades, that were underrepresented minorities in a meeting in one -- December.

I wore my Air Force uniform. I'm retired military, and this was a --  
SENATOR SCOTT: Major general.

DR. HARMON: Yes, sir.

And this was a Junior ROTC gathering. And of these graduates of the Junior ROTC scholarship program down there -- or academic program, 90 percent go on to secondary education after they finish their high school. Ninety percent go to two- or four-year colleges. The average graduation rate for Jackson, Mississippi, graduates for going on in college, probably about 30 percent. So they are three times what their peers are.

One of the things they're doing is going into health care. You know, 20 percent of these jobs in this nation are in health care right now. So it's a big economic deal. Hitting a diverse workforce and giving some economic salvation relieves our tax burden.

So it's a win-win for all of us.

SENATOR SCOTT: My last question, telemedicine?

DR. HARMON: Another nerve. We have telemedicine. I practice it a couple of times a week.

In Georgetown County, where my practice is, I have zero psychiatrists. No full-time psychiatrists, a round number. Horry has about three or four, and they're overwhelmed. So they don't have a lot.

We use telepsychiatry consultations three times a week at MUSC, hosted by MUSC, with -- it's more than a Skype, because it's not just Skype, but it's MUSC-sponsored telehealth, and they do a very good job in my office upstairs daily.

SENATOR SCOTT: Thank you.

(Senator Scott exits the room.)

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CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

So, Dr. Harmon, I can't help but remark on your nickname, Gerry.

DR. HARMON: Yes, sir.

SENATOR VERDIN: My mother-in-law's nickname is Gerry. Geraldine.

DR. HARMON: I've been called that in lighter moments.

SENATOR VERDIN: Well, my mother-in-law would be fainting now if she knew I were telling this story.

But I'm going to ask the question about medical cannabis a little differently than I asked Dr. Davis. If the administration were to approach the board, you serving, and presented as beneficial, efficacious for the university, the community, to engage -- not even aggressively -- South Carolina style, very slow, very conservatively this matter of trying to establish the science here in the State on the matter of medical cannabis -- I've heard a lot of medical commentary from the law enforcement agencies, but I've heard very little from our research institutions. Would you be supportive of administration making that approach to the trustees?

DR. HARMON: Yes, sir, we have to. You've already alluded, Senator, to the fact that we don't have a lot of hard science about a hard topic. So we've got to have peer-reviewed literature. There's been some evidence, and I've seen it.

I keep up with it just because of my position. I have to do these things. Not that I'm going to go out and establish research grants for cannabis use, but there's been some research and peer-reviewed evidence that excessive -- and defining excessive is almost in the eye of the beholder. But regular, immoderate use of cannabis may affect the IQs and intellectual functions of some of our students and become a detriment to their academic and business success careers.

Well, if that's so, then that's hard science. We need to look at that. It may have therapeutic benefit. It helps aid and stabilize uncontrolled seizures, epilepsy.

I'm sensitive to that. My grandson spent a week at MUSC a couple of months ago with uncontrolled seizures. So I never entertain cannabis, medical cannabis. I entertain stereotactic neurosurgery, which is a pretty high-tech thing.

But we managed to find -- after four medicines, we found something that would control him, and it was cannabis. But it is something that we

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need to have hard science on. So the science needs to be done so we can put some political issues at rest.

SENATOR VERDIN: Thank you.

CHAIRMAN SENATOR PEELER: Doctor, do you serve as chairman of the American Medical Association Board now?

DR. HARMON: Yes, sir.

CHAIRMAN SENATOR PEELER: Has the board taken a position on this subject?

DR. HARMON: No, sir, and that's a very good question.

We are interested in peer-reviewed evidence. So we just brought it before House delegates, and I'm going later this week to the House delegates in a meeting. We have two meetings a year. We brought it up, and we looked at it.

We have a Council on Science and Public Health. It has eight distinguished people on it, and they tend to address it. Right now, we're looking for more science, and it just doesn't happen. There's not a lot of research on it, sir.

CHAIRMAN SENATOR PEELER: I asked Dr. Davis and I'll ask you. With your responsibilities, such as the American Medical Association Board, do you have time to serve on the MUSC Board?

DR. HARMON: The first thing I thought when this question -- when the point came up -- and, again, with the untimely passing of Dr. O'Bryan -- he's a long-term friend. I taught his son. He's a third-year medical student. I'm a clinical professor both at MUSC and USC School of Medicine.

I taught Edward. He's now an ER physician down at MUSC.

It came up. Can I possibly afford the time? Do I even want to do this? I gave it some very thoughtful concern, honestly, some prayer, and I looked at the schedule. I mean, then I -- with some hard science, not just how I felt about it.

I looked at the hard science, and I looked at it, and I looked at the next two years of scheduled meetings, because they are publicly scheduled. They're already on the calendar. There are 16 meetings in the next 24 months. My calendar has opposition with only two of them.

So I can make 14 out of the 16. And that -- according to the bylaws, if you make more than half, you're still qualified. So I can't promise a hundred percent. I did call the current board chair, told him about that, and I told my colleagues at the American Medical Association.

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They've got a legal standing that says I am allowed to be a trustee of MUSC without conflict with the other official position. So it's a very good question, and I hope I've answered it.

CHAIRMAN SENATOR PEELER: Thank you.

Ladies this time.

REPRESENTATIVE HENDERSON: Thank you.

CHAIRMAN SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you Mr. Harmon -- or Dr. Harmon, I should say, for --

DR. HARMON: Mister is fine, or Gerry.

REPRESENTATIVE HENDERSON: -- offering to serve, also your service in the Air Force. I have a nephew who is an F-16 pilot, actually, in Canada right now but getting ready to come back to the States.

So I'm going to ask you the same question that I asked before. And not only as MUSC, but, also, I'm interested in your response as chairman of the AMA as far as, you know, the conversations you've had at the national level, but also the role of the university in terms of helping us deal with the opioid and prescription drug abuse crisis we're facing in our country.

DR. HARMON: Representative Henderson, that's a -- it's a public health crisis. The last statistics show 91 moving up to 100 Americans a day dying from opioid overdose. A hundred a day. Any other issue -- which, you know, 700 a week, you're talking about a mass fratricide.

Well, this is incredibly -- this is a public health crisis. So, absolutely, I'm going to tell you I bring -- we have a task force, the AMA Task Force. Patrice Harris, a psychiatrist out of Atlanta, chairs it, and I help put her on that task force.

I'd like for you to know too -- and by the way, the current majority of those 90 to a hundred deaths a day are not from prescription opioids. Seventy percent of them are from illicit use of fentanyl, which is an artificially produced opioid that comes in via our border, produced in another country, or straight old heroin. Some of our folks now are going straight to heroin without having one prescription for opioids.

And you're right. We do have an accountability to all of us. And I will tell you that -- and you mentioned medical education.

The Board of Medical Examiners in the state now allow -- requires us every two years to do two hours of direct continuing medical education, accessing the use and understanding prescription drugs. We have to document two mandatory CME hours every two years, and I've done mine. So we do that.

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I'll tell you, the opioid prescription of -- use is down 40 percent over the last three years absent any legislative intervention. We did it on our own. We were probably overprescribing, no question of it, because it was overutilized and there was a need.

We also felt the need to address someone's pain, so we were trying to make them comfortable. As you recall, you've heard some discussion about that.

But independent of that, we now have this SCRIPTS program, this prescription drug monitoring program, in South Carolina. It's well funded, well directed by DHEC, and we've had increased utilization of it by 800 percent, or 800 times more providers using it. There is also a state law now that says you have to access the SCRIPTS program when you schedule two prescriptions. Every time, I do it.

So there's a lot of regulation in place to help us do that. The bigger representation that we have to come up with -- and y'all are part of the solution too -- under -- Representative Hewitt and Fry are my local colleagues on it that are on the task force here. We have to somehow get away from the stigma of substance abuse disorder and addiction that's being a negative thing. We've got to treat these folks. We need to recognize how to help them. It's a mental health/social science issue that we just don't have good funding for.

REPRESENTATIVE HENDERSON: Let me ask you really quick about the telepsychiatry, and I'm glad you asked about that because that was a pilot program put in our state budget last year with you all on the cooperation between doctors that are participating in medically assisted treatment and their access to the clinical piece. And that's very, very important, and I'm working on that task force, and I'm hoping that we can continue that program. But short of that, I'm going to encourage you that that university really needs to continue that program because it is making possible for physicians to participate in treatment that haven't normally been able to.

And then so related to that, the question is that one of the problems that we have is that we need more physicians that are getting that waiver and participating in Suboxone specifically, but medically assisted treatment. What can we do as a state and what can the university do -- or the profession do to encourage more doctors? Because as we continue to work on this program the availability and access to treatment is, you know, one of the biggest issues that we have.

So how can we work together to make more treatment options available to our citizens that are dealing with this problem?

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DR. HARMON: Mr. Chairman, she knows her stuff. That's right. In order to get Suboxone, it has to have a federal waiver. You have to be in line with the federal regulation.

I actually spoke with the secretary of -- excuse me -- the CMS administrator, Seema Verma, about this a week ago, and I asked her.

And she asked, "What can we do at the AMA level?"

We need to relieve those regulatory impediments, those speed bumps that make it necessary for us to get a waiver. As a practicing physician, I need to be able to give Suboxone without having to go through a special hoop. You know, you're also limited to a number of patients you can have on Suboxone. So there are artificial barriers we put in place.

It is a challenge, and we also need to be able to have the psychiatry folks tell that psychiatry be funded for providing medically assisted psychiatric behavioral science treatment for the abuse disorder patient. What we could do in the state, facilitate grants at MUSC. Dr. O'Bryan, by the way, over at the O'Bryan Institute, is the lead chair of clinical depression in telemedicine at MUSC right now.

REPRESENTATIVE HENDERSON: Well, I look forward to chatting with you more about this.

DR. HARMON: We can talk no matter -- whether I'm on the board or not.

REPRESENTATIVE HENDERSON: Yes, I can talk for hours.

Thank you so much.

DR. HARMON: Yes, ma'am.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

I believe both of us, Representative Henderson and I, have a focus as well that -- a concern that I have, and I should have asked earlier of the previous candidate. I chaired the Sickle Cell Study Committee here in South Carolina. And so I have a question of something I learned about sickle cell.

I have two nieces that suffer with sickle cell, and one has SS, which is the really extreme and then get really sick with sickle cell. And as a matter of fact, she's in the hospital today with it.

What will you do to promote and encourage more research by the Medical University of South Carolina in reference to sickle cell, and how would you -- because I find that -- or I found that there are many physicians who are not educated on sickle cell. How would you all promote that as a part of the educational program there at MUSC so that

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as children are aging out and becoming adults, that they are not identified as drug seekers?

DR. HARMON: I didn't have access to your questions ahead, but Julie Kanter is our lead investigator and manager. Julie and I worked together on a telehealth project. We treat adult sickle cell patients with IV infusions. We get them pain relief. We give them IV saline so that they don't have to go to the emergency room with a sickle cell crisis.

We have a telehealth conference every two weeks, and she monitors that out of MUSC, and I supervise an advanced practitioner infusion clinic in our Georgetown hospital for that. So, yes, there's a grant. I've actually signed on for an extra grant on it. It comes to the institution; not to me.

Those are the ways we educate our staff and our emergency room physicians, that they are not just pain seekers, pain medication seekers. These are folks with valid medical needs, and if they can get treated before they begin a pain crisis, then they don't need the pain medicine. The research on sickle cell itself is still -- hopefully, it'll be in the promise of genetic medicine, a specific medicine, if we can do genetic therapy and manipulate those genes and chromosomes.

And we can talk about an ethical issue. The AMA does have a position. I'm not sure where to go with that.

Maybe we can literally cure sickle cell one day. We don't know. That would be nice.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chair. I do have a couple of questions.

The first question, you had mentioned earlier that you felt like you could bring a national perspective to the board through your experience with the American Medical Association Board. Could you give us some additional detail on what that might look like and what sort of results, what we might see, from your national perspective.

DR. HARMON: Fair question. It just can't be a promise. You have to have some products, some details in there.

And it was not only the organized medicine nationally, it's my military experience too, because I've been -- and they were kind enough to note I was 35 years in the military and the reserves and the Guard and active duty.



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One of the things MUSC represents is not just a medical university. It is a health professions university. It is a freestanding, six-school university. It's pretty cool.

To want to be on this board, you don't want to do it for the football tickets or anything else or the away games. You want to do it because it's for research and science. MUSC has The College of Health Professions, Graduate Studies, Pharmacy, Nursing, Dentistry, and Medicine at a research-based institution in a medical school in a hospital. I mean, it has all the trappings of the leading health care organization in this country. It's one of the few in the whole country.

I'd like to see MUSC get credit for that. I'd like to see them recognize what they're able to bring to the table: their diversity efforts, their efforts at sickle cell, the research, the medical school. I think we can do some of that right now.

I spoke the other day to the Lewis Katz School of Medicine at Temple University in downtown Philadelphia. It is the fifth most commonly applied to medical school in the country. And why anybody wants to go to downtown Philadelphia and practice medicine in Temple University just blows my mind. It's because you have a good reputation nationally.

They have all these professors and research grants. They garner good people to apply. I want those students to look in their top five to be at MUSC applying for medical school or dental school or nursing or health professions in general. I think we can make that work.

REPRESENTATIVE DAVIS: Okay. Sort of following up on that, you had mentioned that you thought it was a weakness that the school had six different health care institutions on one campus. So I'm trying to reconcile all that, right?

So is that an advantage that we have the diversity, or is it an advantage because there are additional costs associated with, you know, basically taking care of that diversity of health care institutions? So talk a little bit more about what you mean by that.

DR. HARMON: I agree. And you picked up on it, yes, ma'am. It's our strength that we can do that, and when you teach team-based care or team-based health care delivery so that it's a nursing issue, it's a dental issue, it's a health professions issue, it becomes a management issue for our administrative team, so they can recognize the need for doing cannabis research or medical research on sickle cell. But it also means that President Cole and his board has to deal with nursing issues, healthcare and management issues, dentist issues. The cost for the dental tuition, as mentioned by Dr. Davis, is pretty doggone high relative -- in

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fact, the most debt is actually incurred by the pharmacy's graduates down there.

When I was down there at the board of visitors, you know, the highest debt served -- it has to come from the pharmacy and, I guess, because it's a five-year tuition. I don't know, but most of the debt, where it is borne, is by their pharmacy graduates, not their nursing or dentistry or medical graduates.

I do think that the -- I think we have to divide -- I think President Cole and the MUSC Board has to divide its attention to give a fair shake to the College of Health Professions and not just the glitter professions, the medicine. Everybody says, "Well, it's a medical school. It's a medical school."

It is not just a medical school. It is a dental school. It is a nursing school. It allows me as a physician leader to recognize the team-based approach to delivering health care and the change in the way health care is delivered as far as resources and conservation of money.

REPRESENTATIVE DAVIS: And one follow-up question. You mentioned the virtual classroom.

DR. HARMON: Yes.

REPRESENTATIVE DAVIS: I have 20 years of IT and a math degree, by the way, so I'm always looking out for technological advantages. Is that a way to reduce the cost of the medical university?

DR. HARMON: It was made for that. We don't need -- and I know we need a new medical -- a new hospital for children's hospital. There's no argument there. My son was in that children's hospital, so I know how desperate -- my grandson.

My son was there because he wouldn't leave his son, so -- but there were three generations of Gerry Harmons in that room. And David Cole came by and told me -- bless his heart -- told me hello because he knew I was there. He recognized the name.

But, yes, that's how we can reduce the cost and still get quality. That's how we can make it attractive. We can do telemedicine. We don't have to have teaching in a brick-and-mortar institution anymore, whether it's at Winthrop, Francis Marion, or MUSC.

You need a qualified professor and you need interested students, motivated students. You need a way to make sure you have quality controls of what they are transmitting and learn, and then you have a way to test their evidence, that they have learned it. And I do think telehealth and teleteaching is part of the way to reduce the cost.

REPRESENTATIVE DAVIS: Okay. Thank you.

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I look forward to cost savings and a tuition reduction.

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Chairman. I'll ask for a favorable report.

CHAIRMAN SENATOR PEELER: I had a couple more questions, and then I'll entertain that.

Doctor, I see on your report, "Defendant, defendant, defendant, defendant."

Is it the type of medicine you practice -- is just you have to be more of a defensive medicine-type person or what?

DR. HARMON: I'm not sure I understand.

CHAIRMAN SENATOR PEELER: Well, you had a defendant malpractice, dismissed; personal injury, dismissed; some cases mediated; a malpractice. It was dismissed. A lot of them were -- evidently, you were a part of --

DR. HARMON: I don't have one. I don't know.

CHAIRMAN SENATOR PEELER: Okay. Am I reading that right?

Okay. You may want to look at the information SLED sent in and see if there's a discrepancy there.

DR. HARMON: I may have been an expert witness in some of those.

CHAIRMAN SENATOR PEELER: Maybe that's where it was. I was just looking at the notes here.

DR. HARMON: Okay. Yes, sir.

CHAIRMAN SENATOR PEELER: Any other questions? We'll entertain the motion of a favorable report.

REPRESENTATIVE WHITMIRE: Favorable.

CHAIRMAN SENATOR PEELER: Is there a second?

REPRESENTATIVE DAVIS: Second.

CHAIRMAN SENATOR PEELER: Second.

Any other discussion?

All in favor, raise your right hand.

It's unanimous.

CHAIRMAN SENATOR PEELER: Senator Scott said he had a doctor's appointment. I said, "Well, I have two here."

Now I've got to go see mine.

DR. HARMON: Thank you again. I appreciate it.

CHAIRMAN SENATOR PEELER: Thank you, Doctor. Thank you for your willingness to serve.

DR. HARMON: Thank you.

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CHAIRMAN SENATOR PEELER: Now we'll go to the University of South Carolina, 14th Judicial Circuit, expires 2020.

First, Tab D, Kent Eddy.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. EDDY: I do.

CHAIRMAN SENATOR PEELER: If you will give us your full name for the record and a brief statement on why you'd like to serve on the USC Board.

MR. EDDY: Sure.

My name is Kent McBride Eddy. I'd like to thank you for the opportunity today to speak to you about the University of South Carolina.

While my passion is for the University of South Carolina, my passion runs deeper than that. It runs for higher education and providing an opportunity for young children and young adults to have the opportunity to attend college if that's what they so choose.

Why the University of South Carolina? With eight campuses and almost 50,000 students, the impact could be significant and the ability to serve and reach the number of students.

And so outside of my family and my work, certainly my passion is trying to help young people attain their goals for the future.

CHAIRMAN SENATOR PEELER: Thank you.

Question or comments of Mr. Eddy?

Representative Davis.

REPRESENTATIVE DAVIS: Thank you. I'll get us started.

One thing that I've noticed being here in Columbia is that when you're driving around campus, students are everywhere. And seeing that you've got experience in buildings and grounds and that kind of thing, what would you do to ensure the safety of those students? Because I'm concerned about the students there in the middle of all that traffic. Is there something different that you would do with the grounds to make it safer for the students?

MR. EDDY: Okay. I certainly appreciate that question.

I will tell you that what the University of South Carolina has done with the streetscape in downtown Columbia and the investments that have been made have been tremendous. And trying to bring that campus together and tighter, it has certainly been an improvement. But there are risks associated with that, and I share that same concern.

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Florida State had a similar-type issue where their campus was spread amongst the middle of Tallahassee, and it ended up -- and this would be an uphill battle in the city of Columbia, is that Florida State found a way to reroute traffic around downtown. I don't know that that is a viable solution in this scenario, but it's certainly something that should be considered in certain areas. That intersection at the Darla Moore School of Business is particularly concerning, and that's an area where students are crossing that road on a pretty regular basis.

And so I think we've got to continue to look at alternatives there to try to find a better solution.

REPRESENTATIVE DAVIS: Thank you.

MR. EDDY: Thank you.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

Can you tell me how you would promote diversity on campus through faculty and staff as a board member.

MR. EDDY: Sure. I appreciate that question.

One of the things in South Carolina, I think we have made a lot of strides in taking first-generation college students -- and some of those, in certain scenarios, being minorities -- and educating them and providing college degrees. And more can be done along those lines with merit-based scholarships. Need-based scholarships, aside from just merit based.

But I think one of the unique things where we really have an opportunity is mentoring incoming students and educating them on the opportunities within higher education. I come from a background of higher education where I coach college golf. I was an assistant athletic director, and I was an associate vice president for business.

Not many kids that come into school go in thinking that they're going to be a college professor. Not many think that I'm going to work as a dean of student affairs at a college. I think that we have a unique opportunity there, in particular with a master's degree in higher education and being able to go on and get a doctorate's, to mentor some of these students and teaching them about opportunities in which they can advance, not only at the University of South Carolina, but it may be Winthrop University. It may be Francis Marion.

So I think we are well positioned with our degrees in higher education, as well as being able to serve as the research institution, to be able to cultivate some of our South Carolinians in teaching them about opportunities within -- to serve as a faculty or a staff member at a

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university. It's just not a well-publicized profession, and I think there's a way to mentor students.

REPRESENTATIVE KING: How do you propose to -- as a board member to ensure that there's a pathway for these minorities to move from being adjunct instructors to full-time professors at the university? Would you be a voice to ensure that that happens?

I find that if they are good enough to be adjunct instructors, they should be -- and teaching in some of the core classes within the department, how would you -- without micromanaging and allowing, you know, the school to -- manage the school but being a board member, how would you promote the advancement of people of color?

MR. EDDY: Well, and I think part of that goes in line with what it means being an adjunct professor. Sometimes being a night school student at Charleston Southern, I had to -- I had a lot of adjunct professors, and a lot of those professors had full-time jobs during the day that paid them a lot more than the labor of love of teaching college courses.

And so their path was not such that they wanted a full-time tenured position as a professor within the university, but for those that are qualified and that is their desired path, I think you have to set up a system within those to continue to bring all of your professors along to be the very best that they can be. And in doing so, you -- in order to be number one in whatever program you're offering -- I will use international business as an example of that -- you want your very best professors, and you want to get your very best professors trained and cultivated.

And so you're going to do everything you can to take them along that path and bring them along to be full tenured professors.

CHAIRMAN SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you. Thank you, Mr. Chairman.

Along the lines of my questioning that I've already been pursuing -- actually, looking at a July 2017 article in The State newspaper with a headline "Up to 1,350 USC Students Need Help Recovering from Addiction," according to the incoming freshmen survey, and this group of students, Carolina Recovery, actually went to the board of trustees and asked them to start a program, which my understanding is they are, but what's your position on the whole issue of providing not only support for students struggling with substance abuse, but also providing safe harbor, you know, events and things for students that don't want to

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participate in events that involve alcohol and eventually, obviously, at some point, drugs too?

MR. EDDY: I appreciate the question.

I have a 19-year-old daughter who is a freshman at Wofford, and I am fortunate enough that my daughter has made the choice not to drink. But I will tell you, as a father, it is something that is very scary, to send a child off to college and have to worry about that.

She has a teammate. The very first day of school, called my daughter to come and take care of her. Here is a child who is away from home from Virginia being taken care of by an 18-year-old child. Several weeks later, having to go to the hospital to pick this child up in the middle of the night because the child had too much to drink.

It is a problem, and it's a problem on all college campuses. As a member of the board of visitors, we have taken on a task this year. And one of the things that we want to do is we want to address Greek life, because I think that that is a place where we can start and make a significant impact. It's not going to solve the problem because it's not limited to Greek life, but it is an area that has always had the stigmatism that that's where it begins.

The challenge with taking on Greek life is that is a -- that's one of the most powerful lobbyist groups that you're going to encounter in higher education. And so there's some challenges within that in working with those students, because they come with a large lobbying force behind them.

Some thoughts, some ideas, some suggestions that could hit the table are versus having rush in the fall semester, deferring that for incoming students until the second semester. Taking the opportunity to try to mentor and advise young college kids that are coming in at 18, 19 years old who do not have the ability at that point to make reasonable judgments relative to the impacts of alcohol. Many of them have experienced it at a younger age, but you're hoping at this point in time that you can advise them and teach them of the harmful impact and what happens when you lose control, when you have no control of your body.

We have a significant problem, and it's not limited to South Carolina but to all college campuses. And as a board, we've got to do more because that's a liability there.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: The same subject. I'll try to vary the question.

If the school of medicine brought to the board the opportunity -- I know the resources are differently applied than the sister medical

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institution, but given the opportunity to put some -- or rudder in the water on this matter of medical cannabis, would you encourage the school of medicine to do more or less?

MR. EDDY: I'm of a similar belief to you, that we have to have medical research. And having the previous testimony of the chair of the AMA saying that research is not there, I think we're a significant time frame away from being able to make that decision and pursue that option. I think it's something that we've got to remain very knowledgeable about, and what are the alternatives that if we choose not to go down that path, where can our money best be used to find alternative research.

I'm not in favor of it, personally, but I would have to keep an open mind relative to what the medical research showed, because I don't think the positives can outweigh the negatives at this point in time.

SENATOR VERDIN: Well, I appreciate your response, and I should thank the chairman and the indulgence of other Committee Members for allowing me to ask this question.

We do have legislation pending before the General Assembly on this matter and have had now for two sessions. And what you've just expressed and all of the previous candidates is just the spirit of South Carolina. Twenty-nine other states have preceded us, and the general concern is this matter on a national level may eclipse what we are able to accomplish or control at the state level. And I'm just -- when you said "open mind," I'm just looking and trying to encourage everyone that can come to bear on the matter.

This is something that should have our attention and not just be relegated to another time, another day. It's something we really need to really ramp our awareness and our proactiveness up on and at the research institution level, because I -- we have a political atmosphere across this country on this matter, and not so much that I'm convinced of a medical or scientific response to.

So, generally, Mr. Chairman, Members, I am encouraged by all of the responses so far.

I might not be able to stay long enough to ask the other candidates on the same question, so maybe my colleagues will query some there in my absence.

But thank you so much.

CHAIRMAN SENATOR PEELER: Any other questions or comments?

REPRESENTATIVE WHITMIRE: No.



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CHAIRMAN SENATOR PEELER: What's the desire of the Committee?

REPRESENTATIVE WHITMIRE: Favorable.

CHAIRMAN SENATOR PEELER: Motion is favorable.

Any discussion?

Hearing none, all in favor, raise your right hand.

MR. EDDY: Thank you very much.

CHAIRMAN SENATOR PEELER: Thank you, Mr. Eddy, for your willingness to serve.

Next, under Tab E, Frampton Harper from Beaufort.

Good afternoon, sir.

MR. HARPER: Good afternoon.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. HARPER: Yes, I do.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name and a brief statement on why you would like to serve on the USC Board.

MR. HARPER: Yes, sir.

Frampton Lawton Harper, II. I'm a third-generation South Carolinian. I'm a graduate of the USC School of Law, class of 1993. Some of my first memories are Gamecocks sporting events on the radio, listening with my father. And my grandfather is class of 1933.

I want to give back to the university that's given so much to me and my family.

CHAIRMAN SENATOR PEELER: Questions?

Since you said you're going to leave early, do you have one, Senator Verdin?

SENATOR VERDIN: Has it crossed your mind as you contemplated service to the university that this might be within the realm of what's pertinent activity on the part of the university engaging in medical cannabis research or at least addressing the matter responsibly being in a position to -- and we've had the school of medicine, as well as other researchers outside the school of medicine, from USC come and testify before the Senate.

Have you come to the point in life, or just awareness of this matter generally, that it might be a point of address?

MR. HARPER: Yes, sir. Our state senator, Tom Davis, has been fairly active on this issue. I would take the issue a step further and say

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the issues of anxiety and depression. I know it also treats seizures oftentimes.

And I'm not a doctor, so I haven't studied the science. I know the rates of anxiety and depression are skyrocketing in this country. And I'm not a psychiatrist or psychologist, and I think there is a need for more information about -- I think it's THC, which is part of the marijuana effects that helps.

SENATOR VERDIN: Tetrahydrochloride. That's good.

MR. HARPER: Is that correct?

SENATOR VERDIN: You're on it.

MR. HARPER: Okay. But I'm certainly no expert, and I'm open to the opinions. Any medical help that can help someone with mental illness or seizures needs to be looked at.

And I also heard a question earlier about the opioid crisis that's going on in our country.

SENATOR VERDIN: Yes.

MR. HARPER: I follow that fairly closely. And I'm not an expert, but, obviously, it's a very big problem running throughout our country. And there are even off-market drugs from China that are finding their way here and doing a lot of damage, to our young people particularly. So I'm aware of the issues to the degree that I can be.

SENATOR VERDIN: Well, thank you, Mr. Chairman. I would use the expression -- and it's been my point of inquiry -- staying in position and posture to honor the sanctity of the doctor-patient relationship, and to be able to trust that relationship having the parameters set by the medical community, which comes from peer-reviewed science, to ascertain the efficacy or lack thereof of this drug.

So I appreciate your candor.

MR. HARPER: Yes, sir.

SENATOR VERDIN: Thank you.

MR. HARPER: Thank you.

CHAIRMAN SENATOR PEELER: Questions?

Representative Davis.

REPRESENTATIVE DAVIS: Yes, hi.

I notice that you had listed the biggest weakness of the school being the unused potential.

MR. HARPER: Yes.

REPRESENTATIVE DAVIS: So what do you -- what is that potential and tell us about that, and tell us how you would use that potential.

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MR. HARPER: I believe the focus on the use of resources -- financial, time, attention -- they are broad concepts, but they're very important. And, for example, we have technology that's in our world now on handheld devices and computers that are affecting our youth. And I don't want to sound judgmental, but a lot of time spent playing video games, I don't think it's well spent. And that did not exist -- well, I'm 50 years old.

So the first video games came out when I was in high school, and they were basically Nintendo. We live in a different world now, and the time, money, and attention that we spend can be well spent or, frankly, frittered away. If we make an investment in infrastructure -- for example, crosswalks. I think somebody mentioned the infrastructure of the University of South Carolina.

I am former military, and I served as a safety officer. "Safety first" is the motto that I try to teach others and also practice myself. And the money spent for crosswalks, perhaps at Williams-Brice Stadium -- you know, the traffic that has to get from the fairgrounds to the stadium, it's very dangerous, and you've got a lot of people buzzing around there in golf carts and so forth. So maybe some infrastructure there, for example.

And then you have -- our campus is largely in the city. And there's some strengths to that, but there are also some weaknesses. And I went to law school here. I lived not far from Five Points in a duplex, and some of those safety -- we had that tragedy when the Kentucky game happened.

It's deeply concerning about safety. So I hope that answers your question. That's a broad answer.

REPRESENTATIVE DAVIS: Okay. Thank you very much.

Thank you, Mr. Chair.

REPRESENTATIVE WHITMIRE: Favorable report.

CHAIRMAN SENATOR PEELER: I've got one quick one.

On your SLED report, there's several -- defendant in a bench contract, dismissed; defendant in a legal malpractice, dismissed. Two in February of 2005 and October of 2004. You were a defendant in a property suit. Both of them say pending.

Are they the same property suit? Are you familiar with them?

MR. HARPER: I don't know without looking at them in detail. As a real estate lawyer, I've been sued about four times, I believe, over 25 years. I sign the front of checks, and part of that is the potential to be a defendant in a lawsuit.

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I can say broadly that in each of those matters, I was a closing attorney where something went wrong, and someone pointed the finger at me. And I can go through those --

CHAIRMAN SENATOR PEELER: You got hit with a trap.

MR. HARPER: Yes, sir. Yes, it's wide-cast net, so to speak, and a real estate lawyer does have malpractice insurance. But I've been through those. I think the studies with insurance claims, a real estate lawyer gets sued about every four, and I think I've been sued four or five times over 25 years.

Generally, it's a -- well, I've already spoken generally. Thank you.

CHAIRMAN SENATOR PEELER: Talk to your trial lawyers --

MR. HARPER: I understand, sir.

CHAIRMAN SENATOR PEELER: -- in law school.

SENATOR VERDIN: Your buddies.

CHAIRMAN SENATOR PEELER: Yes, your buddies.

Any other questions or comments?

SENATOR VERDIN: Favorable.

CHAIRMAN SENATOR PEELER: Motion is a favorable report.

A second is heard.

Any other discussion?

Hearing none, all in favor, raise your right hand.

Good.

MR. HARPER: Thank you.

CHAIRMAN SENATOR PEELER: Thank you for your willingness to serve, Mr. Harper.

MR. HARPER: Yes, sir.

CHAIRMAN SENATOR PEELER: Next, Tab F, Rose Newton from Bluffton.

Raise your right hand.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. NEWTON: I do. Thank you.

CHAIRMAN SENATOR PEELER: For the record, if you would give us your full name and a brief statement on why you would like to serve on the USC Board of Trustees.

MS. NEWTON: I will. Thank you so much, Senator Peeler.

Again, my name is Rose Buyck Newton, and I am very excited to be in front of you all today. I would like to, first of all, express my deepest thanks to Representative Davis, King, Representative Henderson and Whitmire, Senator Peeler, and Senator Verdin for your willingness to

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serve. I recognize the sacrifice that you all make to your businesses and to your family, and I say thank you.

I am very excited about the opportunity to possibly serve the University of South Carolina Board of Trustees. I am a third-generation Gamecock. I graduated from the business school MBA program in 1994.

I have continued to be active within the university. I am a member of the alumni association, a past member of the board of visitors. I most recently was very thankful to be able to accept the Distinguished Alumni Award from the business school for my father, who recently had a stroke and was unable to attend. But I'm the most proud of being the daughter of the first female to graduate from the business -- from the MBA program at the University of South Carolina.

I'm very passionate about the university, and as a businesswoman with 15 years of corporate governance and 15 years of executive management experience, I believe I bring a skill set to the university board.

CHAIRMAN SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: I beat out Senator Verdin on the draw.

CHAIRMAN SENATOR PEELER: He's going to leave.

SENATOR VERDIN: I'm going to make it easy on all of you.

CHAIRMAN SENATOR PEELER: Oh. Okay.

Representative Henderson.

REPRESENTATIVE HENDERSON: I'll make it quick because I have another hearing.

Thank you for offering to serve.

So how many other women are on the board of trustees?

MS. NEWTON: Well, the secretary of education, Molly Spearman, serves as an ex officio.

REPRESENTATIVE HENDERSON: She's ex officio, though.

MS. NEWTON: And then there's one female, Leah Moody.

REPRESENTATIVE HENDERSON: Out of how many; do you know?

MS. NEWTON: Twenty.

REPRESENTATIVE HENDERSON: I don't even know what to say.

CHAIRMAN SENATOR PEELER: Makes your head turn red, doesn't it?

REPRESENTATIVE HENDERSON: Yes, that really does. It really does.

I blame myself, honestly, to not try to go find people to run.

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But let me ask you my question, again, about the whole issue with addiction. And this is not so much alcohol, as we know is a serious problem, but drug addiction and what the university is doing or should be doing to help students that are struggling with this problem.

MS. NEWTON: Well, I don't think you can turn on your TV or open up your iPad and not see some evidence of the opioid crisis that is occurring, not only in South Carolina, but across the country. And it has become an epidemic. I believe that it is an all-hands-on-deck issue. I'm very appreciative of what the General Assembly has done with the opioid study under, I know, the direction of Representative Bedingfield. He's been very instrumental.

I think that everybody needs to do their part, and the university, like you mentioned before, I think was able to get a \$23,000 grant to do a collegiate recovery program this year for the students and/or faculty, but so much more needs to be done. And I think we need to look at other schools that are making an impact in this arena. We need to do more from a board perspective, from a university perspective, and I know that the university is continuing to try to look at even doing more, adding a full-time person in 2019.

But there are other programs. Wofford, I know, has implemented a drop box for extra prescription pills that students may not -- or faculty may not need anymore. The College of Charleston has also implemented a recovery program. But we need to take it from being a stigma and recognize it as a disease, and I do think that will make a difference.

And we need to do more on the education program in terms of educating people on the problem and the severity of it.

REPRESENTATIVE HENDERSON: Yes, just one thing about the stigma. I look at this survey, this self-reporting survey of incoming freshmen, and they say 4 percent are struggling with this. I mean, I'm going to tell you, on a national level one in five high school seniors have experimented with prescription drugs.

So you know that nobody wants to say that they're dealing with it because they don't want people to think that, you know, they're a bad person. So I'm sure that you all would understand that it's probably a whole lot bigger problem than what people are saying, kids are saying, when they're asked on some kind of survey, so...

Thank you.

MS. NEWTON: Well, and I will also say that education is a big piece of that in helping to overcome that stigma. I do know that Sonny, the --

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one of the lead -- not the singer, but one of the band members of Hootie and the Blowfish, has been very vocal about his drug addiction, and I think more voices like that will also help overcome the stigma. But implementing education programs, having the college campus police, having more resources is very important.

REPRESENTATIVE HENDERSON: Thank you.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: I'm truly not trying to solicit any great elaboration on the matter, just really thumbs up, thumbs down on the school of medicine to engage in any level of medical cannabis research.

MS. NEWTON: Well, as a constituent of Senator Davis, we have maybe more knowledge than most, but I'll have to agree -- and I learned a lot from Dr. Harmon -- that I would like to see more specific research. Personally, I have a problem with it, but I'm also open-minded. I have a very close college friend who flies her daughter to New York for treatment for epilepsy. So it hits close to home.

And it takes just a couple of times with Senator Davis, and you get more information, so -- which is a good thing, and it helps you have an open mind.

SENATOR VERDIN: Thank you.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: I thank you for your willingness to serve and be here with us today.

I do have a question, and it relates sort of back to one of my earlier questions. I believe it relates back, but you had said that you thought the biggest weakness was the lack of a cohesive college campus, and I'm assuming that you're meaning physically cohesive. But I would like for you to just describe what you mean by that and how as a board member you think you might impact that.

MS. NEWTON: Specifically -- and I think it's been mentioned already, but the expanse of space in downtown Columbia for prospective students has -- can potentially be a weakness for the university. But I also think being more creative in terms of more infrastructure, walkways, a better use of some of the busing facilities to bus students back and forth, I think would -- could help at least alleviate some of the image issues associated with -- and some people may like a big, giant campus in the middle of downtown Columbia.

REPRESENTATIVE DAVIS: I appreciate, though, that you recognize that there is a potential safety issue for the students.

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MS. NEWTON: Well, and I know Girls State was moved from Columbia to PC for that specific reason. And it's -- you know, you're looking at 700 potential women of leadership roles all from the state of South Carolina who are not able to spend a week at the university campus for that specific reason, and it was safety.

REPRESENTATIVE DAVIS: Okay. Thank you very much. Thank you, Mr. Chair.

CHAIRMAN SENATOR PEELER: Thank you.

Now, what's the desire of the Committee?

Favorable report.

A second.

Any other discussion?

Hearing none, we'll take it to vote.

All in favor, raise your right hand.

Thank you.

MS. NEWTON: Thank you so much.

REPRESENTATIVE HENDERSON: Yes, I just want to -- I have to go chair an oversight committee meeting.

And so I will be leaving, but I just want everybody to know that I'm still working.

CHAIRMAN SENATOR PEELER: Okay. Thank you, Representative Henderson.

And Senator Scott had to leave for a doctor's appointment, and Senator Alexander is not here. So we still have, what, four?

(Representative Henderson exits the room.)

SENATOR VERDIN: I'm ready.

CHAIRMAN SENATOR PEELER: We'll carry on.

Tab G, Tim Pearce, Beaufort.

DR. PEARCE: Thank you, sir.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. PEARCE: I do.

CHAIRMAN SENATOR PEELER: If you would, give us your full name and a brief statement.

DR. PEARCE: My full name is Holden Timberlake Pearce, but I generally ask people to call me Tim, you know. I'm a surgeon from Beaufort, South Carolina. I'm actually the senior surgeon at Beaufort Memorial right now, and I've been interested in leadership roles and the organizations that really have meant a lot to me.



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I graduated from Carolina and went to medical school at MUSC. I did my surgical training in the Navy. But once I opened a private practice, the local hospital and its welfare as a not-for-profit organization was important to me. So I served on that board and as chairman of the board.

I also have developed an interest in the politics of medicine and served on the board of the SCMA, chair of that board for three years, and then past president of that board.

But what really, I think, got me interested in higher education was back in 1997, I was appointed to the Beaufort-Jasper Higher Education Commission, which is a partnership group with the University of South Carolina Beaufort. It was established by a 1994 act, and I am not sure that many people really understand what we as an organization are actually able to do.

We support USC Beaufort. We can receive money from donations, but we also can contract. We can build buildings, and we can partner with the university to try to help their needs.

And in this day of less, maybe, public support from the legislature, it has been critical to the growth of our university. And we have actually seen that what we've been able to build was dormitories that would fill up right away, a student center, a gym, and then we now know that we have been listed as the fifth fastest-growing, you know, public university in the country in one higher education publication.

So with that in mind, I work closely with former Chancellor Jane Upshaw and current Chancellor Al Panu to advance the cause of USC Beaufort. And when this position became open, it was Jane Upshaw that called me and encouraged me to run for this office.

And so I'm here and running.

CHAIRMAN SENATOR PEELER: Okay. Thank you.

Questions or comments from Members of the Committee?

SENATOR VERDIN: I've got a question.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: I've just been burning for somebody from Carolina.

Is it officially the USC Gamecocks or the USC Fighting Gamecocks?

DR. PEARCE: Officially, I have always referred to it as USC Gamecocks, but it sure works either way for me.

I thought you were going to ask me if USC Beaufort is the Sand Sharks. And so --

SENATOR VERDIN: Well, I was wondering.

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DR. PEARCE: Yes.

SENATOR VERDIN: I was wondering. Well, sand sharks, do they fight?

DR. PEARCE: I sure hope so.

SENATOR VERDIN: Dr. Pearce, you served on the first Medical Marijuana Study Committee, which I believe was a joint House-Senate effort --

DR. PEARCE: Yes, sir.

SENATOR VERDIN: -- headed up by, I guess, Senator Cleary. I don't remember. I wasn't serving.

DR. PEARCE: I think Dr. Davis -- Senator Davis, yes.

SENATOR VERDIN: And you served.

DR. PEARCE: Yes, sir.

SENATOR VERDIN: Did you have any -- I'm going to presume that you came in with a wealth of background and information on -- or as a medical practitioner, you came to the table with a multitude of experiences, backgrounds, and perceptions. Did anything change for you in the course of how you perceive the subject in the course of your time of service on that study committee?

DR. PEARCE: Do you have 20 minutes, or --

SENATOR VERDIN: They don't. I know I would.

DR. PEARCE: No, I won't.

Let me just very briefly -- you know, I am one of the few people that have never smoked marijuana. Just, to me, the idea that my children or others, you know, find that appealing is just something that I have not been able to do. But just remember that medical marijuana is cannabinoid oil, which is a component of regular marijuana, and cannabinoid oil itself has a very low amount of THC, which is, you know, the euphoric component. And, you know, we don't have the research, you know, that we need for the medical profession to say, Yes, this is a good thing.

But as a part of the task force that I was on, we went around the state, and we heard countless testimonies from individuals that would bring tears to your eyes in terms of the sufferings that they had that were made well by the use of medical marijuana. So you can't help but at least, you know, pay attention to a six-month-old with constant seizures who is not responding to traditional medicine who does respond to medical marijuana. Yet since it's Schedule I, since we have limited ability to research it, then the medical community still has a hard time getting on with that.

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A very brief aside, you know, I have a granddaughter that has an issue that I will not go into except to say that, you know, the idea or the possibility of the use of medical marijuana in her has come up, and it's given me a new perspective, you know, on, you know, how I would go. Hopefully, we will not need to do that.

But we do need the research, and would I encourage, you know, my university, both of them, USC or MUSC, to be more involved with that research? Yes, I would.

SENATOR VERDIN: Okay. Thank you.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

And I serve with you on the --

DR. PEARCE: I remember that, yes, sir.

REPRESENTATIVE KING: Can you tell me -- let me get my question for you -- how you would promote diversity with the faculty and staff if you are appointed or elected, I mean, as the -- on the board of USC.

DR. PEARCE: Well, to be honest, Representative King, to say that I know what Carolina has done or they have not done, you know, in that regard, you know, I have to be honest in saying, you know, I do not know. But I do recognize the importance of your question, and I think that as a board member, you know, along with a number of other key items, that's something that I need to be educated about when I -- if I'm fortunate enough to get there as to exactly what the current status quo is and, you know, what has been done.

And the other thing that I can do as a board member is to make sure that the rest of the board knows that I believe that it's an important topic that needs to be appropriately addressed.

REPRESENTATIVE KING: And I would say that I appreciate your answer to Senator Verdin's question in reference to cannabis, medical cannabis. I feel like you were probably -- and not to discount anyone else, but forthcoming, and I really appreciate your answer.

DR. PEARCE: Thank you.

CHAIRMAN SENATOR PEELER: Dr. Pearce, you say here that one of the strengths of the university is the leadership of President Pastides, and then you say abatements. As it pertains to out-of-state tuition versus in-state tuition and abating the out of state and allowing those students to pay in state, if the president sees it one way and you see it the other way, are you strong enough to oppose that?

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DR. PEARCE: The board-CEO relationship is fairly clear. The CEO, or the president, you know, works for the board. Yet, you know, as an individual what you would need to do is to seek support from other board members. And having been on a number of boards, I've had a number of opportunities to do just that.

CHAIRMAN SENATOR PEELER: Any other questions or comments?

Hearing none, what's the desire of the Committee?

REPRESENTATIVE KING: I have --

CHAIRMAN SENATOR PEELER: Oh. We have one more.

REPRESENTATIVE KING: -- one more quick question.

I was --

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

You support the trend for more out-of-state versus in-state students who have less competitive -- can you elaborate.

DR. PEARCE: I think that the university itself needs to have more research. We need to make it a place where you have international and national recognition and so forth. And the reality is, is no one wants to, you know, raise tuition, you know, but one of the realities that we face is that with less public support, legislative support, then that's been one of the few ways that the universities have been able to offset some of their costs. I think the system does an excellent job in dealing with both.

We have 40 percent out-of-state students at the Columbia campus, but we have like 10 percent out-of-state students in the regional campuses. So to attract quality, out-of-state people to come here and make us a more dynamic international university, I would support it. But to take care of the people of South Carolina that we, obviously, are more interested -- well, not more interested in, but we're very interested in making sure that we take of them, the university system as the regional campuses that allow an individual that is unable to get into Carolina to go to that system to have success and then to transfer to the university at a later time.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: The motion is favorable.

Seconded.

All in favor, raise your right hand.

DR. PEARCE: Thank you all.

CHAIRMAN SENATOR PEELER: Thank you, sir. Thank you for your willingness to serve.

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SENATOR VERDIN: Mr. Chairman, to each of you, and to our Winthrop candidates, I apologize for having to leave early.

(Senator Verdin exits the room.)

CHAIRMAN SENATOR PEELER: Winthrop University, 4th Congressional District, Seat 4.

Under Tab 8, Edward Driggers from Greer.

If you would, raise your right hand.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. DRIGGERS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement? Well, give us your full name for the record and make a brief statement, please.

MR. DRIGGERS: For the record, my name is Edward Rosemond Driggers. I go by Ed. I am a candidate for the Winthrop University trustee position.

I do believe that I bring to this opportunity a unique background and experience: my career. My most recent career has been in public administration. I have previously served as an elected official on a municipal level. I had also had an opportunity to serve in the private sector as well.

Those experiences over the last 40 years, I believe, have uniquely qualified me to see issues from different perspectives. It certainly has allowed me to question issues when it's appropriate for those to be questioned, and it's given me the expertise to really dig in and look for answers for those things that sometimes can be right below the surface.

CHAIRMAN SENATOR PEELER: Questions?

Representative King. Since it's in your district, Representative King.

REPRESENTATIVE KING: Thank you.

And is it all right if I call you Ed?

MR. DRIGGERS: Absolutely.

REPRESENTATIVE KING: Ed and I -- as I served on City Council, he was my boss man. I call him my boss man because he would take good care of me.

But I have a question for you. Recently, an encounter that I had with Winthrop was with adjunct instructors, African American adjunct instructors there, that were not afforded the opportunity to become full-time professors. How would you work towards ensuring that people who are adjunct instructors have an opportunity to see a pathway at being full-time instructors at Winthrop University?

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MR. DRIGGERS: Very good question.

I think that the answer to that could be twofold. One of the issues involving adjunct professors is certainly having what each individual university would set as a minimum requirement, educational, a requirement for adjunct. I think that is a role and a responsibility that each college, each university should be able to do as a matter of policy, what that minimum education level should be.

However, what really does apply on the adjunct side, I believe, is this issue of most who go adjunct first are coming out of the professional arena. These are practitioners, typically. These are folks who have experience, real-life experience, and not necessarily just from an academia standpoint. And I think there is great value to that.

So I think the road has to be paved. I certainly think that those opportunities have to be there. It has to be a matter of policy or relative to the individual college or university. But I certainly would be supportive of making sure from a policy for Winthrop University that that avenue would be there.

I think some of the best people that I've experienced in my academic career and postgraduate work as well have been from those active practitioners who have real-life experiences that bring valuable, valuable information to that classroom.

REPRESENTATIVE KING: And my next question is, as you know, I consider Winthrop as having the top quality of education in the state. It resides in my district. How do you work with keeping costs down but continuing with quality education there at Winthrop?

MR. DRIGGERS: You know, that's the \$64,000 question in everyone's arena, is how do you absolutely offer the best product; in this case, the best educational value that you can, and do that at an affordable price? One of my concerns in looking at Winthrop University as a graduate of their MBA program -- one of the things that I am certainly interested in is how do we balance this higher cost of undergraduate tuition in South Carolina relative to the quality that those students are receiving.

I think the quality is there. I think it's an exceptional quality, but there is a fine balance to that as well. I think the board has a huge responsibility in monitoring that, working with the administration to make sure that we are continuing to look at programming, facilities, academics.

We've got to look at the balance in our own communities. How many people that live near us live near that campus are choosing that as their

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choice facility. Those are things that -- administration from their role, as well as the board from its individual roles, will have to look at that on a continuing basis.

You're absolutely correct. It has to be balanced.

REPRESENTATIVE KING: And how do you propose that the board should work with the City of Rock Hill and as well as the York County delegation personally in developing college town as what we're developing there now, but also making -- keeping the soul and the spirit of what we know as Rock Hill and not being overwhelmed by Winthrop per se?

MR. DRIGGERS: Sure.

REPRESENTATIVE KING: How to work with the local delegation and the city to ensure that the residents of the city of Rock Hill continue to have that passion about what Rock Hill is all about?

MR. DRIGGERS: Town-and-gown dynamics are diverse. They're as diverse as college campuses are themselves. Rock Hill continues to be one of South Carolina's fastest-growing municipalities, 70,000-plus residents with a campus of about 5,000 folks that are there in the center of that city. It's an asset, and I think both York County and the City of Rock Hill -- I think they do view Winthrop as an asset to them, but I think they also have to view it as an economic asset.

So when we are -- as a county or a municipality, when we look at providing incentives to workforce development or providing incentives for businesses to locate in our state, we cannot forget the balance. We cannot forget the asset that we have in our own communities relative to these institutions of higher learning.

Winthrop is a wonderful example. It has been there since Rock Hill was a small textile town. It is as much the fabric of that community as it has developed growing larger over time.

Rock Hill cannot forget its history. It cannot forget its roots. I don't think York County will as well. That relationship has to be forged between the administration and the elected officials in that county, in that city, and I think the board has a role in that as well.

REPRESENTATIVE KING: And my last statement -- not a question -- if elected, I would just remind you that it is this General Assembly that elects the board, and when you all do invite us to come over to Winthrop, it is not the city that should be -- I mean, you recognize your city-elected officials. But I have gone over there for the last 10 years, and every year that I've gone, none of the state-elected officials have

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ever been recognized. And I go to all, if not the majority, of functions there.

MR. DRIGGERS: That is an inexcusable oversight in my opinion, and I can assure you that if I'm afforded the opportunity, I would share that with those who are making those introductions.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: A few questions.

First, from staff, is a municipal city administrator and serving on a college board, is that -- is there any conflict there?

MS. CASTO: No. You are appointed by the city council.

MR. DRIGGERS: Yes.

MS. CASTO: That's correct.

REPRESENTATIVE WHITMIRE: So it's not through elected.

MS. CASTO: We have state employees serving on college boards too.

REPRESENTATIVE WHITMIRE: And to Mr. Driggers, I used to be a mayor. A smaller town than Greer, but I know my city administrator was full-time, you know, five days a week. Is your mayor and council going to be okay with you being at Winthrop that considerable amount of time?

I mean, that would concern me a little bit, you know, when I was mayor if my city administrator came up and said, Well, hey, I'm going over here. I'll be gone "X" number of days, and some crisis might come up.

So how would you address that?

MR. DRIGGERS: Well, there's never been a crisis in Greer that I have not been available to be reached. Winthrop and Greer are pretty close in proximity, and I'm sure that I can be familiar with and make sure that I'm addressing issues and concerns on both of those parts.

I have had communication with my mayor and with my city council concerning this possible appointment. They are very supportive of that. Greer has long supported our professional staff being involved in both national and state organizations and opportunities. We believe that it's an opportunity for us to be more diverse as a staff, and we believe it's an opportunity for areas outside of our own community to see what's happening in Greer, South Carolina.

REPRESENTATIVE WHITMIRE: Okay. Good enough.

CHAIRMAN SENATOR PEELER: How long have you been the city administrator for Greer?



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MR. DRIGGERS: For Greer, I'm in my 18th year.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Yes, sir. Thank you, Mr. Chair.

I do have a question. Based on your background as a public financial manager, city manager, you mentioned that you felt like a weakness of the school was that perhaps the tuition was too high. So given your background with public financial management, what would you do to try to lower the tuition?

MR. DRIGGERS: Well, I'm not exactly sure that the objective is to lower the tuition. I think it's certainly that we have to be aware of it, and we have to understand why that is happening. And if there is opportunity for us to look at that balance, yes, that certainly needs to happen.

One of the things that I do believe that I bring to the table as a public administrator is understanding governmental accounting. It is very, very different than managerial accounting. There is no profit and loss statement in governmental accounting.

So what we have to be able to look for is where are our revenues and what are those revenue streams, and of those revenue streams, what is restricted, and what is tied to certain objectives. And then most importantly, from our expense standpoint, we need to be able to look at those programatically, where those dollars are being spent.

Winthrop University has a beautiful campus, and it is evident that dollars are being spent to maintain that beautiful campus. And I think those are very worthy dollars that need to be put into that regard, but we have to look at every avenue, every department. Every programmatic part of that budget needs to be reviewed from a perspective that says, How are these being spent?

There is a fiduciary responsibility that trustees have, that they need to question how those dollars are being spent. Not that we don't support it, but it is a fiduciary responsibility to question those expenditures. And I think by questioning those, you look for avenues and opportunities where dollars can be reallocated where it may most help students and families.

REPRESENTATIVE DAVIS: Right, I agree. In fact, I believe we should be doing that in state government as well.

But do you have any specific ideas going in the door of ways that you can cut costs?

MR. DRIGGERS: Not necessarily to cut costs. Again, I think that that could be a little shortsighted if you walk in saying, I'm here to cut the budget by "X" percent. I think the objective needs to be to do that

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review. I'm not a proponent of ever looking at any organization's budget and when there is a need to say that there needs to be an "X" percentage decrease across the board.

Having spent 20-plus years in public administration, I know that it just doesn't work that way. I maybe can take an organizational percentage cut, but I have to have the ability to go inside of that organization and look at where the priorities are, assessing those priorities. Do the things that you do well, and do those better. But there may be things that you were doing that can best be done somewhere else or by someone else, and if that's the case, let's look at eliminating that expense.

REPRESENTATIVE DAVIS: Okay. Sounds good. Thank you.

Thank you, Mr. Chair.

CHAIRMAN SENATOR PEELER: Motion is a favorable report.  
Second.

All in favor, raise your right hand.

Thank you for your willingness to serve.

MR. DRIGGERS: Thank you, sir.

CHAIRMAN SENATOR PEELER: What would Uncle Vern Smith have to say about you?

MR. DRIGGERS: Vern and I went to church together.

CHAIRMAN SENATOR PEELER: Okay. Thank you, sir.

Next, under Tab I, last but not least, Kristen Magee.

MS. MAGEE: Magee.

CHAIRMAN SENATOR PEELER: Magee.

From Simpsonville.

MS. MAGEE: Hi.

CHAIRMAN SENATOR PEELER: That's the reason I always ask for you to give your full name when you start.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. MAGEE: I do.

CHAIRMAN SENATOR PEELER: And if you would, give us your full name and a brief statement.

MS. MAGEE: Kristen Gebhart Magee. I'm from Simpsonville, South Carolina. I'm a proud graduate of Winthrop University, class of 1995.

Since I've graduated, I've served on the alumni council. The alumni council, I was president of the alumni council for two years, ending in 2014. In that role, I also got to serve on the foundation board at Winthrop and several operating committees of the foundation.

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Winthrop means a tremendous amount to me and really gave me an opportunity outside -- out of high school to get a higher education. If I had not been afforded the opportunities that Winthrop gave me, I probably would have stayed home in Georgia and maybe gone to Georgia State -- maybe -- but at the time could not afford to finish such an opportunity.

So when I think of Winthrop, I think of opportunity.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

Representative King.

REPRESENTATIVE KING: Thank you.

First of all, I would like to thank you for offering yourself.

Can you tell me -- and I asked Mr. Driggers the same question -- what would you do to promote diversity on campus in reference to faculty and staff and a pathway for qualified adjunct instructors who are teaching within the core curriculum classes to have a pathway into becoming full-time professors on campus?

MS. MAGEE: Absolutely.

Some of the adjunct professors I had in my experience at Winthrop were some of the best and influenced my career greatly to be in hospital administration when I first graduated, and I think it is incredibly important for those folks to be able to influence the education of university students.

As to taking a strategic initiative around diversity and education, I really would like to understand what Winthrop has done so far. It doesn't sound like they've done enough since the question, but making sure that the chairmens of the department are using adjunct professors appropriately and offering those types of -- you know, anytime you start to get into school budget discussions, I'm sure that there are positions that are not being allowed to potentially be filled full-time, right? And that ensuring that we are promoting those types of -- you know, whether it's an endowed-type fellowship opportunity to enhance the diversity of the university of adjunct professors and bringing those on full-time, I think there are a lot of opportunities to, you know, endowed chairmen or endowed roles through the university's foundation and other types of focus on recruiting those -- converting those to full-time opportunities.

REPRESENTATIVE KING: And the reason why I asked that question is I have a -- just to be very transparent with you, at Winthrop I was contacted by several of the African American professors there, one in particular who applied for a job there, and there's no African American

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in the department other than the adjunct instructor. The adjunct instructor was overlooked for someone else who had less qualifications. And so that's why I have asked that question.

MS. MAGEE: And rightfully so. We have oversight of the university and have influence into that and need to participate and offer those kinds of solutions and opportunities where available. Winthrop is a very diverse campus, and it needs to have a diverse faculty to go with it.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Thank you.

This question was asked earlier to another candidate, but -- so I'll ask you as well. How many women are on the Winthrop board now; do you know?

MS. MAGEE: I believe two at this point. As the alumni president, I got to go to graduations and sit with the board, and I seem to recall two. Again, my term ended in 2014, and I've taken some time to be a mom and get the kids through middle school and into high school. So I don't know the current status, but I believe it's two.

REPRESENTATIVE DAVIS: Okay. And then, also, when we talked about weakness, you said that there was a difficulty in obtaining capital support --

MS. MAGEE: Sure.

REPRESENTATIVE DAVIS: -- for the university. Is that --

MS. MAGEE: Absolutely.

You know, sitting on the foundation board, again, my -- I'm three years out. So I haven't been as engaged and up to date on where the school finances and the funding starts. But, you know, we're a relatively large university in this state and have a difficult time even financing replacement buildings for, let's say a library that is decaying, the books, or a student center that had to have tremendous amounts of capital raised to be able to build dormitory expansions.

You know, there is a real -- we don't have a billion-dollar endowment at Winthrop. Let's just put it that way. And it's incredibly difficult to fund a school and keep something going that has less than one month's state benefits covered from state dollars for the faculty and staff of the university.

REPRESENTATIVE DAVIS: So how would you change that? What do you think needs to be done there?

MS. MAGEE: I think we need to spend a lot more time in Columbia talking to you guys and building these relationships and bridges because, you know, at the same time, I don't think -- you know, we just don't -- it

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is a -- what worries me the most in this state is that the focus will be brought to taking -- reducing the number of smaller satellite schools like Winthrop or USC Beaufort or Aiken or Lancaster or other schools in the state and reducing that opportunity for people to go to local -- locally for education, just to focus it on a Clemson or Carolina. And that makes me really nervous because I think there is a tremendous value for the state's development to the knowledge-based economy. That won't happen if those universities go away.

So I think there has to be a greater voice and more networking in Columbia to make some of those kinds of things happen. We're also not going to change the economics of the state very quickly.

REPRESENTATIVE DAVIS: Do you think that there is untapped potential with alliances with industry --

MS. MAGEE: Absolutely.

REPRESENTATIVE DAVIS: -- and businesses, especially given your proximity to Charlotte?

MS. MAGEE: Absolutely.

REPRESENTATIVE DAVIS: I would think that there would be a lot of synergies there and a lot of, you know, capital essentially that you could tap into.

MS. MAGEE: Even if it's human capital, absolutely. I think there are tremendous opportunities from just a biomedical research perspective or the school of business administration. You know, if I had gone into education, I would have been a fourth-generation educator, and both of my parents encouraged me not to, simply because of where we stand from an educator's stand. And I don't think we value that enough about Winthrop and what it brings to the state and the community.

REPRESENTATIVE DAVIS: Okay. Good. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: I see where you were a student athlete. What are your thoughts about the possibility of a football team at Winthrop?

MS. MAGEE: I actually have a Winthrop Football t-shirt that says "Still Undefeated" on the back.

I actually -- Winthrop is one of the first schools to be fully Title IX compliant with its funding for men's and women's athletics and devote equal money to both sides. I'm actually opposed to adding a football team to Winthrop. I think anytime you do that, you have to see what it's going to gain or add to the university. And, you know, from a student

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athlete perspective, I think it will take away from the university's athletic opportunities for women.

I don't think it will be a profitable entity for the university. Would it gain some school spirit? Possibly. I just don't think that financially those kinds of programs are -- pay for themselves at that size of a school.

CHAIRMAN SENATOR PEELER: Okay. Any other questions or comments?

It's a favorable report?

REPRESENTATIVE DAVIS: Yes.

REPRESENTATIVE WHITMIRE: Second.

CHAIRMAN SENATOR PEELER: Any other discussion? If none, raise your right hand.

Thank you --

MS. MAGEE: Thank you.

CHAIRMAN SENATOR PEELER: -- for your willingness to serve.

That concludes our agenda, and we'll stand adjourned.

(The screenings adjourned at approximately 2:09 p.m.)

Received as information.

#### **REPORT RECEIVED**

The following was received:

#### **Judicial Merit Selection Commission Report of Candidate Qualifications for Fall 2017**

Date Draft Report Issued: Thursday, January 11, 2018

Date and Time Final Report Issued: Noon, Tuesday, January 16, 2018

**Judicial candidates are not free to seek or accept commitments until Tuesday, January 16, 2018, at Noon.**

#### **Judicial Merit Selection Commission**

January 11, 2018

Dear Members of the General Assembly:

Enclosed is the Judicial Merit Selection Commission's Report of Candidate Qualifications. This Report is designed to assist you in determining how to cast your vote. The Commission is charged by law

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with ascertaining whether judicial candidates are qualified for service on the bench. In accordance with this mandate, the Commission has thoroughly investigated all judicial candidates for their suitability for judicial service. The Commission found all candidates discussed in this Report to be qualified.

The Commission's finding that a candidate is qualified means that the candidate satisfies both the constitutional criteria for judicial office and the Commission's evaluative criteria. The attached Report details each candidate's qualifications as they relate to the Commission's evaluative criteria.

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on Tuesday, January 16, 2018.** **Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, January 16, 2018.** **In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after release of the Judicial Merit Selection Commission's Report of Candidate Qualifications.** If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,  
Senator Luke A. Rankin

**Judicial Merit Selection Commission**  
January 11, 2018

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as

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third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the Fall 2017 screening.

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission ("Commission"). The purpose of this section was to ensure that members of the General Assembly had full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that "the prohibitions of this section do not extend to ***an announcement of candidacy by the candidate and statements by the candidate*** detailing the candidate's qualifications" (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

In April 2000, the Commission determined that Section 2-19-70(C) means ***no member of the General Assembly should engage in any form of communication, written or verbal, concerning a judicial candidate before the 48-hour period expires following the release of the Commission's report.*** The Commission would like to clarify and reiterate that until at least 48 hours have expired after the Commission has released its final report of candidate qualifications to the General Assembly, ***only candidates, and not members of the General Assembly,*** are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates' qualifications.

The Commission would again like to remind members of the General Assembly that ***a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate's fitness*** for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Sincerely,  
Senator Luke A. Rankin  
Chairman



## INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission's findings, as well as each candidate's qualifications as they relate to the Commission's evaluative criteria. The Commission operates under the law that went into effect on July 1, 1997, and which dramatically changed the powers and duties of the Commission. One component of this law is that the Commission's finding of "qualified" or "not qualified" is binding on the General Assembly. The Commission is also cognizant of the need for members of the General Assembly to be able to differentiate between candidates and, therefore, has attempted to provide as detailed a report as possible.

The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has asked candidates their views on issues peculiar to service on the court to which they seek election. These questions were posed in an effort to provide members of the General Assembly with more information about candidates and the candidates' thought processes on issues relevant to their candidacies. The Commission has also engaged in a more probing inquiry into the depth of a candidate's experience in areas of practice that are germane to the office he or she is seeking. The Commission feels that candidates should have familiarity with the subject matter of the courts for which they offer, and feels that candidates' responses should indicate their familiarity with most major areas of the law with which they will be confronted.

The Commission also used the Citizens Committees on Judicial Qualifications as an adjunct of the Commission. Since the decisions of our judiciary play such an important role in people's personal and professional lives, the Commission believes that all South Carolinians should have a voice in the selection of the state's judges. It was this desire for broad-based grassroots participation that led the Commission to create the Citizens Committees on Judicial Qualifications. These committees are composed of individuals who are both racially and gender diverse, and who also have a broad range of professional experiences (*i.e.*, lawyers, teachers, businessmen, bankers, and advocates for various organizations). The committees were asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviewed the candidates from its assigned area and also interviewed other individuals in that region who were familiar

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with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provided the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then used these reports as a tool for further investigation of the candidate if the committee's report so warranted. Summaries of these reports have also been included in the Commission's report for your review.

The Commission conducts a thorough investigation of each candidate's professional, personal, and financial affairs, and holds public hearings during which each candidate is questioned on a wide variety of issues. The Commission's investigation focuses on the following evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental health, and judicial temperament. The Commission's investigation includes the following:

- (1) survey of the bench and bar through BallotBox online;
- (2) SLED and FBI investigation;
- (3) credit investigation;
- (4) grievance investigation;
- (5) study of application materials;
- (6) verification of ethics compliance;
- (7) search of newspaper articles;
- (8) conflict of interest investigation;
- (9) court schedule study;
- (10) study of appellate record;
- (11) court observation; and
- (12) investigation of complaints.

While the law provides that the Commission must make findings as to qualifications, the Commission views its role as also including an obligation to consider candidates in the context of the judiciary on which they would serve and, to some degree, govern. To that end, the Commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a

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candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision. **Please note that the candidates' responses included herein are restated verbatim from the documents that the candidates submitted as part of their application to the Judicial Merit Selection Commission. All candidates were informed that the Commission does not revise or alter the candidates' submissions, and thus, any errors or omissions in the information contained in this draft report existed in the original documents that the candidate submitted to the Commission.**

This report conveys the Commission's findings as to the qualifications of all candidates currently offering for election to the South Carolina Supreme Court, Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

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**SUPREME COURT  
QUALIFIED AND NOMINATED**

**The Honorable John W. Kittredge  
Supreme Court, Seat 3**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Justice John W. Kittredge meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Justice Kittredge was born in 1956. He is 61 years old and a resident of Greenville, South Carolina. Justice Kittredge provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1982.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Justice Kittredge.

Justice Kittredge demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Justice Kittredge reported that he has paid \$357.94 in campaign expenditures for his administrative assistant to type up his PDQ and other expenses.

Justice Kittredge testified he has not:

- (a)    sought or received the pledge of any legislator prior to screening;
- (b)    sought or been offered a conditional pledge of support by a legislator;
- (c)    asked third persons to contact members of the General Assembly prior to screening.

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Justice Kittredge testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Justice Kittredge to be intelligent and knowledgeable.

Justice Kittredge reported that he has taught the following law-related courses:

- (a) Yes, on numerous occasions. Please see my response to Question 10 above. I have also spoken to school children, including middle and high school students. I have further spoken to college level students. In speaking to students and civic groups, the primary focus has been an understanding of the legal system and the importance of the rule of law. I have also spoken to law students, both on substantive legal matters and principles of professionalism in the legal profession. I have spoken to other groups as well, such as law enforcement officers. In speaking to law enforcement officers, I have presented on substantive criminal law matters, such as Fourth Amendment jurisprudence. I was a regular presenter at the Bridge the Gap program, during its existence, where I gave the presentation on Civility and professionalism.

Justice Kittredge reported that he has published the following:

- (a) I believe the best examples of legal related articles are the hundreds of appellate opinions I have authored. In connection with my application, I am providing a list of opinions I authored on the Court of Appeals and Supreme Court. In response to question 24 I have listed five opinions I authored. (They are reported decisions and are easily accessible.) If JMSC desires that I submit hard copies of these five opinions (or others), I will gladly do so.

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- (b) Beyond my service on the appellate courts since 2003, I provided the following. Around 1978 I wrote a paper entitled The Inevitability of Police Discretion, which was published in the South Carolina Law Enforcement Officers Association magazine. An article on juvenile justice was published in the Greenville News in December 1992.
- (c) I have also written an article on the proper role of the judiciary as it relates to separation of powers, and a copy of that article is attached as an addendum to this Personal Data Questionnaire.

(4) Character:

The Commission's investigation of Justice Kittredge did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Justice Kittredge did not indicate any evidence of a troubled financial status. Justice Kittredge has handled his financial affairs responsibly.

The Commission also noted that Justice Kittredge was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Justice Kittredge reported that his last rating by a legal rating organization, Martindale-Hubbell, is AV.

Justice Kittredge reported that he has not served in the military.

Justice Kittredge reported that he has never held public office other than judicial office.

(6) Physical Health:

Justice Kittredge appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Justice Kittredge appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Justice Kittredge was admitted to the South Carolina Bar in 1982.

He gave the following account of his legal experience since graduation from law school:

- (a) I served as a law clerk to the Honorable William W. Wilkins, Jr., then United States District Judge, from August 1982 through 1984
- (b) From September 1984 until July 1991, I worked at the law firm of Wilkins, Nelson and Kittredge. I had a litigation practice
- (c) I also worked as a part-time assistant solicitor from 1984 until mid-1985, and then again for several months in 1986 to try several cases at the request of the Solicitor. As an assistant solicitor, I prosecuted many criminal cases.
- (d) I was elected by the General Assembly to the Family Court bench in 1991.
- (e) In 1996, I was elected by the General Assembly to the Circuit Court bench.
- (f) In 2003, I was elected by the General Assembly to the Court of Appeals.
- (g) In 2008, I was elected by the General Assembly to the Supreme Court.

Justice Kittredge has reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes that Justice Kittredge's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Justice Kittredge to be "Well Qualified" in

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the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Justice Kittredge is married to Lila Graham Hewell Kittredge. He has three children.

Justice Kittredge reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar – 1982 to present
- (b) Greenville County Bar – 1982 to present

Justice Kittredge provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) First Presbyterian Church of Greenville – Elder and Sunday School Teacher
- (b) National Commissioner for CALEA (www.CALEA.org), a national public safety accreditation commission
- (c) Judicial Liaison Officer, Haynsworth-Perry Inn of Court
- (d) Poinsett Club, Greenville, SC
- (e) Upstate Warrior Solutions, member of Board of Directors
- (f) Wellness Committee of the SC Bar (serve essentially in ex-officio capacity as result of my service as Chair of the Chief Justice’s Commission on the Profession)
- (g) NMRS Center on Professionalism, Advisory Committee

Justice Kittredge further reported:

I believe I am well qualified to continue my service as a Justice on the South Carolina Supreme Court. My academic background includes summa cum laude, Phi Beta Kappa, Order of the Coif, and Wig and Robe.

June 2016 marked twenty-six (26) years of judicial service to South Carolina. I am the first and only person ever in



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South Carolina to serve on the four major courts – Family Court, Circuit Court, Court of Appeals and the Supreme Court. My service at every level has prepared me well for service in the Supreme Court. I am no stranger to hard work.

As a trial judge, I (1) served as chief administrative judge on numerous occasions in Family and Circuit Court; (2) formed Bench-Bar committees in Family and Circuit Court to facilitate productive and positive communications between judges and practicing attorneys on matters affecting the court; (3) assembled and participated in the committee which resulted in the implementation of the successful Alternate Dispute Resolution Program in Greenville County; (4) was assigned and tried many complex cases, including medical malpractice, products liability, constitutional challenges to state statutes, etc.; (5) was responsible for the organization, scheduling and presentation of many JCLEs at Family Court and Circuit Court conferences; (6) was assigned numerous death penalty cases by the Supreme Court, including death penalty post-conviction relief; (7) served on numerous occasions as an acting Associate Justice of the Supreme Court; and (8) was appointed many times by the Supreme Court as a special referee in matters in the Supreme Court's original jurisdiction and in all such cases the Supreme Court has unanimously adopted my Report and Recommendation in published opinions.

For the past approximately fourteen (14) years, I have served as an appellate judge, the past nine on the Supreme Court. I enjoy the challenge of novel and difficult issues we frequently encounter at the appellate level. I hope my work product (legal opinions) is acceptable to the Bar and the JMSC. It has been and remains my goal to write understandable and meaningful opinions for the Bench and Bar. My judicial philosophy is that judges adjudicate and legislators legislate.

I have served on the Chief Justice's Commission on the Profession since approximately 2003. In 2008, I was appointed as Chairman of the Commission on the Profession and have served in that capacity since. The Commission on the Profession has led the way on numerous improvements to the system of justice, including the mentoring program and numerous rule changes.

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In 2015, I received a lifetime achievement award from the Chief Justice for my outstanding contributions to the legal profession. I was the first recipient of this award.

I was recently asked by the Chief Justice to lead the effort to revive the South Carolina Supreme Court Historical Society. Those efforts are underway.

I wish to add a final comment, I have no agenda, other than to honor my oath as a judge and uphold the rule of law. I bring neither a bias nor an agenda to the discharge of my judicial duties. I am faithful to the rule of law, and my record of more than twenty-six (26) years in the state judiciary so reflects. Moreover, beyond my uncompromising commitment to the rule of law, I have tried my best to treat everyone with kindness and respect.

I thank the JMSC for its consideration of my application for re-election to the position of Justice of the Supreme Court, Seat 3.

(11) Commission Members' Comments:

The Commission commented that Justice Kittredge has an outstanding reputation as a conscientious jurist who is dedicated to professionalism in the practice of law. The Commission was impressed with his judicial temperament and his active involvement with programs dedicated to the well-being of attorneys in the state.

(12) Conclusion:

The Commission found Justice Kittredge qualified and nominated him for re-election to Supreme Court, Seat 3.

**COURT OF APPEALS  
QUALIFIED AND NOMINATED**

**The Honorable Thomas E. Huff  
Court of Appeals, Seat 8**

**Commission's Findings: QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Huff meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Huff was born in 1949. He is 68 years old and a resident of North Augusta, South Carolina. Judge Huff provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1976.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Huff.

Judge Huff demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Huff reported that he has not made any campaign expenditures.

Judge Huff testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Huff testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Huff to be intelligent and knowledgeable.

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Judge Huff reported that he has taught the following law-related courses:

- (a) SC Bar CLE; 12/12/03; TIPS FROM THE BENCH IV  
This CLE provided an overview of recent cases of significant importance and the process of handling appellate matters in summary courts and the circuit court.
- (b) SC Bar CLE; 6/18/04; HOT TIPS FROM THE BENCH IV  
This CLE focused on handling matters before the magistrate court and perfecting an appeal properly. It also addressed the distinctive differences in appealing civil and criminal matters.
- (c) SC Bar CLE; 11/19/04; 14<sup>th</sup> Annual Criminal Practice in South Carolina  
This CLE was a review and examination of the most recent court opinions and the impact upon criminal practice.
- (d) NATIONAL DISTRICT ATTORNEY ASSOCIATION COURSE NUMBER 01-01-AA1; 11/12-12/1/00. "APPELATE ADVOCY"  
I served as a faculty member for a week of training for District Attorneys from across the country. The week involved mock trials, argument and trial technique along with trial preparation. The course materials also stressed effective appellate advocacy and preparation.

Judge Huff reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Huff did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Huff did not indicate any evidence of a troubled financial status. Judge Huff has handled his financial affairs responsibly.

The Commission also noted that Judge Huff was punctual and attentive in his dealings with the Commission, and

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the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Huff reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Huff reported that he has not served in the military.

Judge Huff reported that he has held the following public office:

- (a) South Carolina House of Representatives, 1978 to 1996.

(6) Physical Health:

Judge Huff appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Huff appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Huff was admitted to the South Carolina Bar in 1976.

He gave the following account of his legal experience since graduation from law school:

- (a) 1976-1996: I had a solo practice with an emphasis in domestic, workers compensation and tort law.
- (b) I assumed the duties as corporate counsel for Aiken Electric Cooperative in 1990. Aiken Electric in size is in the top three co-ops for South Carolina. I represented them before the Public Service Commission, Circuit Court and Supreme Court. While I served as their attorney I had the privilege of litigating and arguing in the Supreme Court a precedent setting issue involving territorial assignment as it relates to the impact of municipal annexation.

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Judge Huff reported that he has held the following judicial office:

- (a) South Carolina Court of Appeals, February 1996 to present.

Judge Huff provided the following list of his most significant orders or opinions:

- (a) Protection & Advocacy for People with Disabilities, Inc. v. Buscemi, 417 S.C. 267, 789 S.E.2d 756 (Ct. App. 2016) cert. granted, May 30, 2017.

In this declaratory judgment action, we affirmed the decision of the trial court which held Protection and Advocacy for People with Disabilities, Inc. (P&A) was not authorized pursuant to section 43-33-350(4) of the South Carolina Code to review the medical records, including Medication Administration Records, of Community Training Home residents during unannounced inspections. Viewing P&A's enabling statutes under statutory rules of construction, we found the clear intent of the General Assembly was to exclude individual medical records from Team Advocacy inspections made pursuant to section 43-33-350(4).

- (b) S.C. Dep't of Soc. Servs. v. Myers, 404 S.C. 269, 744 S.E.2d 591 (Ct. App. 2013).

This case involved an appeal from a finding of abuse and neglect by a mother and an order that the mother's name be entered into the Central Registry of Child Abuse and Neglect. The opinion reverses the family court's decision, holding the family court erred in finding Mother abused and neglected her unborn Child based upon conduct occurring while Mother did not know or have reason to know she was pregnant.

- (c) Glassmeyer v. City of Columbia, 414 S.C. 213, 777 S.E.2d 835 (Ct. App. 2015), cert. denied, June 16, 2016.

This case involved the City of Columbia's appeal of the trial court's declaration the City of Columbia violated the Freedom of Information Act for failing to disclose to George S. Glassmeyer the home addresses, personal telephone numbers, and personal email addresses for applicants to the position of city manager and the trial

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court's award of attorney's fees to Glassmeyer. The opinion held the trial court erred in ordering the City to disclose the home addresses, personal telephone numbers, and personal email addresses, and affirmed the trial court's award of attorney's fees to Glassmeyer.

- (d) State v. Samuel, 414 S.C. 206, 777 S.E.2d 398 (Ct. App. 2015), cert. granted, October 20, 2016.

This case involved Lamont Antonio Samuel's argument the trial judge erred in refusing to allow him to represent himself. We held the trial judge did not abuse her discretion in denying his request to represent himself as the record supported her determination Samuel displayed an unwillingness to act as an officer of the court through his lack of candor.

- (e) Forman v. South Carolina Department of Labor, Licensing, and Regulation, State Board of Social Work Examiners, 419 S.C. 64, 796 S.E.2d 138 (Ct. App. 2016), petition for cert. pending.

In this administrative appeal, we affirmed the Administrative Law Court's order upholding the decision of the Board of Social Work Examiners disciplining a licensed social worker. Among other issues, we held the quasi-judicial immunity afforded guardians ad litem does not apply to professional disciplinary proceedings.

Judge Huff has reported no other employment while serving as a judge.

Judge Huff further reported the following unsuccessful candidacies:

- (a) Court of Appeals, 1993
- (b) Court of Appeals, Chief Judge, 2009

- (9) Judicial Temperament:

The Commission believes that Judge Huff's temperament has been, and would continue to be, excellent.

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(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Huff to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in summary, “Justice Huff is an exceptional jurist.”

Judge Huff is married to Patricia Tucker. He has one child.

Judge Huff reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) American Bar Association
- (c) Aiken County Bar Association

Judge Huff provided that he is not a member of any civic, charitable, educational, social, or fraternal organizations.

Judge Huff further reported:

I have served in the capacity of a Judge on the South Carolina Court of Appeals over the last twenty years. I have worked with some of the most intelligent members of the bench. One of my mentors, Judge Burt Goolsby, now retired, had such a positive influence on me. He allowed me to see and understand that a good judge is made up [of] so many qualities, attributes and abilities. In my service with him I came to understand why a judge’s temperament, understanding, and respect for the individual litigant are so important. It is not only what is heard by the attorneys but how we say it, the manner of our inquiry and how we probe the matters at issue. Those skills can be innate but more often are learned and developed and honed with experience and observation. It is critical that we, as judges, build and maintain respect for the court and the rule of law. A sense of fair treatment and consideration of their grievances does much to nurture that respect and it is imperative



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that our citizenry honestly believes that all are equal before the law.

(11) Commission Members' Comments:

The Commission commented that Judge Huff is a dedicated public servant, who is both humble and committed to serving South Carolina.

(12) Conclusion:

The Commission found Judge Huff qualified and nominated him for re-election to Court of Appeals, Seat 8.

**CIRCUIT COURT  
QUALIFIED AND NOMINATED**

**The Honorable Kristi Fisher Curtis  
Circuit Court, Third Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Curtis meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Curtis was born in 1969. She is 48 years old and a resident of Sumter, South Carolina. Judge Curtis provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Curtis.

Judge Curtis demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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Judge Curtis reported that she has made \$1,119.17 in campaign expenditures for postage, stationary, printed resumes, and post-it notes.

Judge Curtis testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Curtis testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Curtis to be intelligent and knowledgeable.

Judge Curtis reported that she has taught the following law-related courses:

- (a) I have spoken on the topic of "Real Estate & Landlord/Tenant Law" to Law School for Non-Lawyers, sponsored by the SC Pro Bono Program.
- (b) I have spoken on "Landlord/Tenant Law" to the Sumter County Board of Realtors Continuing Education "Lunch and Learn."

Judge Curtis reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Curtis did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Judge Curtis did not indicate any evidence of a troubled financial status. Judge Curtis has handled her financial affairs responsibly.

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The Commission also noted that Judge Curtis was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Curtis reported that she is not rated by any legal rating organization.

Judge Curtis reported that she has not served in the military.

Judge Curtis reported that she has held the following public office:

I was appointed to serve on the Sumter County Zoning Board of Appeals from 2009 until I resigned to serve as a Magistrate in 2011.

(6) Physical Health:

Judge Curtis appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Curtis appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Curtis was admitted to the South Carolina Bar in 1995.

She gave the following account of her legal experience since graduation from law school:

- (a) Staff Attorney, South Carolina Court of Appeals, August 1995 to August 1996. Prepared legal memoranda and legal research for judges of the South Carolina Court of Appeals.
- (b) Law Clerk to the Honorable Kaye G. Hearn, South Carolina Court of Appeals, August 1996 to August 1998. Read briefs and transcripts for each case

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assigned to Judge Hearn's panel each month. Prepared legal research, memoranda of law, and draft opinions.

- (c) Associate Attorney, Bryan Law Firm, August 1998 to 2004  
Partner, Bryan Law Firm, 2003 to 2004  
Business litigation, appellate practice before the South Carolina Court of Appeals and South Carolina Supreme Court, represented Sumter County and the Sumter County Treasurer's Office, prosecuted criminal cases for the Sumter County Sheriff's Department in Magistrate's Court.
- (d) Trust Officer, Synovus Trust Company, September 2004 to February 2011  
I was responsible for the administration of trust accounts and probate estates where Synovus was named as the Trustee and/or Personal Representative of the Estate.
- (e) Magistrate Judge, Sumter County Summary Court, April 2011 to present.  
Appointed Chief Magistrate July 2011 to present.  
"Jurisdiction over traffic and criminal cases punishable by up to 30 days in jail and a \$500 fine. Civil jurisdiction over restraining order actions, evictions, public sales, and small claims civil cases where the amount in controversy does not exceed \$7,500. We conduct bond hearings 365 days per year, and hold preliminary hearings on a monthly basis. Jury trials in criminal/traffic cases monthly, jury trials in civil cases quarterly. As Chief Magistrate, I am also responsible for the administration and financial management of the Court. I supervise a staff of twelve employees.

Judge Curtis further reported regarding her experience with the Circuit Court practice area:

Over the past five years, I have been employed exclusively as Chief Magistrate for Sumter County. During that time, I have presided over criminal and traffic cases on almost a daily basis. I have presided over criminal jury trials at least one week out of every month, conducting an average of three to four

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jury trials during each trial week. I preside over and conduct the jury selection for the vast majority of our jury trial terms of court. In addition to traffic offenses and DUIs, I regularly preside over trials for such offenses as assault and battery third degree, harassment, receiving stolen goods, malicious injury to personal property, trespassing, disorderly conduct, and simple possession of marijuana. As Magistrate, I also conduct bond hearings for Defendants arrested in Sumter County and preside over preliminary hearings requested by Defendants charged in General Sessions court. While practicing with the Bryan Law Firm, I served as the Prosecutor for the Sumter County Sheriff's Department in all of that agency's jury trials in Magistrate's Court.

In the past six years that I have served as a Magistrate, I have also presided over civil bench trials on a weekly basis and civil jury trials on a quarterly basis. I have presided over a wide variety of civil cases including automobile accidents, construction defects, residential and commercial evictions, wage payment violations, breach of contract and breach of warranty actions, and Unfair Trade Practices actions. While practicing with the Bryan Law Firm, I handled cases in the area of business litigation, representing both Plaintiffs and Defendants. I represented a Plaintiff in an employment discrimination case, as well as several businesses seeking to enforce non-compete agreements. I represented several Plaintiffs in breach of contract actions, and also defended a case for specific performance of a contract. In each case noted above I was sole counsel and at least four of the cases went to a jury trial in circuit court. I was sole counsel in a wide variety of civil actions in both Magistrate's Court and Circuit Court. I also acted as associate counsel in a variety of other civil cases with other members of the firm. I handled appeals, both for members of my law firm and for other law firms, in such areas as medical malpractice, personal injury, workers' compensation, and family law. Two of those cases were reported as significant cases in South Carolina Lawyers Weekly.

Judge Curtis reported the frequency of her court appearances prior to her service on the bench as follows:

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- (a) Federal: In the five years prior to my becoming Chief Magistrate, I was employed by Synovus Trust Company as a Trust Officer and my law practice was limited to appointed cases in family court and post-conviction relief actions. While practicing with the Bryan Law Firm, I had one case that was removed to US District Court, remanded back to Circuit Court, and ultimately appealed to the US Court of Appeals for the Fourth Circuit.;
- (b) State: In the five years prior to my becoming Chief Magistrate, I was employed by Synovus Trust Company as a Trust Officer and my law practice was limited to appointed cases in family court and post-conviction relief actions. In my six years of private practice with the Bryan Law Firm, I appeared in Circuit Court on a monthly basis;
- (c) Other: N/A.

Judge Curtis reported the percentage of her practice involving civil, criminal, and domestic matters prior to her service on the bench as follows:

- (a) Civil: None in the five years prior to my appointment as magistrate, other than an occasional appointed post-conviction relief case. In my practice with the Bryan Law Firm, 70% of my practice was in civil court.;
- (b) Criminal: None in the five years prior to my appointment as magistrate. In my practice with the Bryan Law Firm, 25% of my practice was in criminal court as Prosecutor for the Sumter County Sheriff's Department;

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- (c) Domestic: None in the five years prior to my appointment as magistrate, other than approximately three cases per year in which I was appointed to represent parties in DSS abuse and neglect actions. In my private practice with the Bryan Law Firm, approximately 5% of my practice was representing parties in appointed cases in Family Court (where both myself or other members of my firm were appointed);
- (d) Other: None.

Judge Curtis reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) Jury: In the five years prior to my becoming Chief Magistrate, I was employed by Synovus Trust Company as a Trust Officer. My law practice was limited to appointed cases in family court and post-conviction relief actions. In my six years of private practice with the Bryan Law Firm, approximately 10% of my practice involved cases that went to a jury trial.;
- (b) Non-jury: In the five years prior to my becoming Chief Magistrate, I was employed by Synovus Trust Company as a Trust Officer. My law practice was limited to appointed cases in family court and post-conviction relief actions. In my six years of private practice with the Bryan Law Firm, approximately 90% of my practice involved nonjury cases or cases that settled prior to trial.

Judge Curtis provided that prior to her service on the bench she most often served as sole counsel or lead counsel.

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The following is Judge Curtis's account of her five most significant litigated matters:

- (a) Goldman v. RBC, Inc., 369 S.C. 462, 632 S.E.2d 850 (2006)

I represented David and Emilie Goldman in this quiet title action regarding the portion of an abandoned railroad track that bordered their property. The Supreme Court upheld the Court of Appeals' and Circuit Court's rulings that railroad easements obtained by the railroad pursuant to a statutory presumption of grant revert to the adjoining landowners once the land is no longer used for railroad purposes. This decision is significant for all landowners whose property borders a railroad right of way. It was a significant case in my career because it was removed by the Defendant to US District Court, remanded by the District Court back to state court, appealed to the Fourth Circuit Court of Appeals, and again remanded back to state court. The Circuit Court ruled in our favor, and the case was appealed to both the South Carolina Court of Appeals and the South Carolina Supreme Court. In all five courts, I was able to get a favorable ruling for my client.

- (b) McMaster v. South Carolina Retirement Sys., 362 S.C. 362, 608 S.E.2d 843 (2005).

I represented Tom Lewis and Johnny Martin in this appeal to the South Carolina Supreme Court. Both Lewis and Martin were convicted of criminal conspiracy, misconduct in office, and receiving stolen goods stemming from the embezzlement of funds from Sumter County School District 17. They were ordered to pay restitution of \$45,000 and \$50,000, respectively, as part of their criminal sentence. After their conviction and sentencing, the legislature enacted South Carolina Code section 8-1-115 creating a lien on the public retirement or pension of any public employee convicted of misappropriation of public funds. The Attorney General's office then brought proceedings against Lewis and Martin seeking a lien against their retirement for an amount greater than the restitution amount ordered by the court in their criminal sentences. The



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trial court ruled in our favor that the lien was limited to the amount of restitution ordered by the sentencing judge and any subsequent proceeding to increase the restitution award violated the Double Jeopardy clause and was an impermissible ex post facto law. The Supreme Court reversed. While we were ultimately unsuccessful, this was a significant case in clarifying whether the State could relitigate the amount of restitution after the date of the Defendant's conviction.

- (c) Covington v. George, 359 S.C. 100, 597 S.E.2d 142 (2004).

My law partner John Ford represented the Plaintiff in an automobile accident case tried before a jury in the Circuit Court, and I handled the subsequent appeal of the case to the South Carolina Supreme Court. In Covington, the trial court held that the Defendant in an automobile accident case could not dispute the reasonableness of the Plaintiff's medical expenses by introducing evidence that the treating hospital accepted less than full payment for its services. The Defendant appealed to the South Carolina Court of Appeals and the case was transferred from the Court of Appeals directly to the South Carolina Supreme Court pursuant to Rule 204(b) of the South Carolina Appellate Court Rules. Under this rule, the Supreme Court may, in its discretion, certify a case for review by the Supreme Court before it has been determined by the Court of Appeals. ("Certification is normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance." Rule 204(b), SCACR). The Supreme Court upheld the lower court's decision, finding that the collateral source rule prohibited the Defendant from presenting evidence that Plaintiff's medical provider accepted reduced payments. This case was significant for its implications in all personal injury cases, and was featured in the May 31, 2004, issue of South Carolina Lawyers Weekly.

- (d) Burgess v. Nationwide Mut. Ins. Co., 361 S.C. 196, 603 S.E.2d 861 (Ct. App. 2004).

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Robert Burgess was injured in a motorcycle accident. The motorcycle had liability insurance only, but Burgess also had three other vehicles that were covered under a separate policy with both liability and underinsured motorist coverage (UIM). The Insurer denied basic UIM coverage on the motor vehicle accident because the vehicle involved in the collision was not specifically covered under the policy. Burgess brought a Declaratory Judgment action in Circuit Court, and the court held that Burgess was entitled to \$15,000 basic UIM coverage. Defendant appealed to the South Carolina Court of Appeals, and I represented Burgess in the appeal. The Court of Appeals affirmed the trial court's decision. This case is significant because the Court of appeals clarified that UIM coverage is "personal and portable" in South Carolina and is available up to the statutory minimum amount of coverage when an Insured elects to carry that coverage, even when the vehicle involved in the accident is not covered under the policy.

- (e) Glasscock, Inc. v. United States Fidelity & Guar. Co., 348 S.C. 76, 557 S.E.2d 689 (Ct. App. 2001).

In this case, the South Carolina Court of appeals held that "loss of use" damages were recoverable under Glasscock's underinsured motorist coverage (UIM) even though the policy did not expressly cover loss of use in the UIM section. The Insurer covered "loss of use" damages in the property damage portion of the policy and was therefore required to offer the same coverage under its UIM policy. This case was featured in the December 10, 2001 issue of South Carolina Lawyers Weekly. This case was significant in my career because the trial attorney initially obtained an unfavorable ruling in the Circuit Court and then hired me to file a motion for reconsideration. I successfully argued the motion before the Circuit Court, and the judge reversed his decision and ordered that the UIM policy be reformed to cover loss of use damages. The Defendant appealed to the South Carolina Court of Appeals, and I handled the appeal on behalf of the

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Plaintiff. The Court of Appeals ruled in our favor, affirming the decision of the trial court.

The following is Judge Curtis's account of five civil appeals she has personally handled:

- (a) Goldman v. RBC, Inc., 369 S.C. 462, 632 S.E.2d 850 (2006)
- (b) Burgess v. Nationwide Mut. Ins. Co., 361 S.C. 196, 603 S.E.2d 861 (Ct. App. 2004).
- (c) Covington v. George, 359 S.C. 100, 597 S.E.2d 142 (2004).
- (d) Glasscock, Inc. v. United States Fidelity & Guar. Co., 348 S.C. 76, 557 S.E.2d 689 (Ct. App. 2001).
- (e) McMaster v. South Carolina Retirement Sys., 362 S.C. 362, 608 S.E.2d 843 (2005).

Judge Curtis reported that she has not personally handled any criminal appeals.

Judge Curtis reported that she has held the following judicial offices:

I was appointed Magistrate for Sumter County in April of 2011. I was appointed Chief Magistrate by the Chief Justice of the S.C. Supreme Court in July of 2011, and have served in that capacity continuously since that date. I was recently reappointed Chief Magistrate in June of 2017. Magistrate's court has jurisdiction over traffic and criminal cases punishable by a fine up to \$500 (before assessments) or up to thirty days in jail. We also have jurisdiction over civil cases with an amount in controversy up to \$7,500.00. We have concurrent jurisdiction with Circuit Court for residential and commercial evictions. We also have jurisdiction over actions for restraining orders. Magistrate court judges are also responsible for signing the vast majority of search warrants and arrest warrants within the County, conducting bond hearings, and conducting preliminary hearings. Magistrate's Court has no jurisdiction to hear cases involving any interest in real property."

Judge Curtis provided the following list of her most significant orders or opinions:

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- (a) South Carolina Law Enforcement Division v. Palmetto Internet Center & Janice Ryles, 2012CV4310103773. (Order) This case was appealed to the Circuit Court in Case no. 2012CP4302121, but the appeal was subsequently withdrawn.
- (b) South Carolina Law Enforcement Division v. 38 Sweepstakes Monitors, Computer Towers, 2012CV4310103811. (Order) This case was appealed to the Circuit Court as 2013CP4300319. The appeal was denied.
- (c) Aycock v. BB&T, 2016CV4310106460. (Order)
- (d) Pollard v. Wilson, 2015CV4310105031. (Order) This case was appealed to the Circuit Court as 2015CP4300199. The appeal was denied.
- (e) State v. Marilyn Albert, Ticket 68321ES, (Order granting motion to dismiss in a DUI case.)

Judge Curtis has reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes that Judge Curtis' temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Curtis to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Curtis is married to Warren Stephen Curtis. She has two children.

Judge Curtis reported that she was a member of the following Bar and professional associations:

- (a) Member, South Carolina Bar, 1995 to present

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- (b) Third Circuit Delegate to the SC Bar House of Delegates, 2000 to 2001
- (c) Member, Sumter County Bar, 1998 to present
- (d) Sumter County Bar Executive Committee, 2003 to 2004
- (e) Member, South Carolina Summary Court Judges Association, 2011 to present
- (f) Member, South Carolina Summary Court Judges Advisory Board, 2015 to present

Judge Curtis provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Sumter Rotary Club, 2004 to present. Avenue of Service Award Recipient, 2014-2015, Program Chair 2010-2011, 2011-2012, 2014-2015, 2015-2016, 2016-2017, 2017-2018, Newsletter editor, 2006-2008, Membership Committee Chair 2005.
- (b) Sumter YMCA. Member, Board of Directors, 2011 to 2016. President of the Board, 2015. Vice President, 2014.
- (c) Member, Alice Drive Baptist Church, 2001 to present. Served on the Building Committee, Personnel Committee, Sunday School teacher for children and youth.
- (d) Appointed to the Sumter County Zoning Board of Appeals, 2009 to 2011

Judge Curtis further reported:

In 2002, at a time when I considered myself to be thriving in the private practice of law, my husband was arrested on drug charges. When officers came to my house to inform me of his arrest, I learned for the first time that he had developed a cocaine habit that was well on its way to becoming an addiction. At the time of his arrest, my husband had just left the private practice of law and had been appointed a Magistrate for Sumter County. His arrest was highly publicized in the community. He ultimately pled guilty to two counts of possession of cocaine and received two years of probation. He was suspended from the practice of law for two years. Through his arrest and subsequent recovery from addiction, I learned firsthand what many people

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already know – drug and alcohol addiction can happen to anyone.

At the time this was happening to us I would not have been able to point to one single thing that I thought was a positive aspect of this experience. Time and hindsight have remarkably proven me wrong. There is a certain resilience that can only be earned by going through a hardship of your own making. Fortunately, Warren immediately took responsibility for his actions and began doing the hard work that recovery requires. I am grateful today for his recovery and proud to say that he is thriving in the practice of law. Warren was appointed several years ago to serve on the Sumter City/County Zoning Board of Appeals. He was elected Chairman by his fellow Board members two years ago. Warren was also appointed to serve on the Real Estate Practices Council of the South Carolina Bar. In addition, Warren and his law partner serve as Counsel for the Sumter County Board of Realtors. We are grateful for the grace and support that he has received from the Sumter community.

This experience has without a doubt influenced the type of judge I have been and will continue to be. As a Magistrate, I see many people, teenagers and adults, who are at the beginning stages of alcoholism and drug abuse. Their substance abuse issues have caused them to get arrested for the first time. In many instances, the court is able to intervene in a Defendant's life to confront him about the role that substance abuse has played in his legal problems. If the Defendant doesn't address his addiction issues, he will many times continue in a downward spiral. I make every effort to get first-time offenders to participate in diversion programs such as Pre-Trial Intervention, Conditional Discharge, and the Alcohol Education Program. As a judge, I am able to leverage the potentially negative consequences of the arrest to convince a Defendant of the need to seek treatment. While I do not directly reference my husband's personal experiences, I do like to encourage the Defendant that recovery is possible and there is always hope.

(11) Commission Members' Comments:

The Commission commented that Judge Curtis has earned an outstanding reputation both as a lawyer and as a

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magistrate. They noted that she presented herself as intelligent, thoughtful, well organized, and self-reflective, and makes an excellent candidate for the bench.

(12) Conclusion:

The Commission found Judge Curtis qualified and nominated her for election to Circuit Court, Third Judicial Circuit, Seat 2.

**Ryan Kirk Griffin  
Circuit Court, Third Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Griffin meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Griffin was born in 1974. He is 43 years old and a resident of Sumter, South Carolina. Mr. Griffin provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Griffin.

Mr. Griffin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Griffin reported that he has made \$218.35 in campaign expenditures for letterhead, envelopes, address labels, and postage.

Mr. Griffin testified he has not:

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- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Griffin testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Griffin to be intelligent and knowledgeable.

Mr. Griffin reported that he has taught the following law-related courses:

- (a) For the past four years, I have presented a 30 minute program on preliminary hearings at the Intensive Training Program for Magistrates and Municipal Judges.

Mr. Griffin reported that he has published the following:

- (a) Mitigation of Civil Penalties under the Clean Air Act, 7 S.C. Envtl. L.J. 271, Fall 1998

(4) Character:

The Commission's investigation of Mr. Griffin did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Griffin did not indicate any evidence of a troubled financial status. Mr. Griffin has handled his financial affairs responsibly.

The Commission also noted that Mr. Griffin was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.



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(5) Reputation:

Mr. Griffin reported that he is not rated by any legal rating organization.

Mr. Griffin reported that he has not served in the military.

Mr. Griffin reported that he has never held public office.

(6) Physical Health:

Mr. Griffin appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Griffin appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Griffin was admitted to the South Carolina Bar in 2000.

He gave the following account of his legal experience since graduation from law school:

- (a) The Honorable Thomas W. Cooper, Jr. – Judicial Law Clerk, August 2000 – July 2001.
- (b) Nexsen, Pruet, Jacobs and Pollard, Associate Attorney, August 2001 – December 2001. After my Judicial clerkship, I worked for Nexsen, Pruet, Jacobs and Pollard as an associate attorney in the firm's litigation department. While my job focused on litigation, my primary job duties consisted of research, writing, and document review.
- (c) Bryan, Bahnmuller, Goldman and McElveen, LLP, Associate Attorney – December 2001 – April 2004. I returned to my hometown to work with my father's law firm. My practice focused on personal injury and workers' compensation. In addition to these practice areas, I also served as a prosecutor for the Sumter County Sheriff's Office in Summary Court. This began my career in criminal law.

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- (d) The Griffin Law Firm, LLC , Sole Proprietor, 2004. During 2003, my father was forced to retire from law practice due to health concerns. Upon his retirement, I decided to open my own law practice. While on my own, I engaged in a general law practice, including a brief period where I served as a part time, contract public defender in Sumter County. During this time, I did all of the bookkeeping for my firm, to include management of operating and trust accounts. In the fall of 2004, two colleagues and I merged law practices to form Bryan, Horne and Griffin, LLC.
- (e) Bryan, Horne and Griffin, LLC, Partner - 2004 – September 2006. In this three partner law practice, I handled all the litigation practice areas for the firm. I handled personal injury, workers' compensation, social security disability, and family court cases. I also resumed serving as the Summary Court Prosecutor for the Sumter County Sheriff's Office. In September 2006, one of my partners was hired as the full time Sumter County Attorney. As a result, our partnership dissolved in September 2006.
- (f) R. Kirk Griffin, LLC, Sole Proprietor – September 2006 – July 2007. I resumed working as a sole proprietor engaging in a general law practice. I resumed managing a law office, including management of operating and trust accounts. I closed my practice in June 2007 to become a full time Assistant Solicitor.
- (g) The Honorable C. Kelly Jackson, Third Circuit Solicitor - Assistant Solicitor – July 2007 – January 2011. In 2007, I decided to become a full-time prosecutor. Since I had prior prosecution experience, I was given a full case load immediately. I prosecuted various criminal offenses in Circuit Court, to include murder cases. I worked continually for Solicitor Jackson from July 2007 until his retirement in January of 2011.
- (h) The Honorable Ernest A. Finney, III, Third Circuit Solicitor - Deputy Solicitor – January 2011 – Present. I currently serve as Deputy Third Circuit Solicitor. I maintain a full case load and have day to day management duties as delegated by the Solicitor. I

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along with an administrative staff person am responsible for the administration and planning of the Sumter County Court appearance system. I am in the courtroom for two weeks of every month, participating in guilty pleas and jury trials. I continue to handle a wide array of criminal cases, ranging from drug offenses to most serious offenses.

Mr. Griffin further reported regarding his experience with the Circuit Court practice area:

Because I am a full time prosecutor, I have not practiced in the Court of Common Pleas in the past five years. Before I became a full time prosecutor, I did handle cases in the Court of Common Pleas. I tried an automobile accident case to verdict, and I handled numerous Post Conviction Relief matters in the Court of Common Pleas. I believe my experience in civil court coupled with my experience as a prosecutor makes me qualified to be a Circuit Judge. Certainly, I will have to re-familiarize myself with certain areas of civil court practice. I feel that I have the energy, intellect and work ethic necessary to bridge this gap quickly.

Mr. Griffin reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%;
- (b) State: 100%.

Mr. Griffin reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 100%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Mr. Griffin reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 50%;
- (b) Non-jury: 50%.

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Mr. Griffin provided that he most often serves as sole counsel.

The following is Mr. Griffin's account of his five most significant litigated matters:

- (a) State v. Antwan June, 2011-GS-43-1328  
To my knowledge, this case was the first criminal case tried in Sumter County where the Protection of Persons and Property act was raised as a defense. In this murder case, the State was successful in proving that the defendant was not entitled to immunity from prosecution.
- (b) State v. Christopher Rodko, 2011-GS-43-1187  
This was a brutal murder case. The victim was shot 6 times by her sister's boyfriend. The defendant confessed to the killing. He claimed immunity under the Protection of Persons and Property act. The prosecution team decided that we would present our entire case in defense of the claim for immunity. After a 3 and ½ day immunity hearing, the claim for immunity was denied. The defendant immediately appealed the denial of immunity. While the appeal was pending, the defendant passed away at the Sumter Lee Regional Detention Center.
- (c) State v. Bernard McFadden, 2010-GS-43-257  
In this case, the defendant was charged with Burglary in the Second Degree, Violent. The defendant broke the glass front door of a convenience store with a piece of concrete. As he stepped through the door, he cut himself on the broken glass. A trail of blood was left from the front door to the register area of the store where the cigarettes and lottery tickets were kept. The State proved the defendant committed the crime largely by the testimony of the SLED DNA analyst who matched the defendant's DNA to the blood left at the crime scene. The defendant was convicted and sentenced to the maximum fifteen year sentence for Burglary in the Second Degree, Violent.
- (d) State v. Joseph Dunbar, 2010-GS-43-543

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This was an armed robbery case. The State's best evidence in this case was the photo lineup where the victim identified the defendant and her testimony and in court identification of the defendant. The defense chose to present an alibi defense. This case came down to a question of the victim's credibility versus the credibility of the alibi witness. The Defendant was convicted of Armed Robbery and sentenced to thirty years imprisonment.

(e) State v. Camara Jordan, 2014-GS-43-219

In this case, the defendant and two of his friends came the victim's residence to purchase marijuana. An argument ensued, followed by a physical altercation outside the residence. The physical altercation was broken up. After telling the defendant and his friends to leave his home, the victim went back inside. Minutes later, the defendant re-entered the victim's home with a weapon. After a physical struggle inside the residence, the defendant shot the victim in the chest. This shot killed the victim. The defendant claimed self-defense. At the end of the defendant's case, the trial judge refused to charge self-defense to the jury, citing that the defendant was not without fault in bringing upon the difficulty he faced. Before closing arguments, the defense decided to plead guilty to voluntary manslaughter.

Mr. Griffin reported he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Griffin's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Griffin to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative

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criteria of constitutional qualifications, physical health, and mental stability.

Mr. Griffin is married to Suzanne Burch Griffin. He has two children.

Mr. Griffin reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Sumter County Bar Association
- (c) South Carolina Solicitors' Association

Mr. Griffin provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations.

Mr. Griffin further reported:

I come from a family of lawyers. My father and brother are lawyers. In my senior year of college, I hesitated to apply to law school. I wanted to be sure that I wanted to be a lawyer. After working for a year, I decided to enter law school certain in my goal to become a lawyer. At the outset of my legal career, I struggled to find my calling in the law. Fortunately, I was given an opportunity to prosecute criminal cases in 2002. I have spent the majority of my legal career as a prosecutor. Other than my wife and children, it has been the biggest blessing of my life. In my career as a prosecutor, I have lived by two rules: follow the law and seek justice. Sometimes these rules have a negative impact on a case I'm prosecuting. My job is not graded on wins and losses. I am graded on how well I follow my two rules. Our society wins if I follow the law and seek justice. If I am fortunate enough to be elected, I will bring this philosophy to the Circuit Court bench.

(11) Commission Members' Comments:

The Commission commented that Mr. Griffin had a thoughtful demeanor and a dedication to public service.

(12) Conclusion:

The Commission found Mr. Griffin qualified and nominated him for election to Circuit Court, Third Judicial Circuit, Seat 2.

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**Timothy Ward Murphy**  
**Circuit Court, Third Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Mr. Murphy meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Murphy was born in 1958. He is 59 years old and a resident of Sumter, South Carolina. Mr. Murphy provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006. He was also admitted to the Pennsylvania Bar in 1986.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Murphy.

Mr. Murphy demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Murphy reported that he has made \$117 in campaign expenditures for campaign cards, stationary, and postage.

Mr. Murphy testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

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Mr. Murphy testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Murphy to be intelligent and knowledgeable.

Mr. Murphy reported that he has taught the following law-related courses:

- (a) I lectured in 2012 at a one credit on-demand video webcast titled Special Issues in Military Divorce;
- (b) I taught sections on military organizations and military clients in 2011 at a CLE program titled Representing Service members and Veterans in Columbia SC;
- (c) In 2009 I taught a CLE section about military divorce issues at a CLE on Special Issues in Military Divorce in Columbia SC;
- (d) In 2003 at the United States Army Judge Advocate General School in Charlottesville, VA, I lectured on Homeland Security issues to military attorneys;
- (e) Between 2002-03, at the Defense Equal Opportunity Management Institute (DEOMI) at Patrick AFB, FL, I taught sections on unlawful discrimination and sexual harassment to students studying to become AF social actions representatives;
- (f) Between 1994-96 and 2000-01, at the United States Air Force Judge Advocate General School at Maxwell AFB, AL, I taught trial advocacy courses and critiqued less experienced military attorneys using NITA method;
- (g) From 1993-97, I taught at the United States Air Force Academy, Colorado;
- (h) From 1987-90, I taught Business I and II courses for credit for the University of Maryland (Overseas Division) RAF Greenham Common, UK;
- (i) From 1987-88, I taught real estate courses for credit for the City Colleges of Chicago (Overseas Division), RAF Greenham Common, UK;



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- (j) From 1985-86, I was a teaching assistant at Duquesne University School of Law, and instructed first year students on legal writing and research.

Mr. Murphy reported that he has published the following:

- (a) Since December 2010 I have written 30 law related informational articles in the quarterly Sumter Living Magazine titled “Murphy’s Law”.
- Bullying (Vol. 14 No. 2)
  - Bordering on Chaos: The Law of Changing State Boundaries (Vol. 14 No. 1)
  - Schools and the Constitution: Principles for the Principal (Vol. 13 No. 6)
  - Laws for Animals...and Humans Too! (Vol. 13 No. 4)
  - Civil Rights and Bathrooms (Vol. 13 No. 3)
  - The Greatest Trial in History: The Nuremberg Trials (Part 2) (Vol. 13 No. 2)
  - The Greatest Trial in History: The Nuremberg Trials (Part 1) (Vol. 13 No. 1)
  - “Yearning to Breathe Free”: Immigration Law in the United States (Vol. 12 No. 6)
  - The US Supreme Court and the Institution of Marriage (Part 2) (Vol. 12 No. 5)
  - The US Supreme Court and the Institution of Marriage (Part 1) (Vol. 12 No. 4)
  - Jury Service: Duty or Burden? (Vol. 12 No. 2)
  - Injured On the Job? The South Carolina Worker’s Compensation System (Vol. 12 No. 1)
  - Illegal Employment Discrimination: What It Is and What to Do About It (Vol. 11 No. 6)
  - Help Wanted: Employment Law in South Carolina (Vol. 11 No. 5)
  - The Law of Armed Conflict (Vol. 11 No. 4)
  - Keep Your Eye on the Road: Laws for Summer Recreation Vehicles (Vol. 11 No. 3)
  - Public Defenders: Advocates for the Poor (Vol. 11 No. 2)
  - The Church, the State and the Constitution (Vol. 11 No. 1)

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- Understanding the Veterans' Disability Claims Process (Vol. 10 No. 6)  
Child Custody and Support (Vol. 10 No. 4)  
Marriage and Divorce in South Carolina (Vol. 10 No. 2)  
Crime Committed by Kids: The Juvenile Justice System (Vol. 10 No. 1)  
Make My Day: The Castle Doctrine in South Carolina (Vol. 9 No. 6)  
The Military Justice System (Vol. 9 No. 5)  
Duties of a Landowner to Their Guests...and Trespassers Too (Vol. 9 No. 4)  
Adoption—A Permanent Solution to a Temporary “Problem” (Vol. 9 No. 3)  
What to Expect If You Get Arrested (Vol. 9 No. 1)  
Magistrate Court: The “People’s Court” in South Carolina (Vol. 8 No. 6)  
Answers to Common Questions about Wills (Vol. 8 No. 5)  
Nothing Simple About Simple Documents and Forms (Vol. 8 No. 4)
- (b) A Defense of the Role of the Convening Authority: The Integration of Justice and Discipline. 28 The Reporter 3 (September 2001)
  - (c) Law for Air Force Officers. Kendall-Hunt Publishing Co., Dubuque Iowa (1997) General Editor & Contributing Author
  - (d) Excerpts from the Nuremberg Trials. 6 USAFA Journal of Leg. Studies 5 (1995-1996) (with Jeff E. Whitfield)
  - (e) A Matter of Force: The Redefinition of Rape. 39 AF Law Review 19 (1996) (attached)
  - (f) The Commonwealth of Independent States: Mechanism for Stability or Domination? 5 USAFA Journal of Leg. Studies 57 (1994-1995)
  - (g) Corroboration Resurrected: The Military Response to Idaho v Wright. 145 Mil Law Rev. 166 (1994) (attached)
  - (h) Preparing Prosecuting and Understanding Spouse Abuse Cases. 19 The Reporter 7 (1992)

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(4) Character:

The Commission's investigation of Mr. Murphy did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Murphy did not indicate any evidence of a troubled financial status. Mr. Murphy has handled his financial affairs responsibly.

The Commission also noted that Mr. Murphy was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Murphy reported that he is not rated by any legal rating organization.

Mr. Murphy reported the following military service:  
January 15, 1987-February 1, 2007, United States Air Force,  
Lieutenant Colonel, Honorable, retired status.

Mr. Murphy reported that he has never held public office.

(6) Physical Health:

Mr. Murphy appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Murphy appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Murphy was admitted to the South Carolina Bar in 2006.

He gave the following account of his legal experience since graduation from law school:

- (a) After graduating from Duquesne School of Law, I served from August 1986 to January 1987 as the Law

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Clerk for two trial level judges (Hon. Gary G. Leasure and Hon. J. Frederick Sharer) for the Circuit Court in Allegany County, Cumberland, Maryland. I also served as the county legal law librarian. In this position, I assisted the court with research, writing orders and opinions and other duties as directed by the judges. I left this position to enter active duty with the United States Air Force.

- (b) After a period of training (Jan-March 1987), I served as the Assistant Staff Judge Advocate for the 501st Tactical Missile Wing at RAF Greenham Common, United Kingdom between March 1987 and July 1989. I supervised two paralegals and was responsible for adjudicating various tort claims, international claims and medical claims filed against the Air Force totaling over \$250,000 per year. Part of my responsibility was monitoring the claims accounts which were managed by the Finance division. I was the primary legal advisor to the base clinic on medical tort liability and standard of care issues. As a base level prosecutor, I tried thirteen courts-martial, including three where I was specifically requested "by name" to travel to other Air Force bases in the United Kingdom. The cases included vehicular homicide, child sexual abuse, drug distribution, spouse abuse, aggravated assault and other crimes under the Uniform Code of Military Justice (UCMJ). I also successfully represented the Air Force in an eviction action against a British subject before the British Crown Court.
- (c) In July 1989 I transferred from the base legal office and became the Area Defense Counsel for RAF Greenham Common, RAF Welford and RAF Fairford, United Kingdom until June 1990. I was the "rating official" for one paralegal and was responsible for crafting and submission of the office budget. I represented military defendants in a dozen courts-martial, two litigated administrative boards and over 150 various other actions. Cases included rape, arson, assault and other violations of the UCMJ. I never lost a litigated case and was able to get three charged cases dismissed before

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- trial by the commander. My supervisor ranked me as top defense attorney in the United Kingdom.
- (d) From June 1990 to June 1993, I was stationed at Travis Air Force Base, California where I served as one of four full time lead supervisory prosecutors representing the United States at 21 AF bases in an eight state region throughout the western USA. I obtained convictions in over 60 courts-martial in a three-year period in felony level cases, including rape, armed robbery, aggravated assault, child sexual abuse, spouse abuse, desertion, drug use and distribution, various forms of fraud and theft. I was the first Air Force prosecutor to make use of expert testimony regarding “Battered Spouse Syndrome” to help explain the reluctance of beaten spouses to testify truthfully against their abusers. My responsibilities also included training base level prosecutors in trial preparation and advocacy.
- (e) From June 1993 until February 1997, I was stationed at the United States Air Force Academy teaching various undergraduate legal courses in the Department of Law. Over the course of my tour, I rose to the academic rank of Associate Professor and for three years served as the Course Director of the only legal “core” course at the Academy required for all cadets. In addition to my own teaching load, this duty required me to direct the work of 11 faculty members. I also taught two electives (criminal law and constitutional law). I served as the Academic Advisor in Charge for the Department’s undergraduate Legal Studies major, as an advisor and hearing officer for the Academy’s Honor Code system, and as a faculty recruiter and tutor for the AFA football team. During my last year, I was chosen to create a new “core” course and oversee the writing and publication of its textbook. In addition to my academic responsibilities, I was the prosecutor in one court martial of a cadet for assault, and served as the Article 32, UCMJ hearing officer (similar to a magistrate in a preliminary hearing) in about six other military cases at various Colorado Springs AF bases. I was selected as

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the Academy's "Outstanding Educator in Law" for the 1996-1997 academic year.

- (f) From February 1997 until July 2000, I was assigned as the Staff Judge Advocate (SJA) for the 435<sup>th</sup> Airlift Wing at Dover Air Force Base, Delaware, supervising a staff of seven attorneys, ten paralegals and three civilian support staff at a base consisting of over 5000 active duty personnel. I was responsible for legal advice to over 30 commanders on a wide range of criminal and civil issues, including military justice, environmental law, contracts, labor and employment, property, fiscal and tax law, torts and various administrative actions. On behalf of the base commander, I personally negotiated with legal representatives and other officials from state and federal governments on various issues of concern to the base. These included direct negotiations with the Attorney General of Delaware regarding jurisdiction in criminal cases involving active duty airmen, EPA and state environmental officials on fines for regulatory violations and local authorities regarding zoning restrictions related to property next to the base. I was responsible for the administration of a military justice system that, over a three-year period, prosecuted over 30 courts-martial and over 250 other adverse criminal actions, as well as an additional 150 cases in US Magistrate Court. Additionally, I settled various tort and medical claims against the United States totaling over \$18 million, and served as the final settlement authority for all claims of \$100,000 or less. I was responsible for the crafting and submission of the office budget as part of the Annual Budgetary Process, as well as justifying annual manpower requirements. In 2000, I provided legal briefings, both "on the record" and "on background", to local and national media organizations—including "60 Minutes"--during the national coverage of UCMJ proceedings against an officer who refused to obey an order to take the anthrax vaccine.

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- (g) From July 2000 until January 2002, I was assigned as the Chief Appellate Defense Counsel and Deputy Division Chief of the AF Appellate Defense Division at Bolling AFB, DC. I represented military defendants on appeal before the Air Force Court of Criminal Appeals, the US Court of Appeals for the Armed Forces and the United States Supreme Court. I provided daily management and direction to a staff of 19 attorneys and 3 paralegals, personally argued 5 cases before service courts, and drafted 90 briefs in cases ranging from murder to dereliction of duty. During my tour, I supervised the drafting of over 1400 briefs to the military appellate courts and an additional dozen writs to the US Supreme Court.
- (h) From January 2002 to June 2004, I was assigned to the Headquarters of the Air Force Judge Advocate General Corps at the Pentagon in the Administrative Law Division. I was the primary legal advisor on issues arising from re-organization, homeland security, civil rights, equal opportunity and matters dealing with federal civilian employees. I wrote eight published Civil Law Opinions of the Air Force Judge Advocate General that established precedential policy on matters involving command structures, the constitutionality of various minority recruitment programs and the forced deployment of civilian federal employees in support of operations in Iraq and Afghanistan.
- (i) From June 2004 until my retirement from the Air Force in February 2007, I was the Deputy Staff Judge Advocate of Ninth Air Force and US Central Command Air Forces (9AF/CENTAF) at Shaw Air Force Base, South Carolina. The 13 member legal office at 9AF/CENTAF provided advice to four bases in the USA and over 13 bases and units in Southwest Asia on issues ranging from the UCMJ to flyover rights for AF aircraft under international law. During this assignment, I also was deployed three times as the Staff Judge Advocate (primary legal advisor) at the Combined Air Operations Center at Al Udeid AB in Qatar. In addition to supervising two attorneys, I

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provided time-sensitive operational legal advice on myriad targeting and other international legal issues arising under the laws of armed conflict to the commander controlling combat air operations in Iraq and Afghanistan. I held a Top Secret Security Clearance during my military career and retired with the rank of Lieutenant Colonel.

- (j) After my retirement in February 2007, I joined The Law Offices of Wade S. Kolb, Jr. in Sumter, South Carolina as an associate for one year, and then as a partner in the firm of Kolb & Murphy (now Kolb, Murphy & Givens,) Attorneys at Law, LLC. My practice with the firm consists of criminal defense in federal trial and appellate courts (including military courts-martial), and general civil practice in state and federal courts. My general practice has consisted mostly of probate issues, breach of contract, accidents and claims before various federal administrative bodies. These include proceedings involving the Veterans Administration, Social Security Administration and Equal Employment Opportunity Commission. I have a small family law practice consisting almost exclusively of military clients. Since 2015, I have become a certified mediator in Circuit and Family Courts and a certified arbitrator. I have handled about twenty mediations in the past year. In addition to providing input into the firm's annual operational budget, I am responsible for the firm trust account.
- (k) At the same time, I have served as a part-time Public Defender in Sumter County, representing indigent clients in Circuit Court. Since July 2012, I have also served as the Chief County Public Defender for Sumter County, where I assist the Chief Defender for the Third Circuit with administrative responsibilities unique to Sumter County. My caseload as a Public Defender has varied between 150-300 active cases. I have represented indigent clients in a number of litigated cases, including murder, criminal sexual conduct with a minor, criminal sexual conduct first degree, burglary, assault with intent to kill and other crimes.



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Mr. Murphy reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 25%;
- (b) State: 75%;

Mr. Murphy reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 15%;
- (b) Criminal: 70%;
- (c) Domestic: 10%;
- (d) Other: 5%.

Mr. Murphy reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 25%;
- (b) Non-jury: 75%.

Mr. Murphy provided that he most often serves as sole counsel.

The following is Mr. Murphy's account of his five most significant litigated matters:

- (a) United States v. Scheffer, 523 US 303; 118 S. Ct. 1261; 140 L. Ed. 2d 413 (1998).

As the trial prosecutor in this case, I moved to suppress the results of an exculpatory polygraph offered by the defendant to deny his use of illegal drugs. The defendant had moved at trial that he was entitled to introduce this evidence and that military rules of evidence mandating exclusion were in violation of the due process clause. At trial, I successfully argued against the defense motion. On appeal, after one military appellate court held otherwise, the US Supreme Court concluded that the military rules of evidence mandating exclusion of polygraph evidence did not violate the due process clause and the conviction in this case was ultimately affirmed.

- (b) South Carolina v. Stavis, 2009-GS-43-0801.

This was the last of three trials in which I represented Mr. Stavis, the last two of which he was facing life

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imprisonment without parole if convicted. He was acquitted at each trial. In this case, Mr. Stavis was charged with CSC 1<sup>st</sup>, Kidnapping and Burglary First degree. The State's evidence included a DNA sample. At trial, I elicited testimony from the alleged victim during cross-examination that flatly contradicted the testimony of a police officer testifying for the State. I was also able to introduce evidence that the alleged victim had a poor reputation for truthfulness, had racial bias and undercut the argument that the encounter was non-consensual. The case received some coverage in the local media and, given the prior acquittals, the State gave a maximum effort to secure a conviction. It was an extremely difficult case factually given the DNA evidence.

(c) United States v. Manginell, 32 MJ 891 (AFCMR 1991).

This case, arising from "Operation Just Cause" (the US invasion of Panama in 1989) was the first military prosecution for the charge of "looting" under Article 103, UCMJ in about twenty-five years. During my preparation as the trial prosecutor, I discovered a conflict in the military legal authorities concerning the definition of "looting" and whether an element of "force" was required for the crime. In support of the legality of defendant's guilty plea to the charge, I drafted a detailed brief supporting the conclusion that the crime of "looting" did not require an element of force. On appeal, the Air Force appellate court agreed with my analysis and referenced my brief in its opinion upholding the plea. The case was relied upon in subsequent military cases concerning this crime, and the current definition of "looting" in military legal authorities clearly reflect its holding concerning the absence of force.

(d) South Carolina v. Shannon, 2010-GS-43-0648.

I represented Mr. Shannon at trial on a murder charge. He was accused of shooting and killing his girlfriend. The defense strategy was to seek a conviction for involuntary manslaughter, arguing that while my client was reckless, the shooting was not malicious. The defense case was "proven" through the State's witnesses and evidence, including the 911 tape submitted by the State, the

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testimony of first responders and some helpful testimony from the forensic experts from SLED. I also successfully argued against the State's contention that a charge for involuntary manslaughter was not supported by the facts. Mr. Shannon was convicted by the jury of involuntary manslaughter and was sentenced to five years.

- (e) United States v Hennis, 40 MJ 865 (AFCMR 1994).

The complexity of this case is not evident in the appellate opinion. I served as the trial prosecutor. The defendant was charged with various indecent acts upon his minor daughter at his duty stations in Utah and in Idaho. On the evening before trial, defendant and his civilian defense attorney left Idaho, traveled to Utah and attempted to enter guilty pleas to similar charges in state court. Utah authorities returned the defendant to military authorities. However, defendant's wife and daughter (the victim) refused to return to Idaho to testify in his court-martial. As a result, the prosecution case rested on a detailed "diary" summarizing and detailing the abuse that was required as part of her medical treatment. I successfully overcame a defense motion to suppress this "diary" under the hearsay exception for statements made in furtherance of a medical diagnosis. I also successfully argued against attacks on military jurisdiction and bias in the selection of the court-martial panel. After losing this motion, defense conceded certain facts (that serve as the basis for the appeal). Defendant was convicted without the testimony of the victim.

The following is Mr. Murphy's account of two civil appeals he has personally handled:

- (a) I have been involved in an appeal of one probate matter to the Court of Common Pleas. The case was Wise v. Manley, 2007-CP-14-190. The Court of Common Pleas remanded the case to the Probate Court requesting clarification on one of the issues and shortly afterward, the case settled.
- (b) I have had two appellate cases before the US Court of Appeals for Veterans' Claims. The first (In Re Parker) involved an appeal and brief supporting reversal of a

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decision by the Board of Veterans' Appeals (BVA). The second (In Re Gunn) involved filing a Petition for a Writ of Mandamus requesting enforcement of a BVA order by the VA Regional Office in Tampa, Florida. In both cases, the General Counsel for the VA acquiesced in the actions and the matters were ultimately settled in favor of my clients.

The following is Mr. Murphy's account of five criminal appeals he has personally handled:

- (a) United States v. Washington, 54 MJ 936 (AF Court of Criminal Appeals 2001); remanded United States v. Washington, 57 MJ 936 (US Court of Appeals Armed Forces 2002) decision date: 9/20/2002
- (b) United States v. Whitney, 55 MJ 413 (US Court of Appeals Armed Forces 2001) decision date: 9/20/2001
- (c) United States v. Traum, ACM No. 34225 (AF Court of Criminal Appeals 2002) (unpublished) decision date: 6/28/2002
- (d) United States v. Ross, 416 Fed. Appx 289 (4<sup>th</sup> Cir. 2011) (unpublished) date decided: 3/16/11
- (e) United States v. David, 12-4492 (4<sup>th</sup> Cir. 2013) (unpublished) date decided: 1/31/13

Mr. Murphy further reported the following regarding unsuccessful candidacies:

Circuit Judge at Large, Seat 9 (August 2014-January 2015)

Circuit Judge at Large, Seat 1 (August 2016-January 2017)

(9) Judicial Temperament:

The Commission believes that Mr. Murphy's temperament would be excellent and noted that he would provide a leveling influence in the courtroom.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Murphy to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative

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criteria of constitutional qualifications, physical health, and mental stability. Additionally, the Committee commented that Mr. Murphy is a “tremendously respected, open-minded and fair, problem solver.”

Mr. Murphy is married to Jody Diane (Henderson) Murphy. He has two sons: Sean William Murphy (28) and Brendan Ward Murphy (26). Both serve as officers in the United States Air Force.

Mr. Murphy reported that he was a member of the following Bar and professional associations:

- (a) Sumter County Bar Association, 2007 to present
- (b) South Carolina Bar Association, 2007 to present  
Law Related Education (LRE) Committee (2007-present); Military and Veterans Law Council (2012-present; Vice-Chair, Chair)
- (c) Duquesne University Law School Alumni Association (2007-present)
- (d) South Carolina Public Defender Association (Third Judicial Circuit Representative, 2015-present)

Mr. Murphy provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Sumter-Palmetto Rotary Club (2007-2016 (Board member);
- (b) Sumter Rotary Sunshine Club (2016-present, President)
- (c) Military Officers Association of America, Santee- Wateree Chapter (2011-present, Vice-President, President)
- (d) Sumter-Shaw Community Council (2007-present)
- (e) Knights of Columbus (2016-present)
- (f) Iraq and Afghanistan Veterans of America (IAVA) (2016-present)
- (g) Saint Anne Catholic School Advisory Board (2012-13, President)
- (h) Our Lady of the Skies Catholic Chapel Advisory Council (2012-2015) Chapel Finance Working Group, 2012-2015)

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Mr. Murphy further reported:

Neither of my parents finished high school. However, they remain two of the wisest people I have ever known. Education was always a priority in our household growing up. My parents were well read. Both were well informed and encouraged discussions regarding current events, politics and religion. They instilled in me a love for learning that I have possessed throughout my life. Thanks to their example, I have viewed my professional career as one continuous opportunity to learn something new—about the law, about people and about myself.

My parents were not wealthy. Reflecting on my childhood, it has become very evident to me that they struggled financially. At times, we lived without electricity and plumbing because we could not afford to have these fixed. Our entire home was the size of some families' garages. At the time, however, these challenges didn't seem burdensome. My parents viewed themselves as blessed, and consistently reminded my brother and me that we were fortunate to live in a nation with so much to offer, and that there existed so many who were less fortunate. They taught me that all people had value, and that character and integrity—rather than wealth and status—were the true measures of a person.

Despite their financial situation, my parents were generous people—with their time and resources. They sacrificed by providing as much as possible for my education and supporting my goals. Prior to high school, I wanted to study for the Catholic priesthood. My parents supported me, paying tuition for me to attend Saint Fidelis Seminary and dealing with my absence at home during four years of high school and my freshman year of college. After I transferred to Duquesne, they supported me financially as much as possible and provided me with advice and guidance on numerous matters. Though my parents have been dead for many years, I still rely on their guidance and example, and have tried, through my faith and my conduct to prove worthy of their sacrifice and example.

While the example and support of my parents was vital to me as I matured, the single most important influence in my life has been my wife of almost thirty years. Daily, my wife demonstrates patience, kindness and love. Her present profession as a teacher stemmed from her belief that God was calling her to be a witness

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of those traits to children in her care. Together we have raised two sons who have grown into men of good character and inspire me daily with their examples.

One benefit of my Air Force career is that I have had a wide variety of legal and life experiences. I have enjoyed the personal and professional challenges of every duty position in which I have served. Both in the Air Force and since my retirement, I've had the opportunity to meet and deal with a wide variety of people from different backgrounds and cultures from across our country and throughout the world.

What I have come to believe is that, notwithstanding their differing backgrounds and cultures, most people have similar outlooks and values, and most people reciprocate the type of treatment they receive. I have also witnessed, both in my own family and in dealing with various people, the capacity of each person for doing great good or great harm, as well as the capacity to overcome poor decisions.

I have been shaped and influenced by my faith, my education, my experiences as well as the examples of my wife, family and my parents. These influences have served me well in my roles as a husband, father, officer and an attorney, and should I have the privilege, they would provide the basis of my conduct as a Circuit Court judge.

(11) Commission Members' Comments:

The Commission commented that Mr. Murphy has a strong presence and extensive experience serving our country and our state.

(12) Conclusion:

The Commission found Mr. Murphy qualified and nominated him for election to Circuit Court, Third Judicial Circuit, Seat 2.

**The Honorable Roger E. Henderson  
Circuit Court, Fourth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Henderson meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Henderson was born in 1949. He is 68 years old and a resident of Chesterfield, South Carolina. Judge Henderson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1978.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Henderson.

Judge Henderson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Henderson reported that he has not made any campaign expenditures.

Judge Henderson testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Henderson testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.



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(3) Professional and Academic Ability:

The Commission found Judge Henderson to be intelligent and knowledgeable.

Judge Henderson reported that he has taught the following law-related courses:

- (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 topics 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 Conference.
- (e) I lectured on new issues in the 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 Court Rules, Alimony and Equitable Division.
- (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.

Judge Henderson reported that he has not published any books or articles.

(4) Character:

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The Commission's investigation of Judge Henderson did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Henderson did not indicate any evidence of a troubled financial status. Judge Henderson has handled his financial affairs responsibly.

The Commission also noted that Judge Henderson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Henderson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Judge Henderson reported the following military service:

May, 1971 – May, 1977, United States Army Reserves  
Specialist Fourth Class, Honorable Discharge

Judge Henderson reported that he has held the following public offices:

- (a) October 29, 1979 – 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.

Two of the positions did not require 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.

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(6) Physical Health:

Judge Henderson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Henderson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Henderson was admitted to the South Carolina Bar in 1978.

He gave the following account of his legal experience since graduation from law school:

- (a) 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 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 until 1995 when I was elected to the Family Court Bench. In March, 2015, I began serving as a Circuit Court Judge. During the time I was a solo practitioner and also when in partnership with Mr. Spencer, I was responsible for the administrative and financial management duties associated with running a law office. During the time I was in a solo practice, I was responsible for managing the firm's trust account and when in partnership with Mr. Spencer, we were jointly responsible for the management of the firm's trust account.

Judge Henderson reported that he has held the following judicial office(s):

- (a) 1978-1982 Assistant Recorder and Recorder for the Town of Chesterfield, appointed by the Mayor. This Court

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handled all traffic and criminal offenses in which he punishment did not exceed 30 days or a \$200 fine.

- (b) July 1, 1995 to February 28, 2015 – 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.
- (c) March 1, 2015 to present – Circuit Court Judge for the Fourth Judicial Circuit, Seat No. 2, Elected by the South Carolina General Assembly. Statewide jurisdiction to hear all criminal and civil matters.

Judge Henderson provided the following list of his most significant orders or opinions:

- (a) 95-DR-16-0712 – Leslie Douglas Stewart vs. Susan Fellows Van Epps  
This was a multi-day trial involving a divorce on the ground of habitual drunkenness as to the wife and the significance of this case was that custody was granted to the father.
- (b) 97-DR-42-1170 – Charles Tyrone Courtney vs. Carol Lynn W. Courtney  
This was a five day trial involving a state senator. The issues in the case dealt with an invalid foreign divorce decree and custody. The wife was granted a divorce on the grounds of adultery and awarded custody of the children.
- (c) 03-DR-16-0593 – Karen Allen Hines vs. Franklin Hines – Unpublished  
Opinion No. 208-UP-198 This was a three day trial which involved equitable distribution and alimony. This case was addressed by the Court of Appeals twice.
- (d) 05-DR-34-340 – Ronald H. Stanton vs. Tracy P. Stanton  
This was a multi-day trial for custody and relocation. The mother was granted custody and allowed to relocate to Tennessee.
- (e) 07-DR-16-0487 – Alice Ball Fitzwater vs. Floyd A. Fitzwater 396 S.C. 361, 721 S.E.2d 7 (Ct. App. 2011)  
This was a divorce tried over several days that involved complex equitable distribution issues and attorney fees.

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My decision was affirmed by the Court Appeals in published opinion No. 4919 filed December 14, 2011.

- (f) 07-DR-42-2787 – Arthur Stuart Lazarus vs. Katrina H. Lazarus

This was an eight day trial involving divorce, significant marital assets issues, equitable distribution and attorney fees. The parties appealed my decision; however, the matter was settled during the appeal.

Judge Henderson reported the following regarding his employment while serving as a judge:

1978-1982 Assistant Recorder and Recorder for Town of Chesterfield, supervised by the Mayor and Town Council. Major responsibilities were to issue warrants and preside over Recorder's Court. While serving as Assistant Town Recorder and Recorder, I was engaged in the private practice of law.

- (9) Judicial Temperament:

The Commission believes that Judge Henderson's temperament has been, and would continue to be, excellent.

- (10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Henderson to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualification, physical health, and mental stability.

Judge Henderson is married to Sarah Leppard Henderson. He has three children.

Judge Henderson reported that he was a member of the following Bar and professional associations:

- (a) Chesterfield County Bar Association.
- (b) South Carolina Bar
- (c) South Carolina Conference of Family Court Judges, Treasurer – August 2001 – August 2002. Vice President

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– August 2002 – August 2003, President, August 2003 – August 2004.

- (d) South Carolina Association of Circuit Court Judges.

Judge Henderson provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (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

Judge Henderson further reported:

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 three grandchildren. My parents were married for 60 years, and I have been married for over 42 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 and Reserves and 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

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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 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.

(11) Commission Members' Comments:

The Commission commented that Judge Henderson is a dedicated public servant with a wealth of experience and service from his time serving in the Family Court and Circuit Court.

(12) Conclusion:

The Commission found Judge Henderson qualified and nominated him for re-election to Circuit Court, Fourth Judicial Circuit, Seat 2.

**The Honorable L. Casey Manning  
Circuit Court, Fifth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Manning meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Manning was born in 1950. He is 67 years old and a resident of Columbia, South Carolina. Judge Manning provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1977.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Manning.

Judge Manning demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Manning reported that he has not made any campaign expenditures.

Judge Manning testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Manning testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Manning to be intelligent and knowledgeable. His performance on the Commission's practice and procedure questions met expectations.



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Judge Manning reported that he has taught the following law-related courses:

- (a) I have lectured at Joint SC Correction Assn. & Parole Agents' Conf.
- (b) I have spoken at the National Youth Violence Prevention Seminar
- (c) I have lectured at the SC Reserve Fund Seminar
- (d) I have spoken at Magistrates Conferences
- (e) I have spoken at the SC Bar Young Lawyers Division
- (f) I have lectured at the Presbyterian Student Peace and Justice Institute
- (g) I have spoken at the WLTX Player of the Year Banquet
- (h) Taught at New Judges School - last 23 years

I only decline an invitation to speak to classes and student organizations if I have an unavoidable conflict; therefore, I have spoken to numerous groups over the course of my career. I have mentored many young lawyers through the New Lawyer Mentoring Program.

Judge Manning reported that he has published the following:

- (a) S.C. Appellate Practice Handbook (S.C. Bar CLE 1900), contributing Author;
- (b) Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1900), Editorial Board.

(4) Character:

The Commission's investigation of Judge Manning did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Manning did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Manning was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Judge Manning reported that he is listed in Who's Who Legal.

Judge Manning reported that he has held no public office other than judicial office.

(6) Physical Health:

Judge Manning appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Manning appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Manning was admitted to the South Carolina Bar in 1977.

He gave the following account of his legal experience since graduation from law school:

- (a) 1979-1983 Attorney and Counselor at Law, Dillon County, private practice
- (b) 1980 Part-time instructor, Paralegal Program, Florence-Darlington Technical College
- (c) 1983-1989 South Carolina Assistant Attorney General
- (d) 1988-1989 Chief of Prosecutions
- (e) 1989-1994 Partner with Walker, Morgan & Manning, Lexington, SC
- (f) 1994-Present Circuit Court Judge, Fifth Judicial Circuit

Judge Manning reported he has not personally handled any civil or criminal appeals.

Judge Manning further reported the following regarding an unsuccessful candidacy:

Unsuccessful candidate for Court of Appeals - 2006

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(9) Judicial Temperament:

The Commission believes that Judge Manning's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Manning to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in comment "We found Judge Manning to be extremely qualified in every respect. He has great experience and knowledge of the law, and he has commendable personal skills."

Judge Manning is divorced. He has three children.

Judge Manning reported that he was a member of the following Bar associations and professional associations:

- (a) S.C. BAR ASSOCIATION  
1977 to Present  
Criminal Law Secretary (1987-1988)
- (b) S.C. ASSOCIATION FOR JUSTICE  
National Minority Delegate
- (c) GREATER COLUMBIA CHAMBER OF  
COMMERCE  
Sports Committee (1973-1974)
- (d) S.C. BAR BOARD OF LAW EXAMINERS  
(1992)
- (e) S.C. BAR SPECIAL COMMITTEE ON THE  
JUDICIARY  
(1991-1992)
- (f) HEARING MASTERS  
Rules on Judicial Discipline & Standards (1994-1998)
- (g) S.C. COMMISSION ON JUDICIAL CONDUCT  
1996 to present
- (h) INVESTIGATIVE PANEL  
1998 to present
- (i) S.C. SENTENCING GUIDELINES COMMISSION

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1990 to present

- (j) UNITED STATES COURT OF APPEALS
- (k) UNITED STATES DISTRICT COURT, DISTRICT OF SOUTH CAROLINA

Judge Manning provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Matthew J. Perr Civility Award, 2002 (Richland County Bar)
- (b) S.C. Association of Justice Portrait Recipient, August 6, 2005
- (c) City of Columbia National Youth Violence Awareness Week Award, April 2008
- (d) American Board of Trial Advocates (ABOTA) Award, February 3, 2011
- (e) Black History Month Sport Award, February 18, 2012
- (f) The Richard T. Greener Award for Excellence in Athletics, April 14, 2012
- (g) NBLSA Award, March 20, 2014
- (h) The Chief Justice's Commission on the Profession G. Dewey Oxner Jr. Mentor of the Year Award, 2014

(11) Commission Members' Comments:

The Commission commented that Judge Manning is well-respected throughout the legal community. They noted that Judge Manning has a reputation for being a fair jurist which has served him well during the past 24 years on the bench.

(12) Conclusion:

The Commission found Judge Manning qualified and nominated him for re-election to Circuit Court, Fifth Judicial Circuit, Seat 2.

**The Honorable Grace Gilchrist Knie  
Circuit Court, Seventh Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Knie meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Knie was born in 1964. She is 53 years old and a resident of Campobello, South Carolina. Judge Knie provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1989.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Knie.

Judge Knie demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Knie reported that she has made \$19.77 in campaign expenditures for USPS Certified Mailings in conjunction with completing the application and other required documents for this position as required by the JMSC.

Judge Knie testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Knie testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Judge Knie to be intelligent and knowledgeable.

Judge Knie reported that she has taught the following law-related courses:

- (a) I have lectured at the 2002 SCAJ Annual Convention, to the Family Law Section on the subject Family Court Visitation and Custody Issues (Excluding Patel) ;
- (b) I have lectured at the 2003 SCAJ Annual Convention, to the Family Law Section, on the subject What Family Court Judges Want at Temporary Hearings;
- (c) I have lectured at the 2004 SCAJ Annual Convention, to the Family Law Section on the subject Family Law-Case Law Update, September 2003 -July 2004;
- (d) I have lectured at the 2005 SCAJ Annual Convention, to the Family Law Section on the subject Family Law-Case Law Update, September 2004 -July 2005;
- (e) In 2007 I chaired the Family Law Section of the SCAJ and enlisted speakers for the CLE presentation. I presided over and moderated the Family Law presentation at the 2007 Annual Convention.

Judge Knie reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Knie did not reveal evidence of any founded grievances or disqualifying criminal allegations made against her. The Commission's investigation of Judge Knie did not indicate any evidence of a troubled financial status. Judge Knie has handled her financial affairs responsibly.

The Commission also noted that Judge Knie was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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(5) Reputation:

Judge Knie reported that her last rating by a legal rating organization, Martindale-Hubbell, was AV.

She also reported that she is a member of the Best Lawyers in America, Super Lawyers and is a Litigation Counsel of America Trial Lawyer Honorary Society Fellow.

Judge Knie reported that she has not served in the military.

Judge Knie reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Knie appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Knie appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Knie was admitted to the South Carolina Bar in 1989.

She gave the following account of her legal experience since graduation from law school:

- (a) Kermit S. King, Attorney, Columbia, South Carolina, Clerkship August, 1988-June, 1989;  
Upon graduating from law school in the summer of 1989, while studying to take the Bar Exam in August, I continued to work for Kermit S. King, Attorney at Law, Columbia. Mr. King's practice primarily focused on divorce or domestic litigation. My job responsibilities were to research aspects of the law as instructed, to assist in organizing files and accompanying him and other lawyers in the firm to court, when necessary. In addition, I performed general clerkship duties. The position ended at the

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conclusion of the Bar Exam preparation and upon my taking a position as Clerk to Judge James B. Stephen, Circuit Court Judge.

- (b) Honorable James B. Stephen, Circuit Court Judge, Spartanburg, South Carolina, Law Clerk, August, 1989-August, 1990;

I obtained the position of Law Clerk to Judge James B. Stephen, Circuit Court Judge for the 7th Judicial Circuit, Spartanburg, SC in August 1989. I had the opportunity to shadow Judge Stephen in his court room and in his office for one year. I traveled with him while he rotated throughout the state when he held court in Beaufort, Charleston, Columbia, Aiken, Cherokee, Spartanburg and other counties and had a unique and distinct career opportunity which was priceless in gaining valuable experience and insight into the practice of law. During that year, I sat beside Judge Stephen on the bench, in the courtroom on a daily basis and was able to observe first hand General Sessions Court and Common Pleas Court. He had me research legal issues, assist in writing decisions, and also had me serve as the conduit of information between himself and counsel appearing before him concerning decisions, calendaring, and scheduling.

- (c) Bruce Foster, P.A., Spartanburg, South Carolina, Associate, 1990-1992;

In August of 1990 I became an associate of Bruce Foster, P.A., in Spartanburg. The practice was a general litigation practice with focus on domestic litigation, and plaintiff's personal injury. As an associate attorney, I initially served as co-counsel with Mr. Foster in ongoing, pending litigation and then accumulating my own clients and represented them in both family court, civil litigation, and some criminal defense, as well as, employment discrimination and sexual harassment litigation. At the conclusion of two years, I continued to share office space with Mr. Foster, but formed my own firm as Grace Gilchrist Dunbar, P.A.

- (d) Grace Gilchrist Dunbar, PA, Spartanburg, South Carolina, Attorney, 1992-2004;



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1992 through 2004, I had a general litigation practice handling domestic litigation, plaintiff's personal injury, workers' compensation, employment discrimination and criminal defense work. During this time, Mr. Foster's health began to deteriorate and he retired. I purchased and renovated an office building in Spartanburg and moved my practice to a location approximately one block from Mr. Foster's office. I was a sole practitioner and solely handled the administrative and financial management of the law firm which required that I was in charge of payroll, payroll tax deposits, quarterly and annual tax returns, and I was in charge of the management of the law firm's trust account/s. A CPA firm calculated payroll, tax deposits, and withholding amounts.

- (e) City of Spartanburg, Spartanburg, South Carolina, City Prosecutor, 1995-2010; part-time position;

In 1995, I took the position as the City Prosecutor for the City of Spartanburg. I held this position until 2010. It was part-time. My job responsibilities included the prosecution of all criminal jury trials for the City of Spartanburg. These cases ranged from minor traffic citations to Criminal Domestic Violence and Driving Under the Influence 1st Offense and Driving Under Suspension. There were multi-day terms of Court on a monthly basis. I dealt with attorneys representing defendants, as well as, pro-se litigants on a regular basis. Additionally, I served as legal counsel at City Council meetings when the City Attorney could not be present. I handled the majority of the appeals from the Spartanburg City Municipal Court to the Circuit Court.

- (f) Grace Gilchrist Knie, PA, Spartanburg, South Carolina, Attorney, 2004 - February 23, 2017.

In 2004, although the nature of my practice remained the same, after my marriage, I changed the name of my law practice and professional association to Grace Gilchrist Knie, P.A. Approximately 6-8 years ago I transitioned the nature of my firm from contested domestic litigation to Social Security disability in addition to personal injury. I was a sole practitioner and

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solely handled the administrative and financial management of the law firm which required that I was in charge of payroll, payroll tax deposits, quarterly and annual tax returns, and I was in charge of the management of the law firm's trust account/s. A CPA firm calculated payroll, tax deposits, and withholding amounts.

Judge Knie has reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes that Judge Knie's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Knie to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Knie is married to Patrick Eugene Knie. She has two step-children.

Judge Knie reported that she was a member of the following Bar and professional associations:

- (a) Spartanburg County Bar Association; President, 2012; Vice President, 2011; Executive Committee member, 2009-2013; Chairperson, Spartanburg County Bar's Cinderella Prom Dress Project 2008-2013;
- (b) SC Bar Association 1989 - Present; Member, Judicial Qualifications Committee 2012 - January, 2016; Member, Solo and Small Firm Section
- (c) American Bar Association

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Judge Knie provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) First Presbyterian Church;
- (b) The YMCA;
- (c) The Piedmont Club;
- (d) The Spartanburg County Library.

Judge Knie further reported:

As a young person, it was always my goal to complete college and law school. Out of necessity in order to pay the tuition and the necessary costs involved, I worked multiple jobs at the same time while attending school and was able to pay my way through undergraduate school and law school. I believe that I have a strong work ethic that has carried over to my professional practice. I was always willing to put in the long hours necessary to be fully prepared in every case which I handled. As a circuit court judge, I bring that work ethic with me everyday to insure that whatever tasks are assigned to me are fully and timely completed. My work ethic has also made me very independent and I believe that such independence is very important to being a good and ethical jurist.

(11) Commission Members' Comments:

The Commission commented that Judge Knie is an enthusiastic jurist with a reputation for being prepared and a student of the law.

(12) Conclusion:

The Commission found Judge Knie qualified and nominated her for re-election to Circuit Court, Seventh Judicial Circuit, Seat 2.

**The Honorable Eugene Cannon Griffith Jr.  
Circuit Court, Eighth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Griffith meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Griffith was born in 1964. He is 53 years old and a resident of Prosperity, South Carolina. Judge Griffith provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Griffith.

Judge Griffith demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Griffith reported that he has not made any campaign expenditures.

Judge Griffith testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Griffith testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Griffith to be intelligent and knowledgeable.

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Judge Griffith reported that he has taught the following law-related courses:

- (a) I taught the legal section in Newberry County to students who enrolled in the Reserve Police Officer Certification Classes. I have taught four or five groups of candidates before being elected to the circuit court.
- (b) In 1999, I taught the Legal unit to the Volunteers for the Newberry County Guardian as litem program.
- (c) Panel Member for Case Law Updates at South Carolina Public Defenders Annual Conferences. September 2009 and 2013.
- (d) Panel Member for Case Law Updates at South Carolina Solicitor's Association Annual Conference. September 2010, 2012, and 2014.
- (e) I presented at the 2016 Court Reporters convention  
I taught along with Judge Newman the Criminal Law Section to the newly elected circuit court judges' school in 2015 and 2017.

Judge Griffith reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Griffith did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Griffith did not indicate any evidence of a troubled financial status. Judge Griffith has handled his financial affairs responsibly.

The Commission also noted that Judge Griffith was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Griffith reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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Judge Griffith reported that he has not served in the military.

Judge Griffith reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Griffith appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Griffith appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Griffith was admitted to the South Carolina Bar in 1991.

He gave the following account of his legal experience since graduation from law school:

- (a) March 1991-July 1991: Clerk to the Honorable James E. Moore, Circuit Court;
- (b) July 1991- June 1992: Clerk to the Honorable John P. Gardner, S.C. Court of Appeals;
- (c) July 1992- February 1997: solo practitioner as Griffith Law Firm - general practice of law. The office handled real estate transactions, mortgage closings, magistrate's trial work, criminal trial defense, civil trial work, both plaintiff and defense counsel, domestic relations trial work, and estate and probate matters. As a sole practitioner, I was entirely responsible for administrative and financial management functions;
- (d) February 1997- February 2009: In February 1997, Rushing and Griffith, P.C. was formed by Eugene C. Griffith, Jr. and Elizabeth R. Griffith. The scope and type of practice did not change significantly from the initial five years as solo practitioner and was operated as a general practice. Don S. Rushing bought into the corporation and, opened an office in Lancaster, South Carolina. Don S. Rushing has operated a limited

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practice in the Lancaster office. During the last several years of the practice the type of work performed in the Newberry changed slightly. In January of 2005, I agreed to work as a special prosecutor for the Eighth Judicial Circuit of the court terms of General Sessions Court held in Newberry County. After agreeing to act as special prosecutor, I was unable to accept cases as a criminal defense attorney. I also handled numerous condemnation actions on behalf of SCDOT, Duke Energy, and City of Newberry. I was also appointed under the Circuit Court rules to numerous civil cases to act as a special referee for non-jury matters such as partitions and foreclosures. I was part-time city attorney for the City of Newberry for 15 years. I was entirely responsible for administrative and financial management functions of the law firm.

- (e) February 27<sup>th</sup>, 2009 - Present: Resident Circuit Court Judge for the Eighth Judicial Circuit, Seat 2.
- (f) May 2010 - December 2011: Chief Administrative Judge Eighth Judicial Circuit for Common Pleas and General Sessions
- (g) January 2013 - December 2013: Chief Administrative Judge Eighth Judicial Circuit Common Pleas and General Sessions
- (h) January 2014 - December 2014: Chief Administrative Judge Eighth Judicial Circuit General Sessions
- (I) January 216 - July 2016 Chief Administrative Judge Eighth Judicial Circuit Common Pleas
- (j) July 2016 - June 2017: Chief Administrative Judge Eighth Eleventh Judicial Circuit General Sessions
- (k) July 2017 - Present: Chief Administrative Judge Eighth Judicial Common Pleas

Judge Griffith provided the following list of his most significant orders or opinions:

- (a) State v. Trapp  
This case involved a jury trial of Toaby Trapp who was indicted for Trafficking in Crack Cocaine. The case presented issues involving: a chain of custody, violation of confrontation clause, and suppression of evidence.

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Trapp was convicted and appealed his conviction. Conviction was affirmed in Trapp v. State, Op. No. 5487, 2017 WL 2266970 (Ct. App. 2017).

(b) State v. Lynch

This capital case involved the bench trial of Kenneth Lynch on the double murder of his girlfriend and her granddaughter. Guilt phase and sentencing phase took nearly three weeks to hear. Case was the first double murder capital case where neither of the victim's bodies were ever found. Case was affirmed at State v. Lynch, 412 S.C. 156, 177 S.E.2d 346 (Ct. App. 2015).

(c) Yancey Envtl. Solutions, LLC v. Richardson Plowden & Robinson, P.A.

This case involved a legal malpractice claim by a plaintiff corporation which specialized in providing consulting services to large landowners who were interested in environmental easements. Environmental easements are created to protect land from development and also to generate tax benefits for the landowner through certain tax regulations. The consulting law firm terminated its representation of parties which allegedly cause the landowner to not execute the environmental easement. The plaintiff's presentation over several days to a jury by the plaintiff, a directed verdict was granted by the court. The case was appealed by plaintiff on the order for directed verdict and affirmed. Yancey Envtl. Solutions, LLC v. Richardson Plowden & Robinson, P.A., No. 2012-UP-042, 2016 WL 4096191 (Ct. App. 2015).

(d) Team IA v. Lucas, 406 S.C. 212, 750 S.E.2d 91 (2013) (Supreme Court dismissed appeal as Improvidently Granted). Team IA v. Lucas, CA No.: 2009-CP-32-1078. Case was reprimanded to the trial court to resolve factual issues not heard during the initial trial. Held a week long jury trial on the underlying case after the appeal was dismissed by the South Carolina Supreme Court. The primary issue dealt with an employer attempting to enforce a non-compete agreement against a former employee. At trial, both parties introduced evidence of complex corporate contracts, tax records,



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and other business records. After a five day trial, the jury returned a seven figure verdict on Friday evening. After the verdict, the parties settled out of court.

- (e) First Citizens Bank v. Park at Durbin Creek & Kenneth E. Clifton

This case involved conveyance to a tract of land in violation of the Statute of Elizabeth. The question of fact for the court was whether the transfer of the interest in the land was for a valid purpose or was it for an invalid purpose such as to avoid attachment by a creditor. After a lengthy non-jury trial, the court ruled that the transfers were invalid and in an attempt to avoid mortgage foreclosure. This ruling was appealed and affirmed in First Citizens Bank & Tr. Co. v. Park at Durbin Creek, LLC, et al., 419 S.C. 333, 797 S.E.2d 409 (Ct. App. 2017).

Judge Griffith has reported no other employment while serving as a judge.

Judge Griffith reported the following regarding an unsuccessful candidacy:

I was a candidate for South Carolina House District 40 in Fall of 2002. I ran unsuccessfully against the incumbent, Walton J. McLeod. I timely filed all economic disclosure reports regarding contributions and expenses during the election cycle required of a candidate.

- (9) Judicial Temperament:

The Commission believes that Judge Griffith's temperament has been, and would continue to be, excellent.

- (10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Judge Griffith to be qualified in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and

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academic ability, character, reputation, experience, and judicial temperament.

Judge Griffith is married to Elizabeth Rushing Griffith, but they have been separated since August 20, 2016. He has three children.

Judge Griffith reported that he was a member of the following Bar and professional associations:

- (a) Newberry County Bar Association - Member 1992 to Present
- (b) South Carolina Bar - Member 1991 to Present
- (c) South Carolina Associate for Justice - Member 1991 through 2009

Judge Griffith provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Member of Central United Methodist Church. I have been chairman of the Finance Committee since 2016 to the present.

Judge Griffith further reported:

I love and thoroughly enjoy being a circuit court judge. I think that my enjoyment makes me a better listening, mediating, administering, and presiding judge.

(11) Commission Members' Comments:

The Commission commented that Judge Griffith has an outstanding reputation as a jurist. They noted that he is a down-to-earth, grounded gentleman with a wide range of experience.

(12) Conclusion:

The Commission found Judge Griffith qualified and nominated him for re-election to Circuit Court, Eighth Judicial Circuit, Seat 2.

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**The Honorable R. Scott Sprouse  
Circuit Court, Tenth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Judge Sprouse meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Sprouse was born in 1964. He is 53 years old and a resident of Walhalla, South Carolina. Judge Sprouse provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Sprouse.

He has demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of *ex parte* communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Sprouse reported that he has not made any campaign expenditures.

Judge Sprouse testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Sprouse testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Judge Sprouse to be intelligent and knowledgeable.

Judge Sprouse reported that he has taught the following law-related courses:

11/13/2015	SC Bar Tips from the Bench—10 <sup>th</sup> Circuit (I was part of a multi-judge panel).
4/28/2016	Tri-County Judicial Association---Ethics (I spoke to a JCLE involving Summary Court judges held at Clemson University).
3/23/2017	SC Bar Upstate Sporting Clays (I was part of a multi-judge panel).

Judge Sprouse reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Sprouse did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Sprouse did not indicate any evidence of a troubled financial status. Judge Sprouse has handled his financial affairs responsibly.

The Commission also noted that Judge Sprouse was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Sprouse reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Sprouse reported that he has not served in the military.

Judge Sprouse reported that he has never held public office other than judicial office.

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(6) Physical Health:

Judge Sprouse appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Sprouse appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Sprouse was admitted to the South Carolina Bar in 1990.

He gave the following account of his legal experience since graduation from law school:

Barnes & Smith, P.A., Beaufort, SC

August 1989-March 1990

Associate for an insurance defense firm. I primarily did research and file management. This involved a large amount of discovery documents and briefs prepared for the partners. I had no involvement in administrative and financial management of the firm.

Morgan Law Firm

April 1990-August 1991

Partner in general practice. I began handling various general practice cases including domestic, criminal, real estate, bankruptcy and general litigation. I was a partner engaged in the administrative and financial management of the firm (including the trust account) although all the physical assets, such as the building, were owned personally by my partner.

R. Scott Sprouse, Attorney at Law

August 1991-July 1992

I was a sole proprietor. I continued to handle the same types of cases but added social security and personal injury to my caseload. I also began sharing the City Attorney position for the City of Westminster in February of 1992. I had full responsibility for management of the business, including administrative and financial management (including the trust account).

Ross, Stoudemire, Ballenger & Sprouse, P.A.

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July 1992-December 1994

I was a member of a general practice firm. My practice primarily involved domestic litigation, criminal cases, personal injury cases and City Attorney work for the City of Westminster. I served as a Hearing Officer for the ABC Commission from the Fall of 1993 until early 1994. I had involvement in the administrative side of the firm and its financial management. I could sign checks and could review financial documents. We had a full time office manager and a part time bookkeeper. The office manager dealt with the day-to-day management of the firm, including paying the monthly bills. She was under the direct supervision of the senior partners/shareholders of the P.A.

Ross, Stoudemire & Sprouse, P.A.

January 1995-January 1997

My practice stayed virtually the same. The only change was that (the now Honorable) Karen Ballenger, left the firm. I became the sole City Attorney for the City of Westminster in January, 1995.

Stoudemire & Sprouse, P.A.

January 1997 to December 2014

My practice stayed the same, but the name of the firm changed again when Lowell Ross left the firm in January 1997. This job ended when I left the practice of law to become a Circuit Judge.

City of Westminster, City Attorney

February 1992-December 2014

I was involved in various legal matters for the City of Westminster. My duties included attendance at council meetings, prosecuting criminal cases in municipal court, drafting of documents and participation in civil litigation involving the City. This job ended when I left the practice of law to become a Circuit Judge.

City of Walhalla, Municipal Judge

February 1996-December 2014

I served as Municipal Judge for nearly nineteen years. I usually held court twice a week. I conducted bond hearings and signed warrants for the Walhalla Police Department. This was a court having general summary court criminal

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jurisdiction inside in the City of Walhalla. This job ended when I became a Circuit Judge.

Town of Salem, Municipal Judge

July 2011-December 2014

I served in the same capacity for the Town of Salem. I held court once a month. This job ended when I became a Circuit Judge.

City of Seneca, Interim Municipal

Judge, Fall 1998

I served as Interim Municipal Judge for the City of Seneca for several months in the Fall of 1998. Seneca was in the process of selecting a full time Municipal Judge. The City Council asked me to serve as Interim Judge while they were going through the hiring process. I performed all of the duties of a Municipal Court Judge during this period. This job ended when the Honorable Danny Singleton was appointed full time Municipal Judge in December of 1998.

City of West Union, Municipal Judge

July 2007-March 2008

The City of Walhalla and the City of West Union entered into a contract wherein Walhalla would provide police protection for West Union. Accordingly, I was sworn in and began holding court in West Union. This job ended when Walhalla terminated its contract with West Union, who resumed having the Oconee County Magistrate's Office handle its cases.

Circuit Judge, Tenth Judicial Circuit Seat 2.

January 2015 to present.

I was elected on May 28, 2014 by the S.C. General Assembly to replace the retiring Alexander S. Macaulay. I was sworn in and took the bench in January of 2015, and have been serving as Resident Judge, Seat 2, Tenth Judicial Circuit since then.

Judge Sprouse reported that he has held the following judicial office:

I was elected on May 28, 2014 by the S.C. General Assembly to replace the retiring Alexander S. Macaulay. I was sworn in and took the bench in January of 2015, and have been serving as Resident Judge, Seat 2, Tenth Judicial Circuit since then.

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Judge Sprouse provided the following list of his most significant orders or opinions:

I have not had any appellate opinions issued except State v. Jeremiah Johnson and State v. Billy Ray Smith in unpublished opinions of the South Carolina Court of Appeals in which the appeals were dismissed. There are other criminal cases over which I presided that are on appeal, although I am uncertain as to their status.

The most significant civil matters that have resulted in him issuing an order are as follows:

- (a) Cathy Kennedy, individually and as assignee of Rhonda Phillips v. All State Property and Casualty Co. and Angone Insurance Co., 2014CP0400505.  
This was a somewhat complex case involving insurance coverage for a boat, requiring policy/statutory interpretation in which I granted summary judgment.
- (b) State Farm Mutual v. Toni Becker, as PR of Adam C Becker and Earl Dean Jordan 2014CP3700425.  
This was a case involving a hunting accident involving policy/statutory interpretation in which I granted summary judgment.
- (c) R. Dean Price, et al v. Eugene L. Griffin, et al, 2016CP0402028.  
This was a case involving interpretation of restrictive covenants in a subdivision. I presided over a two day bench trial and issued an order.
- (d) Grange Mutual Casualty and Trustgard Insurance Company v. 20/20 Auto Glass, LLC, 2014CP0401787.  
This was a case involving insurance coverage for automobile property damage in which the parties asked the Court to define the rights of the parties. The issue was whether a binding unilateral contract was formed by the documentation issued by the insurer
- (e) Terry Lamar Whitfield v. North Pointe Assisted Living, 2015CP0400100/101.  
This case involved a dispute over an arbitration clause in a contract. I heard the motion to enforce arbitration and issued an order.



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Judge Sprouse reported the following regarding employment while serving as a judge:

I practiced law in a private general practice, as outlined above, while being employed as a part-time Municipal Judge from February 1996 until the end of 2014. Since taking the bench in Circuit Court in January 2015, I have had no employment outside of my full time employment as a Circuit Judge.

Judge Sprouse reported the following regarding unsuccessful candidacies:

2000 I ran for the Tenth Circuit Family Court, Seat 2. I withdrew from the race prior to the election. I was deemed qualified by the Judicial Merit Selection Commission.

2009 I announced an intention to run for the Tenth Circuit Family Court, Seat 2, but never submitted the application and withdrew my name prior to screening.

2012 I ran for the Tenth Circuit Family Court, Seat 2. I withdrew from the race prior to the election. I was deemed qualified by the Judicial Merit Selection Commission.

(9) Judicial Temperament:

The Commission believes that Judge Sprouse's temperament has been, and will continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Sprouse to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Sprouse is married to Mary Stoudemire Sprouse. They have two children.

Judge Sprouse reported that he was a member of the following Bar and professional associations:

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- (a) South Carolina Bar 1990 to present.
- (b) Oconee County Bar 1990 to present. President 1997. Treasurer 1991.
- (c) South Carolina Association for Justice f/k/a SC Trial Lawyers Association 1993-2014.
- (d) American Association for Justice f/k/a American Trial Lawyers Association 1993-2014.
- (e) South Carolina Summary Court Judges Association 1998-2014.
- (f) American Bar Association Judicial Division 2016-present.
- (g) American Judges Association 2016-present.
- (h) South Carolina Circuit Court Association 2015-present.

Judge Sprouse provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) St. John's Evangelical Lutheran Church 1997-present  
Church Council 1998-2004, 2008-2011  
Adult Sunday School Teacher.
- (b) IPTAY 1986-present. Representative 1994-2005.
- (c) The Oconee Assembly 1994-present, Board Member 2012-present.
- (d) City of Walhalla Recreation Department, Coach  
Boys Basketball 1996-2014.  
Baseball 2007-2014
- (e) AAU Basketball 2014, 2015.
- (f) Travel Baseball 2012.

Judge Sprouse further reported:

I was a certified Family Court Mediator, having completed the training at the SC Bar and received my certification on August 22, 2006. I conducted a number of mediations prior to becoming a Circuit Court Judge.

I am an Eagle Scout. I was a member of Troop 312 Boy Scouts of America in Piedmont, South Carolina.

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(11) Commission Members' Comments:

The Commission commented that Judge Sprouse is highly respected, kind, conscientious, and a good mentor to new lawyers and judges.

(12) Conclusion:

The Commission found Judge Sprouse qualified and nominated him for re-election to Circuit Court, Tenth Judicial Circuit, Seat 2.

**The Honorable William Paul Keesley  
Circuit Court, Eleventh Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Keesley meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Keesley was born in 1953. He is 64 years old and a resident of Edgefield, South Carolina. Judge Keesley provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1978.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Keesley.

Judge Keesley demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Keesley reported that he has not made any campaign expenditures.

Judge Keesley testified he has not:

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- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Keesley testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Keesley to be intelligent and knowledgeable.

Judge Keesley reported that he has taught the following law-related courses:

- (a) I was on a panel for the topic, "What Civil Court Judges Want You to Know" put on by the National Business Institute in Columbia, May 4, 2016.
- (b) I spoke at the South Carolina Association of Justice meeting on the topic of "Methamphetamine Addicted Defendants" in Hilton Head, August 6, 2015.
- (c) I was on a panel of speakers discussing the work of the Sentencing Reform Commission for the 2010 Spring Conference of the South Carolina Association of Circuit Judges.
- (d) I have been on a panel on three occasions over the years speaking on the topic of insight from the bench at seminars held by the Lexington County Bar Association, and I am scheduled to present again this year.
- (e) I spoke at a SC Bar sponsored CLE, "Tips from the Bench IV" in 2003 and at a seminar on evidence many years ago.
- (f) I was on the faculty of the National Drug Court Institute and have conducted training for drug court judges across the United States, the most recent being in 2003. The sites for those training sessions were in

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- San Diego, California; Columbia, Missouri; Dallas, Texas; Buffalo, New York; and, Pensacola, Florida.
- (g) I spoke at the National Association of Drug Court Professional's training conference in Miami, Florida on drug court issues many years ago.
  - (h) I have been a lecturer for CLE training and have spoken several times at meetings of the South Carolina Association of Drug Court Professionals concerning drug court.
  - (i) I have lectured at the South Carolina Solicitors' Convention on drug courts and on a panel dealing with tips from the bench.
  - (j) I lectured to personnel of the South Carolina Department of Corrections annually for several years on drug courts.
  - (k) I spoke at the SC Annual Judicial Conference on drug courts and participated in the 2010 Conference on the work of the Sentencing Reform Commission, though I was not listed on the program.
  - (l) I spoke at the SC Public Defenders' Association Annual Meeting, discussing drug courts and observations from the bench. I was also part of the ethics presentation when the new oath for attorneys was implemented (which included the civility oath) and administered the new oath to all the Public Defenders.
  - (m) I lectured to personnel of the South Carolina Department of Probation, Parole and Pardon Services concerning drug courts.
  - (n) I have been a speaker at the training given annually to the Chief Judges for Administrative Purposes, discussing the administrative functions of circuit judges.
  - (o) I lectured at the Pre-Trial Intervention Conference on the topic of drug courts.
  - (p) I lectured at a CLE program held at the Medical University of South Carolina dealing with drug courts.
  - (q) I spoke at training conferences of the South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS) concerning drug courts.

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Judge Keesley reported that he has published the following:

(a) "Drug Courts," (S.C. Lawyer, July/August 1998),  
Author

(4) Character:

The Commission's investigation of Judge Keesley did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Keesley did not indicate any evidence of a troubled financial status. Judge Keesley has handled his financial affairs responsibly.

The Commission also noted that Judge Keesley was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Keesley reported that he is not rated by any legal rating organization.

Judge Keesley reported that he has not served in the military.

Judge Keesley reported that he has held the following public office:

I served in the SC House of Representatives, District 82, from November 1988 to August 12, 1991. It is an elected position. The ethics reports were properly filed.

(6) Physical Health:

Judge Keesley appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Keesley appears to be mentally capable of performing the duties of the office he seeks.

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(8) Experience:

Judge Keesley was admitted to the South Carolina Bar in 1978.

He gave the following account of his legal experience since graduation from law school:

- (a) 1978-1980 Associate, John F. Byrd, Jr., Esq., Edgefield, SC, general practice primarily involving real estate, authorized signer for trust account.
- (b) 1980-1983 Associate, J. Roy Berry, Esq., Johnston, SC, general practice, primarily domestic relations, authorized signer for trust account.
- (c) 1983-1991 Sole practitioner, Johnston, SC, general practice, responsible for all financial dealings.
- (d) 1983-1987 Part-time Public Defender for four counties.
- (e) 1983-1989 Part-time Town Attorney for Johnston, SC.
- (f) 1988-1989 Part-time Assistant Solicitor, 11<sup>th</sup> Judicial Circuit.

Judge Keesley provided the following list of his most significant orders or opinions:

- (a) Lambries v. Saluda County Council, 409 S.C. 1, 760 S.E.2d 785 (2014).

This was a case where the court strictly construed the South Carolina Freedom of Information Act, following the statutory language regarding amendment of agendas in regularly scheduled meetings of County Council.

- (b) State v. K.C. Langford, III, 400 S.C. 421, 735 S.E.2d 471 (2012).

This case dealt with rulings concerning delays in prosecuting a criminal charge. The Supreme Court of South Carolina ruled that the statute giving control of the criminal docket to the circuit Solicitors is unconstitutional.

- (c) State v. Johnny Rufus Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009).

This case changed the law in South Carolina and held that the jury should no longer be instructed that malice may be inferred from the use of a deadly weapon when

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evidence is presented that would reduce, mitigate, excuse or justify a killing or attempted killing.

- (d) Bursey v. S.C. Dept. of Health and Environmental Control, 369 S.C. 176, 631 S.E.2d 899 (2006).

This case dealt with the largest mining project in the history of South Carolina, which took place with the reconstruction of the Lake Murray Dam. It was a review of the decision of the South Carolina Mining Council and concerned issues under the Administrative Procedures Act.

- (e) Johnson v. Catoe, 345 S.C. 389, 548 S.E.2d 587 (2001).

The South Carolina Supreme Court stayed the execution of a death row inmate and appointed me to serve as a Special Referee to the Supreme Court. I was given the task of evaluating whether a witness who had claimed responsibility for killing a South Carolina Highway Patrol Trooper was competent and credible.

Judge Keesley has reported no other employment while serving as a judge.

Judge Keesley further reported the following regarding an unsuccessful candidacy:

Yes, I was defeated in the primary in a special election to fill an unexpired term for the position of South Carolina House of Representatives, District 82, in February 1987.

- (9) Judicial Temperament:

The Commission believes that Judge Keesley's temperament has been, and would continue to be, excellent.

- (10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Keesley to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in summary, "Judge Keesley has served the Circuit Court bench with distinction. He



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exhibits all the positive qualities needed to be an outstanding jurist.”

Judge Keesley is married to Linda Fay Black Keesley. He has one child.

Judge Keesley reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar, no offices held;
- (b) National Association of Drug Court Professionals, no offices held;
- (c) South Carolina Association of Drug Court Professionals, former president, former board member;
- (d) South Carolina Association of Circuit Judges, former acting president, secretary for over 20 years, chair of the education committee 2017;
- (e) Edgefield County Bar Association, president 1985, treasurer for many years.

Judge Keesley provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Concordia Lodge #50, Masonic Lodge, no offices held or recognition received;
- (b) Pine Ridge Country Club, no offices held or recognition received;
- (c) Phi Beta Kappa, no offices held or recognition received.

Judge Keesley further reported:

Twenty-five years of experience as a circuit judge.

(11) Commission Members' Comments:

The Commission commended Judge Keesley for his excellent judicial temperament, even-keeled demeanor, and decades of service on the bench.

(12) Conclusion:

The Commission found Judge Keesley qualified and nominated him for re-election to Circuit Court, Eleventh Judicial Circuit, Seat 1.

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**Kyliene Lee Keesley**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Ms. Keesley meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Keesley was born in 1979. She is 38 years old and a resident of West Columbia, South Carolina. Ms. Keesley provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2004.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Keesley.

Ms. Keesley demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Keesley reported that she has not made any campaign expenditures.

Ms. Keesley testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Keesley testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Keesley to be intelligent and knowledgeable.

Ms. Keesley reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs. She reports: I am a member of the Dispute Resolution CLE Committee of the Alternative Dispute Resolution Section of the South Carolina Bar. Although I am participating in development of upcoming CLE programs, I have not taught such a course to date.

Ms. Keesley reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Keesley did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Keesley did not indicate any evidence of a troubled financial status. Ms. Keesley has handled her financial affairs responsibly.

The Commission also noted that Ms. Keesley was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Keesley reported that she is not rated by any legal rating organization.

Ms. Keesley reported that she has not served in the military.

Ms. Keesley reported that she has never held public office.

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(6) Physical Health:

Ms. Keesley appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Keesley appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Keesley was admitted to the South Carolina Bar in 2004.

She gave the following account of her legal experience since graduation from law school:

(a) Judicial Law Clerk for the Honorable James R. Barber, III

During my clerkship, Judge Barber was the Chief Administrative Judge for the Court of Common Pleas in Richland County. I performed administrative tasks in that position including scheduling and tracking outstanding matters that required ruling. I drafted Orders and responded to voluminous correspondence from attorneys and inmates. I reviewed proposed Orders, motions, memoranda, and case file materials and reported to the Judge on my findings and opinions, which included confirmation of the default status of cases required for execution of default judgments. I conducted legal research on both criminal and civil topics. While serving as a judicial clerk, I observed and assisted in all aspects of both criminal and civil Court, including but not limited to the following: civil trials, criminal trials, non-jury motion hearings, pre-trial conferences and hearings in both civil and criminal matters, guilty pleas, bond hearings, post-conviction relief hearings, probation revocation hearings and status conferences. I was not involved in any financial management in this position.

(b) Associate Attorney/Member, Howser, Newman & Besley, LLC

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My primary practice has been civil defense litigation. I have represented defendants in cases involving a wide range of topics including, but not limited to, automobile liability, professional negligence, premises liability, and breach of contract. The professional negligence cases include, but are not limited to, construction defect and legal malpractice claims. In addition to my civil defense practice, I have also represented plaintiffs in breach of contract actions and on personal injury claims. I have performed all aspects of litigation tasks from the initial client interview to the conclusion of trial and supplemental proceedings for collection of a judgment. I have represented clients as sole counsel and chief counsel in Magistrate's Court, Circuit Court, Family Court, and the U.S. District Court for the District of SC. I have also appeared before the Master-in-Equity and Probate Court in many counties seeking approval of settlements and to assert liens on behalf of my clients. Over the course of my legal career I have had to research and apply complex legal theories and law to advocate for my clients, including application of the Tort Claims Act, application of joint and several liability in construction defect litigation, and application of the statutes governing business dissolutions. I have written briefs, motions, Orders, pleadings, petitions, memoranda of law, and complex coverage opinions utilizing my evaluation and application of the law of the State of South Carolina.

In 2011, I became a Certified Circuit Court Mediator. In this role, I have mediated actions involving claims of personal injury, breach of contract, false imprisonment, construction defects, and medical malpractice. Mediations make up a large part of my current practice. I have also served as an Arbitrator for several property damage actions in Richland County. After becoming a Certified Circuit Court Arbitrator in 2014, I have also been appointed in both Aiken and Orangeburg to arbitrate disputes pending in Circuit Court. In 2017, I have completed the five-day Family

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Court Mediation Training and intend to become certified as a Family Court Mediator soon.

My involvement in financial administration of the firm is limited to my preparation and production of invoices to clients and collection of payments. Although I delegate certain responsibilities to my legal assistant and other office staff, I currently handle a majority of administrative tasks myself.

Ms. Keesley further reported regarding her experience with the Circuit Court practice area:

My experience in criminal matters derives primarily from my services as a judicial law clerk. I have also served as a Guardian ad Litem and an attorney on several abuse and neglect and runaway cases involving pending criminal charges. In my legal practice, I have defended against legal malpractice allegations of improper and inadequate representation of a client in a criminal matter which required my research and evaluation of criminal penalties, charges, and investigation in order to assert a defense of adequate representation. I have not handled any criminal matters in the past five years. However, in those years, I have handled dozens of minor settlements and wrongful death settlements resulting from injuries sustained due to criminal acts of my client or my client's employees. These acts most often include battery, statutory rape, or driving under the influence. I have had to evaluate the effect of the criminal charges on negotiation of claims and the effect of document language in civil proceedings on underlying, pending criminal charges. Although my practice is primarily civil in nature, it is not void of consideration and research of criminal penalties and procedure.

During my judicial clerkship, I assisted the Judge in the performance of his duties in all proceedings of criminal Court and was able to observe numerous trials, pre-trial hearings, *in camera* hearings to determine admissibility of evidence, bond hearings, guilty pleas, probation revocation hearings, Jackson-Denno hearings (Jackson v. Denno, 378 U.S. 368 (1964)) on admissibility of statements/confessions, Batson motion hearings during jury selection (Batson v. Kentucky, 476 U.S. 79(1986)), and the provision of Allen charges when juries reported that they

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were deadlocked (Allen v. U.S., 164 U.S. 492 (1896)). Although civil in nature, I was also able to observe many post-conviction relief hearings that involved evaluation of criminal procedures, consideration of evidentiary issues, and evaluation of effectiveness of counsel at trial. These included the Donnie S. Council PCR proceedings which resulted in creation of South Carolina precedent regarding the effect of competency issues on PCR proceedings and involved the early application and use of mtDNA testing and the effectiveness of counsel in criminal proceedings. My clerkship responsibilities required that I research criminal procedure and case law which familiarized me with the standards and law for application in criminal matters.

My experience described above and my application of the SC Rules of Evidence in civil matters have prepared me to preside over criminal matters as a Circuit Court Judge. I understand the requirements of a Judge and have had the opportunity to study a Judge's considerations and rulings in a multitude of criminal proceedings. Additionally, the subject of criminal law is very interesting, and I am confident that I can perform the requisite research and study in any area of law in which I am deficient quickly to reacquaint myself with the Rules of Criminal Procedure and recent case law so that I may perform the duties of a Circuit Court Judge well.

Over the past five years, I have handled hundreds of civil matters. I have represented both plaintiffs and defendants in all aspects of litigation from asserting a pre-suit claim to obtaining a judgment at trial. I have conducted all aspects of investigation and discovery. During the large majority of the past five years, I have appeared before a Circuit Court Judge several times a month and appeared in a majority of the counties in the State. Over the course of my legal career, I have represented clients on cases pending in every county in the State. The types of claims that I handle include the following: automobile liability, premises liability, construction defects, legal malpractice, breach of contract, mechanic's liens, and a business dissolution. During my time in private practice, I have presented hundreds of minor settlements and wrongful death and survival action settlements to the Court for approval, and these matters involved the issues listed above and the application of the Tort Claims Act. Outside of Court matters, I

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have provided advice to clients regarding the validity and formation of contract language and have responded to pre-suit claims on their behalf. Recently, my mediation practice has grown and has reduced the amount of time spent on litigation activities and Court appearances. However, mediation has expanded my knowledge of certain types of legal claims and has provided insight on the considerations and evaluations of both sides of a civil case. My experience in civil matters through my practice as a litigator, mediator, and arbitrator has given me the skills and knowledge to successfully serve as a Circuit Court Judge.

Ms. Keesley reported the frequency of her court appearances during the past five years as follows:

- (a) federal: once
- (b) state: several times a month.

Ms. Keesley reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: 96%
- (b) criminal: 0%
- (c) domestic: 0%
- (d) other: 4%.

Ms. Keesley reported the percentage of her practice in trial court during the past five years as follows:

- (a) jury: 85%
- (b) non-jury: 15%.

Ms. Keesley provided that she most often serves as sole counsel.

The following is Ms. Keesley's account of her five most significant litigated matters:

- (a) Russell S. Houston v. Ray Products Company and PolyOne Designed Structures and Solutions, LLC;  
PolyOne Designed Structures and Solutions, LLC v.  
PODS Enterprises, Inc.; PODS Enterprises, Inc. v.  
Russell S. Houston.



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I acted as chief counsel on this case representing a third-party defendant/cross-claimant. It is significant, because it involved sophisticated professional parties located in various states and involved issues that were novel to my legal practice. Although the primary claim was Houston's product liability claim, litigation of the case involved disputes regarding breach of contract, application of OSHA standards, and business best practices. The case required that I educate myself on the development of certain plastic products and the formula for creation of the plastic utilized in product production and that I question experts in the field regarding those matters during depositions. It required that I prepare business executives to give deposition testimony on behalf of a national corporation. Unlike other product liability actions that I have handled, this case involved complex contract issues and proper application of OSHA standards upon which liability hinged. After extensive litigation and multiple motions, the claims against my client were dismissed pursuant to an Order Granting Summary Judgment.

(b) Umphreyville v. Gittins.

This is one of the first legal malpractice cases that I handled in private practice. It is significant due to the fact that it uniquely combined the civil claim with considerations of criminal penalties imposed by the Uniform Code of Military Justice. The plaintiff was accused of committing crimes while a member of the United States Marine Corps. He hired an attorney to represent him in the criminal matter and later sued the lawyer for inadequate representation and negligence. This matter involved research of both the Uniform Code of Military Justice and penalties thereunder, and the application of sections of the U.S. Code of Laws to the plaintiff's criminal case. I was required to research the applicable military and federal laws, as the severity of the potential penalties of the underlying criminal charges were at issue in the case. Although the case commenced before I began working at Howser, Newman & Besley, LLC, I was able to assume the role

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as co-counsel shortly thereafter. This case exposed me to the requirement that I educate myself on the laws, procedures, and standards that apply to my clients during their performance of professional duties so that I can properly defend against professional negligence actions. I prepared several motions and memoranda in this matter and was ultimately able to participate in the successful argument of a Motion to Dismiss, and the case was dismissed.

(c) James Mosley, Jr. v. Carolina Title Loans, Inc., et al.

I was chief counsel on this case involving causes of action for malicious prosecution, abuse of process, defamation, and negligence. The manager of Carolina Title Loans discovered that two employees and other individuals engaged in a fraudulent scheme to obtain loans using stolen or invalid Certificates of Title to automobiles. He notified the police, and after investigation, the Plaintiff was arrested. The charges against him were ultimately dropped, and he died during litigation of the civil action. I prepared all pleadings, written discovery, a Motion for Summary Judgment, and a Memorandum in support of the motion. The case is unique in that it required that I conduct research regarding which causes of action abate upon the death of a claimant. It is significant due to the interesting facts and allegations and the successful outcome. I asserted that there were no facts to establish the elements of the causes of action surviving and passing to the claimant's Estate. All defendants were dismissed upon the granting of Defendants' Motion for Summary Judgment.

(d) Brenda Frazier v. Family Circle Cup, LLC, and Prince, Inc.

This case involved allegations of general negligence, negligent supervision, and negligent hiring as the result of an injury sustained by the plaintiff while she participated in a product demonstration that involved hitting tennis balls propelled from a machine. I acted as associate counsel and drafted two memoranda in support of a Motion for Summary Judgment. Although

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my initial argument of the motion resulted in a denial due to incomplete written discovery, the motion was reargued following completion of discovery, and Summary Judgment was granted. I drafted the proposed Order Granting Summary Judgment as to all Defendants, which was executed by the Judge without alteration. The ruling was appealed to the S.C. Court of Appeals, but the appeal was later dismissed by the appellant. This case is significant, because it involved the doctrine of primary implied assumption of risk, and required that I conduct research that strengthened my understanding and knowledge of the principle of assumption of the risk for application to many premises liability cases throughout my legal career. Other attorneys in my firm have utilized my research results from this case to support their position in other premises liability cases.

- (e) True Blue Golf & Racquet Resort Homeowners' Association, Inc. and True Blue Golf & Racquet Resort Horizontal Property Regime v. Beazer Homes Corp., Inc., et al.; Beazer Home Corp., Inc. v. A&I Corporation, et al.

This construction defect case involved seventy-seven buildings and an estimated damages claim of \$23,000,000.00. I represented a company who applied a waterproofing product to the exterior of the buildings, installed flashing, and installed interior trim. This case is significant in that it involved the most extensive discovery of any construction case in which I have been involved. I acted as primary counsel throughout discovery and as co-counsel during the week-long mediation, following which the claims as to my client were resolved by settlement. I personally took testimony from ten deposition witnesses and deposed the plaintiffs' expert witnesses, one of which gave over a dozen days of deposition testimony. This case is also significant in that the attorneys developed a professional and personal camaraderie that is often rare in litigation. Despite being involved in lengthy litigation, the attorneys and experts developed

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congenial relationships that have extended to subsequent construction defect cases.

Ms. Keesley reported she has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Keesley's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Keesley to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. The Committee indicated they enjoyed their interview with Ms. Keesley and that she is a "charming and outgoing" individual. Despite her being qualified, there was some concern as to her "maturity and scant experience in criminal law."

Ms. Keesley is not married. She does not have any children.

Ms. Keesley reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar;
- (b) American Bar Association;
- (c) Richland County Bar Association;
- (d) SC Women Lawyers Association;
- (e) SC Defense Trial Attorneys Association;
- (f) Alternative Dispute Resolution Section of the South Carolina Bar, member of the section and the CLE Committee

Ms. Keesley provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) The Phi Beta Kappa Society;

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(b) Delta Delta Delta Sorority

Ms. Keesley further reported:

I have had the unique opportunity to be personally acquainted with many South Carolina Judges during my life. I believe that my interactions with them have given me insight into which personality components work well in service of the position. I have known some Judges since I was in elementary school. Others I have met through very frequent appearances before them as a practicing attorney. Since 2005, I have appeared on behalf of a client in Court in every county in the State, which offered exposure to the demeanor and reasoning of many Judges. I feel that I can combine the positive traits that I have observed to be a conscientious and respectful public servant. Additionally, my mediation practice has strengthened my ability to remain patient and reasonable in emotional and intense situations. I believe that my experience as a litigator, and a secondary perspective from my role as a mediator, provide me with the tools to handle any matter that would come before me in a composed and informed manner.

I feel invested in protecting the perception of a conscientious and intelligent judiciary. I want to do all that I can to promote civility and respect between and among our bench and bar. I am compelled to nurture the integrity, diligence, and fairness of the judiciary, and believe that service as a Judge is the best means for me to do so.

(11) Commission Members' Comments:

The Commission commented that Ms. Keesley is personable, poised, genuine, and conversational.

(12) Conclusion:

The Commission found Ms. Keesley qualified and nominated her for election to Circuit Court, Eleventh Judicial Circuit, Seat 2.

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**Robert Michael Madsen**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Mr. Madsen meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Madsen was born in 1970. He is 47 years old and a resident of Lexington, South Carolina. Mr. Madsen provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Madsen.

Mr. Madsen demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Madsen reported that he has made \$20.00 in campaign expenditures for fingerprinting by the Lexington Sheriff's Department. In addition, he has spent \$14.04 on a name badge, \$28.85 on postcards, \$32.99 on paper and envelopes, and \$93.10 on stamps.

Mr. Madsen testified he has not:

- (a)    sought or received the pledge of any legislator prior to screening;
- (b)    sought or been offered a conditional pledge of support by a legislator;
- (c)    asked third persons to contact members of the General Assembly prior to screening.

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Mr. Madsen testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Madsen to be intelligent and knowledgeable.

Mr. Madsen reported that he has taught the following law-related courses:

- (a) Made a presentation of the topic of post conviction relief at PD 101
- (b) Taught Trial Advocacy skills at PD 102 and 103
- (c) Made a presentation on the topic of pleas and plea paperwork at Criminal Law Practice Essentials
- (d) Made a presentation on the topic of post conviction relief at PCR from a Public Defender's Perspective.

Mr. Madsen reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Madsen did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Madsen did not indicate any evidence of a troubled financial status. Mr. Madsen has handled his financial affairs responsibly.

The Commission also noted that Mr. Madsen was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Madsen reported that he is not rated by any legal rating organization.

Mr. Madsen reported that he has not served in the military.

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Mr. Madsen reported that he has never held public office.

(6) Physical Health:

Mr. Madsen appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Madsen appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Madsen was admitted to the South Carolina Bar in 1996.

He gave the following account of his legal experience since graduation from law school:

Mr. Madsen took the SC bar and was admitted in 1996. He accepted a position by Wofford Law Firm, LLC in 1996 as an associate working with civil, domestic, and criminal clients. In April of 1997 he left Wofford Law Firm, LLC and began working as an assistant solicitor for the Second Judicial Circuit, assigned to Barnwell and Bamberg County. While there, he carried a caseload that included juvenile Family Court, Magistrate, and General Sessions cases. He was also responsible for the prosecution of driving under the influence cases to murder cases. He did this until September of 2002 when he began working in the Eleventh Judicial Circuit as a senior assistant solicitor. Mr. Madsen was a member of the violent crimes task force and handled a variety of murder and criminal sexual conduct cases. In August 2008, he began working as the Eleventh Judicial Circuit Public Defender. He is responsible for the coordination of indigent defense in Lexington, Saluda, Edgefield, and McCormick counties. He is also responsible for multiple other attorneys and staff, creating a budget, evaluating employees, administrative duties, and defending indigent clients. He is still currently in this position.



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Mr. Madsen reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%;
- (b) State: 100%;

Mr. Madsen reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 100%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Mr. Madsen reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 100%;
- (b) Non-jury: 0%.

Mr. Madsen provided that he most often serves as sole counsel.

The following is Mr. Madsen's account of his five most significant litigated matters:

- (a) State v. Hilliard, Op. No. 2012-UP-386 (S.C. Ct. App. filed June 20, 2012).

Mr. Hilliard was charged with murder in Edgefield County General Sessions Court. I defended Mr. Hilliard who was convicted of voluntary manslaughter and sentenced to ten years in prison. This case dealt with the unintentional killing of another during a fist fight where the victim was punched once and hit his head on the pavement.

- (b) State v. Manning, 400 S.C. 257, 734 S.E.2d 314 (Ct. App. 2012).

I defended Mr. Manning on the charge of felony driving under the influence involving death. I mounted an extensive defense challenging the state's failure to follow the rules and regulations related to videotaping and probable cause for obtaining a blood sample. Mr. Manning was convicted.

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- (c) State v. Curry, 410 S.C. 46, 762 S.E.2d 721 (Ct. App. 2012).

Mr. Curry had a long history of significant mental health problems. He was charged with throwing bodily fluids while in jail. The trial judge denied our request to allow the jury to consider Mr. Curry guilty but mentally ill. The trial judge's decision was reversed by the Court of Appeals. Mr. Curry's case was subsequently dismissed by the prosecutor.

- (d) State v. Burgess, 391 S.C. 15, 703 S.E.2d 512 (S.C. Ct. App. 2010).

I prosecuted Mr. Burgess for the double homicide of David Slice and Kim Fauscette. The case went to trial and Mr. Burgess was convicted. He was given a life sentence. I encountered many significant issues during the trial including third party guilt and the use of cell phone tracking, which was a relatively new tool used by law enforcement.

- (e) State v. Burke, Op. No. 2007-UP-042 (S.C. Ct. App. filed January 24, 2007).

I prosecuted Mr. Burke for murder, kidnapping, and burglary first degree for abducting and killing his estranged wife. A majority of the defense dealt with his criminal intent. Mr. Burke was convicted of all charges and given a life sentence.

Mr. Madsen reported he has not personally handled any civil or criminal appeals.

- (9) Judicial Temperament:

The Commission believes that Mr. Madsen's temperament would be excellent.

- (10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Madsen to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

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The Committee commented that he is a “well-qualified candidate, with some concerns about his civil court experience.”

Mr. Madsen is married to Jennifer Bush Madsen. He has two children.

Mr. Madsen reported that he was a member of the following Bar and professional associations:

- (a) Lexington Bar Association, I am the public defender representative of the executive committee;
- (b) South Carolina Criminal Trial Association.

Mr. Madsen provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) St. Alban’s Episcopal Church in Lexington, South Carolina

Mr. Madsen further reported:

I have tried to further my legal education through hard work and doing the right thing whether as a prosecutor or protecting my indigent clients’ constitutional rights. In a criminal setting, I have experience on “both sides of the aisle.” I believe I have the intelligence, desire, and dedication to be an asset to the citizens of South Carolina if I am elected to the Circuit Court bench.

(11) Commission Members’ Comments:

The Commission commented on Mr. Madsen’s outstanding reputation and experience.

(12) Conclusion:

The Commission found Mr. Madsen qualified and nominated him for election to Circuit Court, Eleventh Judicial Circuit, Seat 2.

**Walton J. McLeod IV**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

**Commission’s Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. McLeod meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. McLeod was born in 1978. He is 39 years old and a resident of Columbia, South Carolina. Mr. McLeod provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. McLeod.

Mr. McLeod demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. McLeod reported that he has not made any campaign expenditures.

Mr. McLeod testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. McLeod testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. McLeod to be intelligent and knowledgeable.

Mr. McLeod reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. McLeod reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. McLeod did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. McLeod did not indicate any evidence of a troubled financial status. Mr. McLeod handled his financial affairs responsibly.

The Commission also noted that Mr. McLeod was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. McLeod reported that his rating by a legal rating organization, Avvo, is 10.

Mr. McLeod reported the following military service:

U.S. Navy, May 2001 – September 2005

Lieutenant (O-3)

Honorably Discharged.

Mr. McLeod reported that he has never held public office.

(6) Physical Health:

Mr. McLeod appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Mr. McLeod appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. McLeod was admitted to the South Carolina Bar in 2008.

He gave the following account of his legal experience since graduation from law school:

- (a) Judicial Law Clerk – Honorable James R. Barber, III; I served as law clerk from August 2008 to August 2009. I provided research and administrative support through numerous jury trials, non-jury hearing, drafting Orders, and coordination between the court and all counsel/parties.
- (b) Woods Law Firm, LLC – Associate Attorney from August 2009 through February 2011. My practice areas included insurance defense litigation, defended auto accidents, premises liability, construction defect, governmental tort actions, conducting discovery depositions, arguing dispositive motions, trial prep, and trial. I did not participate management of the trust account.
- (c) Mike Kelly Law Group, LLC – Associate attorney from February 2011 until August 2015. My practices included civil litigation; personal injury, defective products, premises liability, trucking accidents, medical malpractice, professional licensure defense, and veterans disability. I did not participate in management of the trust account.
- (d) McLeod Law Group, LLC – Associate attorney from 2015 to present. Practices including civil litigation; personal injury; defective products, civil defense litigation, professional licensure defense, veterans disability and appeals, wrongful death, insurance law; management of the Columbia office. I do not participate in management of the trust account.

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Mr. McLeod further reported regarding his experience with the Circuit Court practice area:

My experience in criminal matters includes defending several clients for DUI charges, traffic offenses, and controlled substance violations in magistrate court and general sessions. In addition, I have represented the State in several cases as a criminal domestic violence pro bono prosecutor for Attorney General.

My civil experience is more substantial and constitutes most of my practice. I have represented litigants (plaintiffs and defendants) in cases involving personal injury, auto accidents, trucking accidents, State tort claims, bad faith insurance claims, premises liability, wrongful death, consumer law, defective products, and various other torts claims. In addition, I defend professional license holders before SCLLR, and represent military veterans in appealing their VA disability claims before the Department of Veterans Affairs. All of my practice areas have involved drafting and filing supporting and opposition legal memoranda/briefs along with submitting proposed orders for the Court to review and endorse.

While my criminal experience is less than my civil experience, I am certain that I would be able to preside over criminal matters and review and reacquire the requisite knowledge needed to properly handle criminal matters. I routinely appeared in the Circuit Court over the life of my practice as part of the discovery and litigation process.

Mr. McLeod reported the frequency of his court appearances during the past five years as follows:

- (a) federal: 15%
- (b) state: 85%.

Mr. McLeod reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: 90%
- (b) criminal: less than 1%
- (c) domestic: less than 1%
- (d) other: 9%.

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Mr. McLeod reported the percentage of his practice in trial court during the past five years as follows:

- (a) jury: 1% to verdict; nearly all cases settle prior to trial.
- (b) non-jury: only one case was dismissed during a non jury hearing. The rest reached a resolution prior to trial and after any dispositive motions were filed by the opposing party..

Mr. McLeod provided that he serves as both sole and associate counsel. Mr. McLeod commented, “My associate counsel involvement entailed preparing for dispositive motions and trial, and assisting lead counsel during trial.”

The following is Mr. McLeod’s account of his five most significant litigated matters:

- (a) Insurance Products Marketing v. Consecro Life Insurance Co.; U.S. District Court of South Carolina. This case involved a business dispute with allegations of trademark infringement and invasion of privacy by using someone’s likeness improperly and for financial gain. Expert witnesses were utilized along with fact, expert and Rule 30(b)(6) witness depositions. Opposing party’s motion for summary judgment was denied, ultimately leading to mediation and joint resolution between the parties.
- (b) Fred Taylor v. Norfolk Southern Railroad, Town of Gilbert et. al. (Lexington County, Court of Common Pleas). This property case involved allegations of trespass, nuisance, and inverse condemnation against the railroad and several governmental entities arising from storm water discharge onto Mr. Taylor’s property. The case took over two years, many depositions (fact and expert witness). In addition, my client had to defend against summary judgment motions for all Defendants, which we did successfully. The case was mediated and resolved.
- (c) Larry Kochenderfer v. Builders First Source. (Horry County, Court of Common Pleas) This premised liability case arose out of allegations of negligence at a supply store in Conway, SC resulting in serious injury



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and substantial medical expenses. Numerous depositions were conducted including, fact witnesses, several Rule 30(b)(6) witnesses, expert witnesses and treating physician witnesses. This matter failed to resolve at two separate mediations. After preparing for trial, the parties were able to resolve this matter.

- (d) Josh Stader v. Springfield Armory, Inc. (Aiken County, Court of Common Pleas). This involved a defective product which injured Mr. Stader. In addition to fact witness discovery and depositions, this case involved substantial work with an expert forensic firearm and ballistic specialist which ultimately resulted in proving the defective nature of the product and ultimate resolution.
- (e) Rosinski v. Shulkin. U.S. Court of Appeals for Veterans Claims (17-1117). This appeal involves a petition for mandamus to Order the Secretary of Veterans Affairs to cease a unfair and discriminatory policy towards attorney claim representatives. The policy at issue in the case involves favoritism to non-attorney veterans service organizations granting additional access and advocacy tools to the detriment of attorney claims representatives and their clients. This matter effects every accredited attorney across the country, and presents the Court with the issue of adopting class action procedures for the first time in its history. A successful conclusion would enhance all attorneys' ability to represent veterans in the future. This matter is still pending at the time of this submission.

The following is Mr. McLeod's account of five civil appeals he has personally handled:

- (a) Shirley v. S.C. Retirement Systems; Administrative Law Court; 11-ALJ-30-0390-CC, December 13, 2011
- (b) Rosinski v. Shulkin; U.S. Court of Appeals for Veterans Claims; Case 16-0269, February 23, 2017
- (c) Rosinski v. Shulkin; U.S. Court of Appeals for Veterans Claims; Case 17-1117, pending.
- (d) Peake v. Edwards; Fairfield County Court of Common Pleas; 2012-CP-20-0075, June 8, 2012.

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- (e) McClain v. Ruff, Richland County Court of Common Pleas; 2012-CP-40-1609, November 17, 2014.

Mr. McLeod reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. McLeod's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. McLeod to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. The Committee described Mr. McLeod as a "very impressive individual. He scores very high on intellect and temperament. Despite his relative youth, we believe his life experiences (four years as a U.S. Navy Officer) have given him a maturity beyond his years. He does, however, suffer from a lack of criminal law experience." In summary, the Committee stated, "Mr. McLeod would make an exceptional Circuit Court Judge, with some concern for his lack of criminal experience."

Mr. McLeod is married to Catherine Lee Nelson. He has three children.

Mr. McLeod reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar - Conventions Committee, Chair; House of Delegates, member.
- (b) Newberry County Bar Association
- (c) Richland County Bar Association
- (d) Lexington County Bar Association

Mr. McLeod provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

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- (a) Leadership Columbia
- (b) S.C. Bar Leadership Academy
- (c) American Legion
- (d) Veterans of Foreign Wars
- (e) Richland Sertoma Club
- (f) St. Andrews Presbyterian Church

Mr. McLeod further reported:

While my appreciation for the law and the judiciary has grown through my experience as a judicial law clerk and private attorney, the ethical and professional requirements which guide our profession were well established in me prior to law school and my naval service. Even as a young boy, I was active in Scouting from Cub Scouts all the way to earning the rank of Eagle Scout in 1994. Honor, integrity, teamwork, and duty were core values taught to me as a youth, and the more I age the more I see how important those values are to take through life – particularly in our profession. I also served as Chair of the Honor Committee for Episcopal High School (VA) which further solidified my belief and trust in these core values. I believe my life experiences are well suited to provide me with a solid foundation to be fair, impartial and highly effective trial judge.

(11) Commission Members' Comments:

The Commission commented that it found Mr. McLeod professional, admirable, prepared, and dedicated.

(12) Conclusion:

The Commission found Mr. McLeod qualified and nominated him for election to Circuit Court, Eleventh Judicial Circuit, Seat 2.

**The Honorable Michael Nettles  
Circuit Court, Twelfth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Nettles meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Nettles was born in 1959. He is 58 years old and a resident of Lake City, South Carolina. Judge Nettles provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Nettles.

Judge Nettles demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Nettles reported that he has not made any campaign expenditures.

Judge Nettles testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Nettles testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Nettles to be intelligent and knowledgeable.

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Judge Nettles reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Nettles reported that he has taught the following law-related courses:

- (a) I addressed the Solicitor Convention concerning new developments in Criminal Law in 2007;
- (b) Guest Lecturer at Business Law course at Francis Marion University 2008 and 2009;
- (c) I addressed the Public Defender Convention concerning Differential Case Management in 2009;
- (d) I participated in Panel Discussions on Ethics CLE in 2010;
- (e) Addressed the Third Judicial Circuit Young Lawyers at Court House Keys event in Manning, SC in February 2012;
- (f) Addressed the Twelfth Judicial Circuit Young Lawyers at Court House Keys event in Lake City, SC in October 2013;
- (g) Addressed Beaufort County Bar as to Differential Case Management in 2017; and
- (h) Guest Lecturer at Francis Marion University concerning The Role of the Judiciary in Government in 2017;

Judge Nettles reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Nettles did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Nettles did not indicate any evidence of a troubled financial status. Judge Nettles has handled his financial affairs responsibly.

The Commission also noted that Judge Nettles was punctual and attentive in his dealings with the Commission, and

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the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Nettles reported that his last available rating by a legal rating organization, Martindale-Hubbell, is BV.

Judge Nettles reported that he has not served in the military.

Judge Nettles reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Nettles appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Nettles appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Nettles was admitted to the South Carolina Bar in 1984.

He gave the following account of his legal experience since graduation from law school:

I was engaged in the general practice of law in Lake City, South Carolina as a partner in the firm of Nettles, Turbeville & Reddick, for twenty years. Over the last five years, I handled 959 cases (680 criminal, 176 civil, 37 real estate transactions and 26 domestic cases.) As the years progressed, two of my partners have practiced real estate exclusively and my sister has practiced domestic law exclusively. In the early years of my practice, there was a more equal division of caseload. During the past five years of my practice, I only handled domestic matters and real estate transactions for ongoing clients.

Judge Nettles provided that prior to his service on the bench he most often served as sole counsel.

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Judge Nettles reported he has not personally handled any civil or criminal appeals.

Judge Nettles reported that he has held the following judicial office:

Circuit Court for Twelfth Judicial Circuit, Seat 1. I was elected 2/2/05 and began serving 1/3/6. I have served continuously.

Judge Nettles provided the following list of his most significant orders or opinions:

- (a) Coleman v. Mariner Health Care, Inc., 407 S.C. 346, 755 S.E.2d 450 (S.C. 2013)

There is a movement in favor of arbitration in American Jurisprudence. This case sets forth that although arbitration is preferred, the South Carolina statutory and common law does not authorize a sister to execute a separate voluntary arbitration agreement presented to her by the nursing facility. This was a complex question where reasonable minds could differ. The Supreme Court affirmed my decision.

- (b) Miranda C v. Nissan Motor Co., 402 S.C. 577, 741 S.E. 2d 34 (Ct. App 2013)

The law of product liability is constantly evolving and this case provides clarity as to the proper charge in a defective design products liability case. The jury in this case rendered a verdict against Nissan for \$2,375,000.00, which was subsequently set aside by my order in the wake of the Supreme Court's ruling in Branham vs. Ford Motor Company, 390 S.C. 203, 701 S.E.2d 5 (2010). The Branham case was decided after the verdict and before my ruling on post-trial motions. Branham establishes that "the risks utility test" is the proper charge in a design defect case which requires that Plaintiff prove a "reasonable alternative design". Because Branham changed and/or clarified the property test in a design defect case, I granted a new trial. My decision to grant a new trial was affirmed.

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- (c) State v. Senter, 396 S.C. 547, 722 S.E.2d 233 (Ct. App 2011)

Defendant was convicted of assault and battery with intent to kill and criminal domestic violence of a high and aggravated nature. His conviction was affirmed and The Court of Appeals opined that my denial of the Motion for Directed Verdict was proper, reaffirming the law and my ruling that Defendant cannot waive a trial by jury unless the State consents to do so.

- (d) Mitchell v. Fortis Insurance, 385 S.C. 570, 686 S.E.2d 176 (2010)

In this case, a policyholder brought causes of action for Breach of Contract and bad faith rescission against insurance company. The jury awarded \$15,150,000.00. Numerous orders were issued and many evidentiary rulings were affirmed, however, the Supreme Court reduced the verdict to \$10,150,000.00.

- (e) Willis v. Wukela, 379 S.C. 126, 665 S.E.2d 171 (2008)

South Carolina Supreme Court affirmed my ruling, clarifying S.C. Code Section 7-13-350 and its application.

- (9) Judicial Temperament:

The Commission believes that Judge Nettles' temperament has been, and would continue to be, excellent.

- (10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Nettles to be "Well Qualified" in the evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Nettles is not married. He has three children.

Judge Nettles reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association



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### (b) Circuit Court Judges Association

Judge Nettles provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) My wife was employed with First Citizens Bank and they provided our family with a membership at The Florence Country Club. Upon her death on August 26, 2014, my membership terminated.

Judge Nettles further reported:

I had a very active trial practice for nearly twenty years prior to taking the Bench. I handled civil, domestic and criminal matters. During my practice I have argued before the South Carolina Supreme Court, the South Carolina Court of Appeals and the Fourth Circuit Court of Appeals. During my practice, I handled four death penalty cases that were tried to their conclusion, including the death penalty phase. None of my clients were executed. I handled several capitol cases that were resolved short of trial.

My home in Lake City, South Carolina is a town with a population of about 7,000 people. It's primary industry is agriculture. It was a great place to grow up, live, and practice law. The population is diverse with people from all socio-economic stations in life. Going to school, working and practicing law in Lake City has prepared me well for serving on the Bench.

During my years practicing law, I appeared before numerous judges. Judge Tommy Cooper (Manning) quite often presided in Florence, Clarendon and Williamsburg counties where the vast majority of my cases were handled. The way he conducts himself on the Bench is the standard to which I strive. He has the perfect judicial temperament, which is calm, kind, and courteous to litigants, lawyers and jurors.

### (11) Commission Members' Comments:

The Commission commented that Judge Nettles has distinguished himself on the bench as highly intelligent, accommodating, and diligent. They noted he is a dedicated public servant and has an excellent demeanor.

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(12) Conclusion:

The Commission found Judge Nettles qualified and nominated him for re-election to Circuit Court, Twelfth Judicial Circuit, Seat 1.

**The Honorable Letitia Hamilton Verdin  
Circuit Court, Thirteenth Judicial Circuit, Seat 2**

**Commission's Findings: QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Verdin meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Verdin was born in 1970. She is 47 years old and a resident of Greenville, South Carolina. Judge Verdin provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1997.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Verdin.

Judge Verdin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Verdin reported that she has not made any campaign expenditures.

Judge Verdin testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Verdin testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Verdin to be intelligent and knowledgeable.

Judge Verdin reported that she has taught the following law-related courses:

- (a) I made a presentation on Children's Law to Furman Pre-Law Society in 20105.
- (b) I addressed the S.C. Women Lawyers Association in 2012 on the topic of running for judicial seats
- (c) I addressed the S.C. Women Lawyers Association in 2012 on the topic of changes in the legal profession affecting women
- (d) I addressed the Greenville Bar Association during its 2012 Law Week Luncheon concerning civility in the practice of law
- (e) I addressed the Public Defenders Conference in 2012 on the topic "A view from the Bench"
- (f) I served on a Judicial Panel for the S.C. Defense Trial Attorneys Conference in 2012
- (g) I spoke to the S.C.Bar in 2013 regarding the Essentials of Criminal Practice
- (h) I addressed the S.C. Solicitor's Conference in 2013 on the topic of Mental Health Issues in General Sessions Court
- (i) I addressed the S.C. Bar in 2014 at the 23<sup>rd</sup> Annual Criminal Practice in S.C.
- (j) I spoke to the S.C. Solicitor's Conference in 2014 with Tom Traxler on the Psychology of Persuasion
- (k) I presented to the Women's Leadership Institute at Furman University in 2015 on the topic of Women in the Law

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- (l) I spoke to the S.C. Bar CLE in 2015 with Tom Traxler on the Psychology of Persuasion
- (m) I addressed new lawyers in the S.C. Bar regarding Rule 403 requirements in 2015
- (n) I served on a Judicial Panel addressing Updates in the Law at the 2015 S.C. Solicitor's Conference
- (o) I served on a panel addressing Tips from the Bench at the 2015 S.C. Defense Trial Attorneys Association Women in Law Seminar
- (p) I addressed the S.C. Bar at a CLE with Tom Traxler in 2016 on the topic of the Psychology of Persuasion
- (q) I addressed the Greenville Bar End of Year CLE in 2017 on the topic of a View from the Bench
- (r) I have taught a course at the Charleston School of Law with the Honorable Aphrodite Konduros. The course is entitled Primer on First Year Practice in S.C. We have taught the course in 2013, 2014, 2015, 2016, and 2017.

Judge Verdin reported that she has published the following:

- (a) Porter v. Tri C Construction, Co., 2015-CP-39-00748. My former law clerk, Ian Conits, drafted this order under my supervision, and I revised the order before signing.
- (b) Overland v. Nance, 2010-CP-23-05880. My former law clerk, Virginia Rogers, drafted this order under my supervision, and I revised the order before signing.

(4) Character:

The Commission's investigation of Judge Verdin did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Judge Verdin did not indicate any evidence of a troubled financial status. Judge Verdin has handled her financial affairs responsibly.

The Commission also noted that Judge Verdin was punctual and attentive in her dealings with the Commission, and

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the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Verdin reported that she is not rated by any legal rating organization.

Judge Verdin reported that she has not served in the military.

Judge Verdin reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Verdin appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Verdin appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Verdin was admitted to the South Carolina Bar in 1997.

She gave the following account of her legal experience since graduation from law school:

- (a) Office of the Thirteenth Circuit Solicitor, Assistant Solicitor, 1997-1998  
Prosecuted cases in the Traffic Unit and General Crimes Unit
- (b) Office of the Eighth Circuit Solicitor, Assistant Solicitor, 1998  
Prosecuted all juvenile cases in Family Court and prosecuted all General Sessions child abuse and neglect cases in Greenwood, Abbeville, Newberry, and Laurens Counties
- (c) Office of the 13<sup>th</sup> Circuit Solicitor, Assistant Solicitor, 1999-2000  
Prosecuted violent crimes, criminal domestic violence

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- cases, and criminal child abuse and neglect cases
- (d) Clarkson, Walsh, Rheney & Turner, P.A., Associate Attorney, 2000-2005  
Litigated cases in areas of government liability defense, insurance defense, and commercial litigation, criminal defense, and family law

Judge Verdin reported that she has held the following judicial offices:

- (a) Elected to the Family Court, Thirteenth Judicial Circuit, 2008-2011  
(b) Elected to the Circuit Court, Thirteenth Judicial Circuit, 2011-present

Judge Verdin provided the following list of her most significant orders or opinions:

- (a) Hidria, USA, Inc. v. Delo, d.d., d/b/a Slovenske Novice, 415 S.C. 533 (Ct. App. 2016). Hidria, U.S.A., Inc. filed suit against a Slovenian publisher of an online and print newspaper that it alleged maliciously publishes articles containing falsities concerning a Slovenian citizen associated with Hidria. The matter came before me on Delo's Motion to Dismiss. I granted the motion to dismiss for lack of personal jurisdiction. The Court of Appeals affirmed my decision.
- (b) Precision Wall, Inc. v. Liberty Mutual Fire Insurance Co., 410 S.C. 170 (Ct. App. 2016). Precision Walls brought an action against Liberty Mutual, its commercial general liability insurer for a declaratory judgement that its CGL policy covered liability for the cost to tear down and rebuild a brick veneer and seal joints. I entered judgment in favor of the insurer, and on appeal, the Court of Appeals affirmed my decision holding that the "your work" exclusion applied to bar coverage.
- (c) Grubb v. City of Clemson, 2016 WL 245205 (Ct. App. 2016). This matter was before me on an appeal by citizens of a decision of the Clemson Board of Architectural Review and a companion lawsuit on behalf of the developer for abuse of process against the concerned citizens. I granted Grubb's Motion to Dismiss

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the abuse of process claim finding that the developer failed to plead the elements of abuse of process. I ultimately affirmed the decision of the Clemson Board of Architectural Review. The developer appealed my decision to dismiss his abuse of process claim. The Court of Appeals affirmed my decision in an unpublished opinion.

- (d) Proctor v. Whitlark & Whitlark, Inc., 414 S.C 318 (2015). I sat as an Acting Justice with the South Carolina Supreme Court in this matter. The Supreme Court held that gambling statutes, and not the South Carolina Unfair Trade Practices Act, provide the exclusive remedy for a gambler seeking recovery of losses sustained by illegal gambling.
- (e) Woodruff Road SC, LLC v. S.C. Greenville Hwy 146, LLC, 2017 WL 74856 (Ct. App. 2017). This matter was before me on a declaratory judgment action to determine the scope of an easement granted to S.C. Greenville Hwy 146, LLC. I determined that S.C. Greenville Hwy. 146, LLC could use the easement as part of a drive-thru for one of its tenants, Starbucks. Woodruff Road SC appealed my decision and the Court of Appeals affirmed my decision in an unpublished opinion.

Judge Verdin reported the following regarding her employment while serving as a judge:

I have taught courses at the Charleston School of Law each summer during the years 2013-2017. My employment as an Adjunct Professor has been part-time and contractual. My supervisor has been Andy Abrams, Dean of the Law School.

(9) Judicial Temperament:

The Commission believes that Judge Verdin's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Verdin to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial

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temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Verdin is married to Charles Verdin IV. She has two children.

Judge Verdin reported that she was a member of the following Bar and professional associations:

- (a) Greenville County Bar Association
- (b) South Carolina Bar Association
- (c) Haynsworth Inn of Court

Judge Verdin provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Trinity Presbyterian Church
- (b) Green Valley Country Club
- (c) Liberty Fellowship

Judge Verdin further reported:

I appreciate the Legislature giving me the opportunity to serve as a Family Court judge for two years and to serve as a Circuit Court Judge for eight years. My experiences in both courts have been the most rewarding of my professional life. I have been faced with a number of very difficult decisions in these positions, but I have attempted to approach these matters with an open, and hopefully, fair mind. I have endeavored to deal with matters before me efficiently and justly. I also believe that my legal experience, equally divided between civil and criminal law, has given me a broad base of knowledge to effectively carry out my duties as a Circuit Court Judge.

(11) Commission Members’ Comments:

The Commission commented that Judge Verdin is an outstanding role model in the judiciary. The Commission is impressed with her exceptional temperament and legal knowledge.



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(12) Conclusion:

The Commission found Judge Verdin qualified and nominated her for re-election to Circuit Court, Thirteenth Judicial Circuit, Seat 2.

**The Honorable Alex Kinlaw Jr.  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Kinlaw meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Kinlaw was born in 1952. He is 65 years old and a resident of Greenville, South Carolina. Judge Kinlaw provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1978.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Kinlaw.

Judge Kinlaw demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Kinlaw reported that he has not made any campaign expenditures.

Judge Kinlaw testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Kinlaw testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Kinlaw to be intelligent and knowledgeable.

Judge Kinlaw reported that he has taught the following law-related courses:

- a) 1981 – I taught Business Law at Rutledge College.
- b) 2006 – I gave a seminar on custody in the Family Court at the South Carolina Black Lawyers' Retreat.
- c) 2009 – I spoke to the Greenville Bar on Alimony Issues in the Family Court.
- d) 2016 – I spoke at CLE on current issues in the Family Court.

Judge Kinlaw reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Kinlaw did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Kinlaw did not indicate any evidence of a troubled financial status. Judge Kinlaw has handled his financial affairs responsibly.

The Commission also noted that Judge Kinlaw was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Judge Kinlaw reported that he is not rated by any legal rating organization.

Judge Kinlaw reported that he has not served in the military.

Judge Kinlaw reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Kinlaw appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Kinlaw appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Kinlaw was admitted to the South Carolina Bar in 1978.

He gave the following account of his legal experience since graduation from law school:

- a) 1978-1980: I was employed as a staff attorney with The Legal Services Agency in Greenville County.
- b) 1980-1981: I was employed with the Public Defender's Office in Greenville County.
- c) 1982-2009: I was engaged in the private practice of law.
- d) 2009-present: I am serving as a Family Court Judge.

Judge Kinlaw reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 10%;
- (b) State: 90%;
- (c) Other: N/A.

Judge Kinlaw reported the percentage of his practice involving civil, criminal, and domestic matters prior to his service on the bench as follows:

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- (a) Civil: 25%;
- (b) Criminal: 25%;
- (c) Domestic: 50%;

Judge Kinlaw reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: Twenty-Five Percent of my practice involved matters that went to a jury;
- (b) Non-jury: Fifteen Percent involved non-jury matters.

Judge Kinlaw provided that prior to his service on the bench he most often served as sole counsel.

The following is Judge Kinlaw's account of his five most significant litigated matters:

- (a) I was lead counsel in the first capital case that permitted a jury to be chosen from another county and be transported to the county where the case was to be tried. This was pursuant to a change of venue motion.
- (b) I was involved in an adoption case where the issue was whether the adopting parents could change their mind after a hearing was held, but the Judge had not yet signed the order of adoption.
- (c) I was also involved in a Family Court matter that involved what was considered a Domestic support obligation as defined by the Bankruptcy Court
- (d) I litigated an issue in Family Court regarding whether a person's voluntary termination of employment affected his current obligation of support.
- (e) Lastly, I handled several matters in Magistrate Court regarding a landlord's duty to repair.

Judge Kinlaw reported he has not personally handled any civil or criminal appeals.

Judge Kinlaw provided the following list of his most significant orders or opinions:

- (a) State vs. Miguel Cano (Juvenile waiver hearing)
- (b) Nimmich vs. Nimmich (Jurisdictional question)

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- (c) Allin vs. Allin (Equitable Division)
- (d) Bartunek vs Bartunek (Visitation Issue)
- (e) SCDSS vs. Taylor (Termination of Parental Rights)

Judge Kinlaw has reported no other employment while serving as a judge.

Judge Kinlaw reported the following regarding unsuccessful candidacies:

I ran for a seat on the Family Court in 2008 and lost. I was successful in 2009.

I ran for a Circuit Court seat in 2012. I was reported out as qualified, but not nominated.

(9) Judicial Temperament:

The Commission believes that Judge Kinlaw's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Kinlaw "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Kinlaw is married to Yvette Wiggins Kinlaw. He has two children.

Judge Kinlaw reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Greenville County Bar
- (c) South Carolina Black Lawyers Association

Judge Kinlaw provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Alpha Phi Alpha Fraternity

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- (b) Sigma Pi Phi Fraternity (Argogos)

Judge Kinlaw further reported:

I am a person of deep Christian faith and I love and support my family. I also love young people and I volunteer as the Juvenile Drug Court Judge for Greenville County.

- (11) Commission Members' Comments:

The Commission commented that Judge Kinlaw is a respected jurist who is thorough, passionate, and engaged.

- (12) Conclusion:

The Commission found Judge Kinlaw qualified and nominated him for election to Circuit Court, Thirteenth Judicial Circuit, Seat 4.

**John (Jack) Patrick Riordan  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

**Commission's Findings:        QUALIFIED AND NOMINATED**

- (1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Riordan meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Riordan was born in 1967. He is 50 years old and a resident of Greenville, South Carolina. Mr. Riordan provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

- (2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Riordan.

Mr. Riordan demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte

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communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Riordan testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Riordan testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Riordan to be intelligent and knowledgeable.

Mr. Riordan reported that he has taught the following law-related courses:

- (a) Speaker/Presenter/Panelist at a SC Bar Association transportation litigation conference within the past six years or so (held at the SC Bar offices near the end of the year - Fried, Rogers & Goldbery involved, as well as SCHP Trooper Matt Sims)
- (b) Speaker at multiple CLE approved events of the SCDTAA over many years. SCDTAA events would have been both at the Summer and Annual Meetings, would have been personal injury litigation/ Tort related and many involved transportation/ trucking topics (Chair of Summer Meeting in 2016)
- (c) Lectured numerous times and assisted in all facets of SCDTAA Trial Academies (Chaired the event in Greenville within the past 3 years, co-chaired a couple more). Those lectures touched upon many different aspects of trial practice, with specific recollection of pre-trial matters, trial notebooks and opening and closing statements.

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- (d) Numerous firm lectures for clients and at Transportation Safety Consultant events.

Mr. Riordan reported that he has published the following:

- (a) Contributed to an article in the January 16, 2006 Lawyers Weekly regarding the Underwood v Copoen Opinion
- (b) Served as Assistant Editor of the SCDTAA Defense Line magazine for 2012.
- (c) Counsel on 14 published Opinions for 13 cases. Primary author on all but 5 of the Final Briefs. For three of those cases: State v. Hammitt, 341 S.C. 638, 535 S.E.2d 459 (Ct. App. 2000); State v. Vasquez, 341 S.C. 648, 535 S.E.2d 465 (Ct. App. 2000); and State v. Harris, 342 S.C. 191, 535 S.E.2d 652 (Ct. App. 2000). I simply cannot recall prime authorship. Anne Hunter Young and John Ozmint were fellow members of the Statewide Grand Jury cases and all of us likely had some input in approving the briefs in Lydia v Horton. Finally, Stringer v State Farm was nearly exclusively created by lead counsel, Charles Norris. I primarily drafted the briefs in Underwood v Coponen, with assistance by co-counsel Zandra Johnson. I primarily authored all briefs for Hueble v. SCDNR and Vaughn, with assistance from Johnny Gasser. All other AG matters were of my primary authorship. Don Zelenka would have reviewed/ approved those briefs. I have attached two Capital Litigation Final Briefs as representative writing due to their brevity. Extensive briefs exist with others, expecially Hueble.

(4) Character:

The Commission's investigation of Mr. Riordan did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Riordan did not indicate any evidence of a troubled financial status. Mr. Riordan has handled his financial affairs responsibly.



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The Commission also noted that Mr. Riordan was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Riordan reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Riordan reported that his rating by a legal rating organization, The Best Lawyers in America, for Personal Injury Litigation.

Mr. Riordan reported that his rating by a legal rating organization, Greenville Business Magazine, is Legal Elite (Criminal and Civil representation).

Mr. Riordan reported that he has not served in the military.

Mr. Riordan reported that he has never held public office. He has served as an Assistant Solicitor for the Fifth Judicial Circuit and as an Assistant Attorney General for the SC Attorney General's Office.

(6) Physical Health:

Mr. Riordan appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Riordan appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Riordan was admitted to the South Carolina Bar in 1992.

He gave the following account of his legal experience since graduation from law school:

- (a) King & Vernon – I believe I continued briefly as a law clerk following graduation in 1992. Though Kermit and counsel primarily handled domestic work, we

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were also involved with civil litigation claims (property and personal injury) and also represented former USC President James Holderman during his initial legal battles (Dick Harpootlian prosecuting).

- (b) Fifth Circuit Solicitor's Office - Assistant Solicitor from October, 1992 – July 1997. Dick Harpootlian initially, then Barney Giese. I handled the entire range of criminal offenses (DUI to Murder), eventually serving as the youngest member of the Violent Crime Task Force established by Solicitor Giese following his election and to close my service. During my tenure I tried at least 50 cases before a jury (my first, a DUI conviction, being obtained a week after being sworn in).
- (c) SC Attorney General's Office (Charlie Condon) – began in the Summer of 1997 with Don Zelenka's Capital Litigation Team, handling direct appeal murder cases. I was primary counsel, filing briefs and defending at least twenty murder appeals, eight of which provided argument in the Supreme Court. I assisted Don in defeating the final appeals of serial killer Larry Gene Bell (represented by Steve Morrison of Nelson Mullins) and Thomas Lee Davis (Lander Fountain Murder over Fall Break) with final hearings on both being held in Greenwood. I additionally served on the Statewide Grand Jury from October of 1997 to May of 1999, assisting with numerous public corruption cases (mostly police, but others, including at least one school board member for embezzlement) and multi-county drug operations. Finally, I handled some conflict prosecution matters involving the prosecution of jailers in Marlboro County over the death of an inmate (should have never been indicted) and of a Greenville County Sheriff's Deputy for Reckless Homicide (auto accident) throughout my AG tenure.
- (d) Leatherwood Walker Todd & Mann - I began as Associate in late May of 1999 with the Litigation Team. Primarily handling Insurance Defense work, but with involvement in many other matters (Domestic,

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criminal defense, environmental, property). I became a partner in 2003 and lectured often in our yearly firm Insurance Seminars for clients.

- (e) Smith Moore Leatherwood - Since the firm's merger in August of 2008, I have continued as a litigation shareholder. My private practice has primarily involved Civil Litigation Defense (vehicular accidents (primarily transportation related for last decade), slip and falls, medical and legal malpractice, church defense, zoning disputes and products liability). However, I have handled a number of Criminal Defenses cases (from Substantial Felonies to White Collar to magistrate level offenses, mostly in State Court, but some Federal); have been involved in Domestic, Probate, Church related and Condemnation actions; and have initiated at least a couple of §1983 Suits (civil rights claims). Additionally, I have been able to initiate at least a few Plaintiff actions and am presently involved in a few substantial Plaintiff claims. Overall, I have tried at least 50 civil matters before juries. As a civil practitioner, I have at least briefed and argued appellate matters, prevailing in the Hueble matter after a writ of certiorari was granted.

Mr. Riordan further reported regarding his experience with the Circuit Court practice area:

Per my response to the previous question, my criminal experience has obviously lessened since my prosecution days. As a prosecutor with eventual state-wide jurisdiction, my experience was substantial and included significant trial work and appellate argument. In private practice I continue to have exposure to anything of a criminal nature that comes through my office but strive to resolve as quickly and efficiently as possible. I have been involved in at least two lengthy and contested General Sessions' trials since 2006 involving the same defendant. The first of which, alleging multiple counts of Burglary and Grand Larceny resulted in a not guilty verdict and the successful §1983 suit against the arresting agencies. The second trial, in May of 2014, regrettably resulted in guilty verdicts for Arson and related offenses (convictions are on

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appeal and client was sentenced to home detention). That loss and another adverse matter which ended with a regrettable guilty plea by a young client to First Degree Burglary, Armed Robbery and Weapons Charges admittedly lessened my appetite for significant criminal matters for the past few years, but I believe my overall experience will allow me to quickly regain my procedural “competence” in the Court of General Sessions. I remain a member of the Greenville Association of Criminal Defense Lawyers (GACDL), attending most of our monthly meetings. Given my past as a prosecutor, any case in our office that remotely suggests a criminal component is likely to garner my involvement. I remain on good terms with our Public Defender and Solicitor (former Associate with my firm, whom I sat with on his initial trial) and their staffs and look forward to working with all.

My civil trial experiences, like many others, have lessened over the past few years. I once tried four Common Pleas matters (all wreck cases) through to positive results for my clients over seven full Court days (Thursday and Friday to close a trial term in Anderson, then back to back to back to close out Joe Watson’s final term on the bench in Greenville – the first two were verdicts for Plaintiff, but for less than offered; the final two pure verdicts for defense). Comically, I have now tried four cases TOTAL since May of 2014. However, each case lasted at least four days (full week for two) and the stakes were much higher. The initial trial was the previously mentioned Arson case (General Sessions). The other three consisted of two wrongful death cases (one a logging truck wreck, the other a medical malpractice allegation) and a significant personal injury. Both of the wrongful death cases resulted in the obtainment of defense verdicts. The final trial was a truck vs motorcycle accident wherein the cycle driver lost his lower left leg. Following a week-long trial a mistrial was granted due to the jury being hung and a retrial date will likely be set for later this year. In the civil defense realm I have been a fairly active participant before Circuit Court Judges in my career, though certainly less so these past five years. Beyond trials, I have been involved in other hearings, including successful grants of Summary Judgment (denials have assuredly been issued as well) and relief from default. Though my firm has one of the strongest

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transportation/trucking practices in the State/Region and I maintain heavy involvement in that area, I continue to have a diverse practice, which presently includes numerous premises liability matters, a dram shop wrongful death defense, property disputes, actions both defending and pursuing claims against nursing homes and involvement with a significant wrongful death and personal injury claim in Watauga County, NC (co-counsel for Williams family of Rock Hill, whose 11 year old son was killed and mother injured by Carbon Monoxide exposure from pool heater at Best Western in Boone). I have always been interested in expanding my exposure/experience in legal matters and expect that breadth of experience will be of benefit in filling this judicial seat.

Mr. Riordan reported the frequency of his court appearances during the past five years as follows:

- (a) federal: minimal – less than 5%
- (b) state: greater – encompassing 95% of such “appearances” but still less than in previous years.

Mr. Riordan reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: 87%
- (b) criminal: 10%
- (c) domestic: 1%
- (d) other: 2 %

Mr. Riordan reported the percentage of his practice in trial court during the past five years as follows:

- (a) jury: 90
- (b) non-jury: 10

Mr. Riordan provided that he most often serves as sole counsel.

The following is Mr. Riordan’s account of his five most significant litigated matters:

- (a) Green v Ebel – most recent trial in Greenville - successful defense of Dr. Ebel in a wrongful death,

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medical malpractice claim involving the death of a 14 year old girl. Terrible death within 50 hours following her ER discharge by Dr. Ebel. Plaintiff experts and opinions regarding failures to properly diagnose and treat were successfully contested, with much defense reliance on Plaintiffs' lack of adherence to discharge instructions. Defense verdict obtained following a week-long trial.

- (b) State v Larry Gene Bell – I was not involved in the initial trial or appeal, but assisted in the final, week-long litigated hearing re the petition by defense counsel to prevent execution as cruel and unusual punishment in violation of 8<sup>th</sup> amendment due to Bell's mental incapacity. Serial killer Bell's determination to have death by electric chair (in effect at time of original sentence) rather than lethal injection was raised as one of the reasons in support of Bell's mental incapacity. Rejection of Bell's petition and execution of Bell was greatly significant to the families of the two known victims of Bell's brutality. The case was additionally significant given infamy of Bell and renown of counsel and experts involved (top members of FBI profile team).
- (c) Ken and Janice Bear v. Duke Energy – my first significant Plaintiff's case – I held prime deposition and trial responsibility against a significant defense. The Bears discovered that their newly built home was built on property formerly utilized to "strip" Duke Energy transformers/equipment for scrap metal, resulting in PCB contamination. Remediation agreement had largely been obtained by Gene McCall, resulting in an initial million-dollar clean up, but PCB remained beneath the newly constructed home. Multi-day trial in Anderson resulted in settlement/resolution for Bears for property/stigmatic damage prior to close.
- (d) State v Paul Reed –. Successful defense of initial criminal charges (3 separate "cases" had been indicted, with over 70 years of potential sentencing) in Oconee. Initial, near week-long trial resulted in not guilty verdict. Testimony at trial found investigator providing

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“inaccurate/mistaken” testimony, after having created “mistaken/inaccurate” reports in support of charging decisions. Dismissal of all other cases allowed the successful pursuit and resolution of an ensuing §1983 matter.

- (e) State v Paris Fant – my final criminal prosecution. Fant was a Greenville County Sheriff’s Deputy who was involved in the T-bone collision with another vehicle, resulting in the 26 year old mother’s death. No charges initially (Trooper commented that deceased had failed to yield right of way, but since she was dead and could not be charged, it would be unfair to charge the officer). After much adverse publicity a traffic ticket was issued, but officer thereafter simply forfeited bond. Victim’s family appealed to AG for help. Despite assertions of double jeopardy in further pursuing, I determined this was not so. Mother of victim was allowed to appear before the Grand Jury. Case indicted. Plea offers refused. Deputy was convicted of Reckless Homicide after a lengthy trial, which included testimony from the SCHP MAIT that the headlights from Fant’s patrol car were fully removed prior to their arrival and Fant was traveling at least 69 in a 40 mph zone (running late for work). This matter remains significant by ensuring justice is blind and exists for ALL, no matter how unpleasant the facts or repercussions.

The following is Mr. Riordan’s account of five civil appeals he has personally handled:

- (a) Hueble v. SCDNR and Vaughn, 416 S.C. 220, 785 S.E.2d 461 (2016). Video of Oral Argument should still exist on Supreme Court website.
- (b) Stringer v. State Farm Mut. Auto. Ins Co., 386 S.C. 188, 687 S.E.2d 58 (Ct. App. En Banc 2009) Assisted Charles Norris.
- (c) Dorothy L. Sides and Arthur L. Sides v. Greenville Hospital System, Rodgers Builders Inc. and F.T. Williams Co., Inc., 362 S.C.250; 607 S.E.2d 362 (Ct. App. 2004)

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- (d) Underwood v. Coponen, 367 S.C. 214; 625 S.E. 2d 236 (Ct. App. 2006)
- (e) Lydia v. Horton, 355 S.C. 36, 583 S.E.2d 750 (2003) and 343 S.C. 376, 540 S.E.2d 102, (Ct. App. 2000). Assisted Sam Outten.

The following is Mr. Riordan's account of five criminal appeals he has personally handled:

- (a) State v. Timmons, 327 S.C. 48, 488 S.E.2d 323 (1997)  
S.C. Supreme Court
- (b) State v. Avery, 333 S.C. 284, 509 S.E.2d 476 (1999)  
S.C. Supreme Court
- (c) State v. Taylor, 333 S.C. 159, 508 S.E.2d 870 (1999)  
S.C. Supreme Court
- (d) State v. Collins, 329 S.C. 23, 495 S.E.2d 202 (1998)  
S.C. Supreme Court
- (e) State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997)  
S.C. Supreme Court

(9) Judicial Temperament:

The Commission believes that Mr. Riordan's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee reported that Mr. Riordan is "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Mr. Riordan is married to Leora Caroline Patterson. He has three children.

Mr. Riordan reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) American Bar Association
- (c) South Carolina Defense Trial Attorneys' Association – Board Member since 2012



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- (d) Greenville Association of Criminal Defense Lawyers (GACDL)

Mr. Riordan provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Sharpshooters Gun Range
- (b) Stone Lake Community Pool
- (c) Metropolitan Arts Council
- (d) Clemson Alumni Association

Mr. Riordan further reported:

I have been blessed with a rewarding and interesting life thus far. I do believe my life experiences will influence and positively benefit the type of Judge I plan to be: one who strives to ensure all who must have interaction with our judicial system are afforded and receive the respect and justice they deserve. I am unsure of the propriety of the information provided below, but, in addition to all related thus far, it is offered to support the desired criteria, including physical health and mental stability and reflects some of the bases of my experience, education, character, reputation and temperament.

I am one of six children born to my mother (three boys, three girls), with my older three half-siblings born to her first husband, who tragically died soon after my older half-brother was born. Within a few years my widowed mother met and married my father, Pat Riordan, more than three years her junior. Both parents were from small towns in Illinois. Upon the marriage of my parents, Dad became the immediate father of three at 24 years of age and was the father of 6 before he was 30. Despite being born with a deformed right arm, Dad was an engineer in the paper industry. He initially worked with one of the prime paper machine manufacturers in Beloit, Wisconsin, where I was born. He later took positions with paper manufacturers who utilized the Beloit machines, allowing us to live in Somers, CT and Baton Rouge, LA before we moved to Rock Hill, SC. Mom worked as a secretary for Springs Mills and various banks. We had a middle class upbringing and benefitted from the diversity provided by our numerous moves and homes. All of my siblings obtained college degrees, have large families

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and (with the exception of my sister in New York, whose 3 grown children all live in SC) remain South Carolinians (half-brother was Clemson mascot but two of his siblings, his oldest daughter and many nieces and nephews are USC grads). My parents have been married over 50 years and by their influence, they and my ample family provided have provided great examples regarding the importance of education, ethics, family relations, community involvement and the fair treatment of all.

I have similarly been blessed with good health and incentive to maintain the same. I played most sports in some fashion into junior high, but concentrated on basketball after breaking my foot during 8<sup>th</sup> grade football (forcing me to miss basketball for the junior high team). I was fortunate enough to continue playing basketball regularly into early 2016, running our year round “Up the Hill” League at Buncombe Street United Methodist Church (we refused to admit we were yet “over the hill”) for about a decade. My wife earned a Master’s Degree in Education and taught school until the day before the birth of our son, but has been an aerobics’ instructor since college. She is the current 20K State Champ in her age group and has made fitness a focus. She has held positions with the Columbia Athletic Club, The Firm/Body Firm (she is in one of the videos), and at the Life Center in Greenville, where she also is a personal trainer. I have largely utilized those facilities and she provides a great example (and incentive) for health maintenance. Our children have followed her example. All eventually swam year round, with my son still swimming for the Clemson Swim Club (they dropped the swim program a few years ago). My oldest daughter, after only running her final year of high school, will now run for the University of Tennessee in the fall (her main Coach is a Citadel grad). My youngest daughter should continue to be a valued runner at Wade Hampton. Beyond the fitness benefits, all of these athletic endeavors have provided great community interaction with players, referees, families, clients and administrators of varying races, ages and backgrounds will assist in my interactions with all on the bench.

My wife and I have been married 25 years, having met the end of my first year at Clemson. Her father was a Judge and sparked my interest in the law. Her mother eventually worked as the secretary for both Judge Kittredge and Judge Hill and my

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in-laws' positions allowed me to have unique insight into and affinity for service on the bench and relations with Court personnel. My service as a prosecutor and civil litigator has likewise provided great opportunity for constant education, experience, interaction, community and friendship with persons within the justice system and from all walks of life. I have been on all sides of both criminal and civil practice and can easily empathize/sympathize (likely having been there before) with the varied circumstances confronting those who appear in Circuit Court. All can have confidence they will be treated fairly and impartially when appearing before me.

(11) Commission Members' Comments:

The Commission noted Mr. Riordan's wealth of experience and his distinguished legal career.

(12) Conclusion:

The Commission found Mr. Riordan qualified and nominated him for election to Circuit Court, Thirteenth Judicial Circuit, Seat 4.

**The Honorable Jessica Ann Salvini  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Salvini meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Salvini was born in 1975. She is 43 years old and a resident of Greenville, South Carolina. Judge Salvini provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001. She was also admitted to the California Bar in 2000.

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Salvini.

Judge Salvini demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Salvini reported that she has made \$10.00 in campaign expenditures for postage.

Judge Salvini testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Salvini testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Salvini to be intelligent and knowledgeable.

Judge Salvini reported that she has taught the following law-related courses:

- (a) On October 29, 2009, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was ethical dilemmas encountered by criminal defense attorneys.
- (b) On or about October 28, 2010, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was ethical issues confronting criminal defense attorneys.

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- (c) On October 24, 2013, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was federal practice in US District Courts in South Carolina.
- (d) On October 20, 2016, I was a speaker on a panel at the Federal Criminal Practice Seminar for the Criminal Justice Act Defense Bar. The topic was the Criminal Justice Act and its potential revision resulting from Chief Justice John G. Robert, Jr.'s appointment of a Committee to review the Criminal Justice Act Program.
- (e) On February 3, 2017, I was a speaker at the Greenville County Bar's "Year-End CLE". The topic was the Fourth Amendment and providing an overview of search and seizure case law, focusing on the most recent cases decided by the Fourth Circuit Court of Appeals.

Judge Salvini reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Salvini did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Judge Salvini did not indicate any evidence of a troubled financial status. Judge Salvini has handled her financial affairs responsibly.

The Commission also noted that Judge Salvini was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Salvini reported that her ratings by legal rating organizations include:

- (a) National Academy of Criminal Defense Attorneys: Top 10 Criminal Attorneys 40 and Under, 2014, 2015.
- (b) Martindale-Hubbell: 5.0/5.0.

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- (c) LawyerRatingZ.com: 3.3/5.0.
- (d) Lawyers.com: 5.0/5.0.

Judge Salvini reported that she has not served in the military.

Judge Salvini reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Salvini appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Salvini appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Salvini was admitted to the South Carolina Bar in 2001.

She gave the following account of her legal experience since graduation from law school:

(a) December 2000 to August 2002: Law Offices of Jessica Salvini.

After passing the California Bar exam, I opened my own law firm in San Francisco, CA. My practice consisted of handling civil and criminal state and federal court cases. I handled pretrial and trial matters for contract disputes, simple divorces, consumer protection actions, bank fraud, various drug crimes and other criminal law matters. I handled these matters in my capacity as an independent contractor for Weinberg & Wilder and as a sole practitioner. As this was my own law firm, I managed the law firm, which included managing its finances. I did not have a trust account at that time as I did not accept retainers from clients that required me to do so.

(b) August 2002 to Present Date: Salvini & Bennett, Attorneys at Law, LLC.

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Upon relocating to the State of South Carolina, I continued my practice of law by opening a law firm with J. Bradley Bennett, Esq. Over the course of almost fifteen years, I have acted as the senior partner in our firm, which has a general practice handling a wide variety of legal issues for individuals and businesses. I have represented individuals and businesses in civil, criminal and family law matters. My practice areas include: all pretrial and trial matters for contract and real property disputes, all pre-trial and trial matters in domestic law cases; all pre-trial and trial matters in probate court matters; all pre-trial and trial matters in state and federal criminal court cases; appeals to the Fourth Circuit Court of Appeals and appeals to the South Carolina Court of Appeals. During the course of my practice, I have served as one of Greenville County Probate Court's Commitment Proceedings Attorneys. I have also served and still serve as a Criminal Justice Act Panel Attorney for the US District Court for the District of SC and the US Court of Appeals for the Fourth Circuit. I assist our Criminal Justice Act Panel Representative in the Upstate. My law firm now consists of myself, my law partner and an associate attorney. My law partner and I manage the law firm, including the law firm's trust account.

(c) August 2007 to Present Date: Municipal Court Judge for the City of Mauldin, SC.

In August 2007, I was appointed to serve as an Associate Municipal Court Judge for the City of Mauldin, South Carolina. In 2009, I sought and was appointed to serve as the Chief Trial Judge for the City of Mauldin and I currently serve in this capacity. As both an Associate Municipal Court Judge and the Chief Municipal Court Trial Judge, I have presided over numerous cases involving: violations and or enforcement of city ordinances, misdemeanor criminal matters, traffic violations, bond hearings and preliminary hearings for felony criminal matters. As the Chief Trial Judge, I hold court for the City of Mauldin every Wednesday (excluding the fifth Wednesday in

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any given month), presiding over matters involving violations and or enforcement of city ordinances, traffic violations and misdemeanor criminal law matters. The aforementioned proceedings primarily involve motion hearings, guilty pleas and bench trials. Once a month I also preside over preliminary hearings for felony matters arising out of the City of Mauldin. I also now preside over Domestic Violence Court for the City of Mauldin, which occurs once a month. Approximately once a quarter, I preside over jury trials for misdemeanor criminal law matters and city ordinance violations occurring in the City of Mauldin.

Judge Salvini further reported regarding her experience with the Circuit Court practice area:

For over sixteen years, I have been privileged to have a private practice that includes representing individuals in both criminal and civil matters. In 2002, I became a Criminal Justice Act (“CJA”) Panel attorney and I serve in this capacity to date. As a result of my service on the CJA panel, I am routinely appointed by the United States District Court for the District of South Carolina to represent individuals charged with federal crimes.

Focusing on the past five years, as a legal practitioner, I have represented approximately 40-50 individuals in various criminal matters in state and federal court. My criminal practice has included representing individuals at all stages of the criminal process – from bond hearings, preliminary hearings, guilty plea hearings and jury trials – for various crimes. For example, I have represented individuals charged with: counterfeiting goods and money, various drug crimes including possession, trafficking, conspiracy to possess and distribute all types of illegal drugs in varying quantities, bank robbery, criminal sexual conduct with a minor, illegal entry into the United States, being a felon in possession of a firearm, possessing a firearm in relation to a drug trafficking crime, human trafficking and trafficking minors. In a majority of the cases, I represented the client from the commencement of the action to the conclusion of the case.



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Also in such criminal matters, I have had extensive opportunities in motions practice. In many criminal cases, the issues focus on the actions of law enforcement and their compliance with a defendant's constitutional rights; and I have addressed these issues in the criminal cases I have handled. For example, in one of my recent cases, I filed and argued a motion to suppress based on certain Fourth Amendment violations. I successfully challenged the search of my client and the vehicle he was located in as a passenger based on a violation of my client's constitutional rights. The search revealed a firearm and illegal drugs, resulting in my client being criminally charged in both state and federal court. At the conclusion of an evidentiary hearing, the court granted my motion to suppress and the charges against my client were dismissed.

In the past five years, I have tried three criminal cases in the United States District Court for the District of South Carolina before a jury. In the first case, my client, along with others, was investigated by the Drug Enforcement Administration and charged with participating in a conspiracy to possess and distribute marijuana. The Drug Enforcement Administration identified several "grow houses" in the Upstate of South Carolina and alleged my client participated in maintaining one such house and or in assisting in the "grow operation." Over 100 marijuana plants were located, some of which were as tall as me. At the conclusion of the trial the jury found my client not guilty. The second case involved a conspiracy to possess and distribute a quantity of methamphetamines. My client was charged with participating in that conspiracy, as well as possessing a firearm during a drug trafficking crime. At the conclusion of the jury trial, my client was convicted for his participation in the conspiracy, but acquitted of possessing a firearm in relation to his drug activity. The last case was an armed bank robbery, and at the conclusion of the trial, my client was convicted.

As a Municipal Court Judge, I have presided over hundreds of criminal matters at all stages of the criminal process – setting bonds, presiding over preliminary hearings, guilty plea hearings, bench trials and jury trials. A majority of those matters were misdemeanors ranging from minor traffic violations to shoplifting, larceny, alcohol related crimes, assaults, and

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domestic violence. While others involved presiding over preliminary hearings involving various felonies, including murder and attempted murder, breach of trust, criminal sexual conduct, and various drug crimes. My experience is unique in that I have not only argued various motions to suppress before the court, I have been required to rule on them. In every instance, I have studied the facts and circumstances of each case, in conjunction with the applicable law, and issued a ruling consistent therewith.

Civilly, I practice primarily in Family Court, with notable experience in Probate Court, Federal Court and Circuit Court. In Family Court I have represented both Plaintiffs and Defendants in all matters of domestic/family law. In Probate Court and Federal Court I have primarily represented Plaintiffs in matters of tort and contract; and in Circuit Court I have represented both Plaintiffs and Defendants primarily in personal and commercial contract matters, as well as construction disputes. My practice in this regard has been dispute related (as opposed to transactional). In the past five years, I have appeared before a Circuit Court Judge several times.

As a result of both my criminal and civil practices, I have been fortunate to be in a courtroom litigating matters several times a week. I daily employ and apply the South Carolina Rules of Evidence, Rules of Civil Procedure and Rules of Criminal Procedure in a manner that offers me what I believe to be unique qualifications for a candidate for the Circuit Court bench.

Judge Salvini reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 3 to 5 times per month;
- (b) State: 7 to 10 times per month.

Judge Salvini reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 10%;
- (b) Criminal: 30%;
- (c) Domestic: 50%;
- (d) Other: 10%.

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Judge Salvini reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 30%;
- (b) Non-jury: 70%.

Judge Salvini provided that she most often served as sole counsel.

The following is Judge Salvini's account of her five most significant litigated matters:

(a) Justice v. Justice

This was a matter litigated in the Thirteenth Judicial Circuit Greenville County Family Court. The primary issue was whether a divorced parent could relocate to another state with the parties' minor children. The matter was tried for two days and the outcome not only affected the parties' three minor children, but the children's step-siblings and half-brother. It was a difficult and heart-wrenching case and the outcome impacted not only the parents, but the lives of their children. It was also a unique case as both parents were very involved in the lives of their children and neither wanted to change the custody order in the event the parent's request to move was denied. It required an examination of the law applicable to cases in which a parent seeks to relocate to another state with the parties' minor children. I represented the parent opposing the move and I was successful in obtaining an order that restrained and enjoined the relocation of the parties' minor children. After the litigation, I kept in touch with my client and his family. I have personally observed the affect the court's decision had on this family.

(b) United States v. Minaya-Mena

This was a criminal matter litigated in the United States District Court for the District of SC. My client was charged in a conspiracy to possess, with the intent to distribute, marijuana. The case involved the possession of more than 100 marijuana plants, some of which were taller than me, found in several "grow houses" in the

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Upstate. The matter proceeded to a jury trial and my client was found not guilty. The matter is significant to me, not only because of the not guilty verdict, but because I litigated it against an excellent Assistant United States Attorney whose trial skills are exceptional. The matter required extensive preparation and an examination of the law to ensure that any issues to be appealed were properly in the court's record. I also mentored two of my colleagues during the trial. Being able to secure a not guilty verdict, while imparting knowledge to my colleagues, was phenomenal.

(c) United States v. Twitty

This was a criminal matter litigated in the United States District Court for the District of SC. My client was charged with being a felon in possession of a firearm, as well as possessing with intent to distribute a quantity of crack cocaine and heroin. I handled this matter almost a year ago and was able to successfully apply recent search and seizure law to the facts of the case. After an evidentiary hearing, my motion to suppress the search of my client and his vehicle was granted resulting in a dismissal of all charges against him.

(d) Nicholas v. Pate

This was a civil matter in the United States District Court for the District of SC. Parties in civil actions in District Court are not usually entitled to appointed counsel. However, the court asked if I would be willing to be appointed to represent the Plaintiff pro bono and I agreed. The Plaintiff had filed a civil action in the United States District Court for the District of SC alleging violations of his Federal Constitutional Rights under 42 U.S.C. Section 1983, that is, that he had been subjected to cruel and unusual punishment while serving a state imposed sentence. The matter is significant to me as it required me to assess and try a case that was well into litigation by a pro se defendant. After examining the pro se filings to ensure my client was not in any danger of having his action dismissed, the matter proceeded to a jury trial. Although I lost after

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a jury trial, my client's gratitude was a reward. Handling the matter also reminded me to always examine the statutes and rules of law governing an action in light of the facts and circumstances one is presented before proceeding forward with litigation. This is a rule my mentor, a former Assistant United States Attorney and war crimes prosecutor, ingrained in me and is crucial to abide by in handling every legal matter.

(e) Collins v. Murphy

This is a civil matter litigated in Probate Court and Circuit Court. A colleague and I have been litigating this matter throughout the court process from its inception in Probate Court, motions in Circuit Court, appeals to the Circuit Court and we are currently litigating it in the South Carolina Court of Appeals. The matter involves a question of the interpretation and application of a statute in a matter involving the rights of unmarried parents to the receipt of wrongful death proceeds of their deceased infant. The extreme differences in the rulings resulting from the Probate Court and Circuit Court make this case unique in that the South Carolina Court of Appeals will be addressing the interpretation and application of the relevant statute in situations in which unwed parents have a child who dies at birth. Thus, making a determination as to who is entitled to the award of wrongful death proceeds.

The following is Judge Salvini's account of the four civil appeals she has personally handled:

- (a) Moore v. Benson, 390 S.C. 153, 700 S.E.2d 273 (Ct. App. 2010).
- (b) Nestberg v. Nestberg, 394 S.C. 618, 716 S.E.2d 310 (Ct. App. 2011).
- (c) South Carolina Department of Social Services v. McCrary, Unpublished Opinion (Ct. App. 2011).
- (d) Collins v. Murphy, Currently Pending before S.C. Court of Appeals.

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The following is Judge Salvini's account of the five criminal appeals she has personally handled:

- (a) United States v. Nicholson, 676 F.3d 376 (4th Cir. 2012).
- (b) United States v. Shippy, Unpublished Opinion (4th Cir. 2010).
- (c) United States v. Wilkins, Unpublished Opinion (4th Cir. 2009).
- (d) State v. Rivera, Unpublished Opinion (Ct. App. 2006).
- (e) United States v. Cruz, Unpublished Opinion (4th Cir. 2006).

Judge Salvini further reported the following unsuccessful candidacy:

- (a) United States District Court for the District of SC, U.S. Magistrate, 2009

(9) Judicial Temperament:

The Commission believes that Judge Salvini's temperament has been, and will continue to be, superb.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Salvini to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Salvini is not married. She does not have any children.

Judge Salvini reported that she was a member of the following Bar and professional associations:

- (a) California Bar
- (b) South Carolina Bar
- (c) Greenville County Bar Association
- (d) Greenville County Bar Association of Criminal Defense Lawyers
- (e) South Carolina Association for Justice

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- (f) United Housing Connections, Vice Chairperson, 2017 - present.

Judge Salvini provided that she was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) United Housing Connections, Vice Chairperson.

Judge Salvini further reported:

I grew up the oldest of four daughters in a very loving and religious home. My mother was a nurse and my father worked for the railroad. As a child, I can't recall ever wanting for anything, but we lived an extremely modest lifestyle. Our home was pocket-sized, the family room having been converted into a bedroom for me and my youngest sister. My parents worked hard to provide us with a comfortable life; but there wasn't money to spend on frivolous things. School shoes had to last the entire year. School lunches consisted of pink Kool Aid and leftovers – spaghetti sandwiches often made it into the lunch pail. Most family vacations were spent driving to Oklahoma to see relatives - my sisters and I would be packed in the back of an old Nova with faulty air conditioning. It was important to my parents for us to receive a good education, and they worked hard to put us through catholic school in our tender years. With both parents working, I became primary caregiver to my younger siblings at age eleven. Both of my parents encouraged us to rise above our circumstances and set our goals high, to focus on our education, so that we could be independent young women.

My childhood experiences were distinctly middle class, and reflecting upon it now, those experiences have served me well in my professional life in my ability to relate to a broader spectrum of people, to be able to better demonstrate empathy, to recognize the value of hard work and the strength of family values.

Beginning in childhood I have always had a hunger for knowledge and new experiences, as well as a desire to help others. My desire to learn and help others has served me well in the practice of law and as a Municipal Court judge and I believe it will continue to serve me well no matter what direction

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my life takes. If given the opportunity, I will be a Circuit Court judge that fairly resolves disputes in a way that gives the litigants, the public, the Bar and my fellow judges' confidence in the integrity of the judiciary and the judicial process.

(11) Commission Members' Comments:

The Commission commented that Judge Salvini has an outstanding reputation in the legal community. They noted that she is passionate and has a diverse legal career that would serve her well as a Circuit Court judge.

(12) Conclusion:

The Commission found Judge Salvini qualified and nominated her for election to Circuit Court, Thirteenth Judicial Circuit, Seat 4.

**The Honorable Perry McPherson Buckner III  
Circuit Court, Fourteenth Judicial Circuit, Seat 1**

**Commission's Findings:            QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Buckner meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Buckner was born in 1949. He is 68 years old and a resident of Walterboro, South Carolina. Judge Buckner provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1975.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Buckner.

Judge Buckner demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte



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communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Buckner reported that he has made less than \$100.00 in campaign expenditures for postage and stationary.

Judge Buckner testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Buckner testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Buckner to be intelligent and knowledgeable.

Judge Buckner reported that he has taught the following law-related courses:

- (a) In 1981 or 1982 I spoke at a South Carolina Bar CLE Seminar on "Extraordinary Writs" at the University of South Carolina School of Law.
- (b) On May 18, 1984, I was moderator at a seminar on "Condemnation Law and Practice" at the University of South Carolina School of Law.
- (c) On October 21, 1994, I taught a CLE seminar entitled "Calling as A Witness an Expert Who Was Engaged but Not Called by Opposing Party" at the University of South Carolina School of Law.
- (d) On or about October 1, 2001, I served on a panel at the Annual Solicitor's Conference and gave a speech entitled "Recent Court Decisions."
- (e) In September 2004, I spoke at a conference held at Wofford College, entitled "Wofford and the Law." Along with other Circuit Court Judges, I spoke about

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new developments in the law, both in General Sessions and Common Pleas Court, in a speech entitled "Observations from the Bench."

- (f) In September 2007, I spoke at a conference held at Wofford College, entitled "The Constitution: The Third Branch of Government, an Insider's View." My speech was entitled "Judicial Independence."
- (g) In July of 2007, 2008, 2009, 2010, 2011, 2015 and 2017, I spoke at the New Circuit Judges Orientation School regarding "Common Problems in Applying Rules of Court and Rules of Evidence."
- (h) I have served on a Judicial Ethics panel for Sporting Clays CLE in 2011, 2012, 2013, 2014, 2015, 2016 and 2017.
- (i) In June of 2012, I gave a speech at the South Carolina Defense Trial Attorneys Association Trial Academy on "Judicial Perspectives on Trial Advocacy."
- (j) In May of 2012, I spoke at the South Carolina Circuit Court Judges Conference on "The Assign-A-Highway Program."
- (k) In July of 2013 and 2014 I gave a speech to Law Enforcement for the Fourteenth Judicial Circuit and members of the Bar on "Traffic Stop Searches" and "The Fourth Amendment."

Judge Buckner reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Buckner did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Buckner did not indicate any evidence of a troubled financial status. Judge Buckner has handled his financial affairs responsibly.

The Commission also noted that Judge Buckner was punctual and attentive in his dealings with the Commission, and

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the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Buckner reported that his last available rating by a legal rating organization, Martindale- Hubbell Peer Review Rating, was AV.

Judge Buckner reported the following military service:  
Yes. I was commissioned as a 2nd Lieutenant at graduation through the Wofford College ROTC program in May of 1971. I was on active duty from October 13, 1971 to January 13, 1972. The branch of service at this time was the Quarter Master Corps. My serial number is REDACTED. After discharge from active duty, I continued in the U.S. Army Reserves from 1972 until approximately 1979 and was transferred to the Judge Advocate General Corps, and I received my discharge from the Reserves in about 1979, at which time I had obtained the rank of Captain. My current status is inactive. I have an honorable discharge. I am enclosing a copy of my DD214.

Judge Buckner reported that he has held the following public office:

- (a) I served as Staff Attorney for the State of South Carolina in the South Carolina Attorney General's Office from 1975 until 1977. I was appointed.
- (b) I served as an Assistant Attorney General for the State of South Carolina from 1977 to 1979. I was appointed.
- (c) In 1997, I became a part-time Assistant Solicitor for the Fourteenth Judicial Circuit and served until 2000. I was appointed.

(6) Physical Health:

Judge Buckner appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Buckner appears to be mentally capable of performing the duties of the office he seeks.

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(8) Experience:

Judge Buckner was admitted to the South Carolina Bar in 1975.

He gave the following account of his legal experience since graduation from law school:

- (a) South Carolina Attorney General's Office as a Staff Attorney and Assistant Attorney General, Columbia, South Carolina, 1975-1979.
- (b) Partner in the Law Firm of Wise and Cole, P.A. in Charleston, South Carolina, 1979-1981.
- (c) Partner in the Law Firm of Smoak, Moody, Buckner, and Siegel in Walterboro, South Carolina, 1981-1986.
- (d) Private Practice, Law Office of Perry M. Buckner, in Walterboro, South Carolina, 1986-2000.
- (e) I was a staff attorney in the Attorney General's Office during my first two years of employment, my duties included prosecuting criminal cases in the Magistrate and Circuit Court of South Carolina. I also handled criminal appeals to the South Carolina Supreme Court on behalf of the State of South Carolina during my initial two years with the South Carolina Attorney General's Office, 1975-1977.
- (f) I moved to the Civil Division of the South Carolina Attorney General's Office and I handled civil litigation for the State of South Carolina, including representation of the South Carolina Wildlife Department, the South Carolina Highway Department, the Medical University of South Carolina, The Citadel, and the South Carolina Forestry Commission, 1977-1979.
- (g) I did insurance defense work as a partner with the firm of Wise and Cole in Charleston, South Carolina. During this time, my practice consisted of almost entirely civil defense work. I was not a managing partner with this firm, 1979-1981.
- (h) When I was with the Smoak, Moody, Buckner and Siegel in Walterboro, South Carolina I was a partner in the firm and handled my own administrative hiring and firing as well as management of partnership funds and

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clients' funds in a trust account. I also handled primarily plaintiffs' personal injury cases and Workers' Compensation cases. This was a general law practice so I handled both plaintiff and defense cases both in Magistrate's and Circuit Court, 1981-1986.

- (i) I started my own private law practice. I was completely responsible for management of my trust account and all financial and administrative management of my law firm. I handled plaintiffs' personal injury cases, Social Security cases, and Probate Court/ Estate work. I also handled both plaintiff and defendant litigation in civil court, and I handled criminal defense work in the Court of General Sessions of South Carolina. In 1986 I was selected to serve on the Board of the Colleton County Public Defender Corporation, where I continued until being hired as an Assistant Solicitor for the Fourteenth Judicial Circuit in 1997. In 1987 I was court appointed to represent a Capital Defendant in a murder case in Colleton County, which was tried to completion in both guilt and sentencing phases. From 1986-2000 I was in private practice and from 1997 until 2000 I was a part-time Assistant Solicitor for Colleton County.
- (j) I became a part-time Assistant Solicitor for the Fourteenth Judicial Circuit, prosecuting cases for the Solicitor's Office in the Court of General Sessions for Colleton County in 1997 until my election to the bench in 2000.
- (k) I have served as a resident Circuit Court Judge for the Fourteenth Judicial Circuit, 2000 to the present.

Judge Buckner has reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes Judge Buckner is firm and imposing while also being a fair jurist who keeps order in his courtroom.

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(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Buckner to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Buckner is married to Janet Hobbs Buckner. He has two children.

Judge Buckner reported that he was a member of the following Bar and professional associations:

- (a) Current Member of the South Carolina Bar Association.
- (b) Current member of the Colleton County Bar Association.
- (c) Current member of the American Bar Association.
- (d) Former Member of the South Carolina Defense Trial Attorneys Association.
- (e) Former Member of the South Carolina Association for Justice.
- (f) Former Member of the South Carolina Bar Judicial Qualification Committee.
- (g) Former Member of the South Carolina Bar Nomination Committee.
- (h) Former Member of the South Carolina Bar House of Delegates.

Judge Buckner provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Liturgist, Usher, Greeter at Bethel United Methodist Church, Walterboro, South Carolina.
- (b) Member of the Colleton County Historical and Preservation Society.
- (c) Member of the Colleton County Arts Council.
- (d) Member of the Walterboro Elks Lodge.
- (e) Member of the Colleton County Clemson Club.
- (f) Past member of the Dogwood Hills Country Club.

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Judge Buckner further reported:

I believe my experience as a Judge has taught me that Judges need to be patient, dignified, not take themselves too seriously, and remember there are no unimportant cases. In addition, Judges need to be prompt, use common sense and try to be kind in carrying out the duties of their office. I do not believe there is any substitute for the experience one receives in serving the people of South Carolina as a Circuit Court Judge.

(11) Commission Members' Comments:

The Commission noted its appreciation for Judge Buckner's service to the state and the judiciary and commented that Judge Buckner is one of the finest judges in the state. The Commission noted Judge Buckner is firm but fair.

(12) Conclusion:

The Commission found Judge Buckner qualified and nominated him for re-election to Circuit Court, Fourteenth Judicial Circuit, Seat 1.

**Bryson John Barrowclough  
Circuit Court, Sixteenth Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Barrowclough meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Barrowclough was born in 1969. He is 48 years old and a resident of Tega Cay, South Carolina. Mr. Barrowclough provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995. He was admitted to the North Carolina Bar in 1995 and the Pennsylvania Bar in 2000.

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Barrowclough.

Mr. Barrowclough demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of *ex parte* communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Barrowclough reported that he has not made any campaign expenditures.

Mr. Barrowclough testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Barrowclough testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Barrowclough to be intelligent and knowledgeable.

Mr. Barrowclough reported that he has taught the following law-related courses:

- (a) I have lectured on the topic of how to try a self-defense case at the 2002 Public Defender Conference.
- (b) I have made a presentation on closing arguments at the 2012 Best Practices Seminar.
- (c) I have made a presentation on advanced cross examination techniques at the PD 103 training program put on by the South Carolina Commission on Indigent Defense.



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(4) Character:

The Commission's investigation of Mr. Barrowclough did not reveal evidence of any founded grievances or disqualifying criminal allegations made against him. The Commission's investigation of Mr. Barrowclough did not indicate any evidence of a troubled financial status. Mr. Barrowclough has handled his financial affairs responsibly.

The Commission also noted that Mr. Barrowclough was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Barrowclough reported that he is not rated by any legal rating organization.

Mr. Barrowclough reported that he has not served in the military.

Mr. Barrowclough reported that he has never held public office other than his appointments as a prosecutor and public defender.

(6) Physical Health:

Mr. Barrowclough appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Barrowclough appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Barrowclough was admitted to the South Carolina Bar in 1995.

He gave the following account of his legal experience since graduation from law school:

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- (a) Assistant Public Defender, York County Public Defender Office, September 1995-February 2000. Represented indigent people charged with crimes.
- (b) Assistant District Attorney, Luzerne County (PA) District Attorney's Office, February 2000-June 2001. Prosecuted people charged with criminal offenses.
- (c) Assistant Public Defender, York County Public Defender Office, July 2001-June 2002. Represented indigent people charged with crimes.
- (d) Deputy Public Defender, York County (now 16<sup>th</sup> Circuit) Public Defender Office, July 2002- present. I have continued to represent indigent people in criminal court but as deputy I have also had administrative duties as the immediate supervisor to all of the lawyers, investigators, and the office manager. I resolve personnel issues and I am responsible for annual performance evaluations as well as tracking vacation time, sick time etc. Additionally I work with the Chief Circuit Defender and the office manager to put together out annual budget.

Mr. Barrowclough reported the frequency of his court appearances during the past five years as follows:

- (a) federal: Never.
- (b) state: Every other week.

Mr. Barrowclough reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: Zero percent.
- (b) criminal: One Hundred percent.
- (c) domestic: Zero percent.
- (d) other: Zero percent.

Mr. Barrowclough reported the percentage of his practice in trial court during the past five years as follows:

- (a) jury: Less than five percent.
- (b) non-jury: More than ninety-five percent.

Mr. Barrowclough provided that he most often serves as sole counsel.

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The following is Mr. Barrowclough's account of his five most significant litigated matters:

- (a) State v. James Henry Cousar.  
I obtained a Not Guilty verdict in this case on August 29, 1997 for two counts of Assault and Battery with Intent to Kill. This was the first big self-defense case I tried as a young lawyer and self-defense cases became an area of expertise in my career.
- (b) State v. David Wayne Martin.  
I was able to obtain a Not Guilty in this Armed Robbery case for Mr. Martin on October 21, 1997. The significance of this case was that on paper Mr. Martin appeared guilty. However through a thorough investigation enough evidence was uncovered and presented at trial that by the end I think the assistant solicitor thought he was innocent. It drove home the importance of lawyers conducting their own vigorous and independent investigations.
- (c) State v. Richard Lee Hinton Jr.  
In this case Mr. Hinton was tried for murder and found Not Guilty on May 27, 2004. There were two points of significance to this case: the first was that it was reported in the media as the first case involving a battered spouse type of self-defense wherein the relationship was same-sex; the second point was that for me personally it was the first, and only, murder trial I won with a jury.
- (d) State v. Miguel Robinson.  
In this case Mr. Robinson was tried and convicted for Armed Robbery and Lynching on April 16, 2008. Of all the cases that I have lost in my career this was the most shocking verdict based on what happened in trial. Mr. Robinson is still in prison and this result still bothers me.
- (e) State v. David Hill.  
Mr. Hill was found Not Guilty of Attempted Murder, Attempted Armed Robbery, and Kidnapping on December 1, 2011. This case is significant to me because Mr. Hill had a daughter who was about to graduate from the University of South Carolina, who was a self-proclaimed "daddy's girl". After Mr. Hill was acquitted,

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the whole family was so appreciative. I received a long thank you letter from the daughter after she graduated and have received updates over the years indicating her first employment, engagement, wedding etc. Every one includes a thank you for her having her dad to share those moments.

Mr. Barrowclough reported he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Barrowclough's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. Barrowclough to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. They also noted, "The Committee was impressed by Mr. Barrowclough's energy, thoughtfulness, and clear knowledge and ability in the area of his practice. The Committee's only concern is that Mr. Barrowclough, like other candidates vying for the 16<sup>th</sup> Circuit seat, has practiced exclusively in the area of criminal law. The Committee is confident, however, that he could acquire the necessary civil experience 'on the job.'"

Mr. Barrowclough is married to Kristen O'Neill. They have four children.

Mr. Barrowclough reported that he was a member of the following Bar and professional association:

- (a) South Carolina Public Defender Association: Vice-President 2002-2008, At Large Representative 2014-present.

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Mr. Barrowclough provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) Board Member: Social Concerns Committee, Saint Mary Catholic Church, Rock Hill.

(11) Commission Members' Comments:

The Commission commented that Mr. Barrowclough is intelligent, articulate, highly impressive, passionate, down-to-earth, and has a strong moral compass---all of which will serve him well as a judge.

(12) Conclusion:

The Commission found Mr. Barrowclough qualified and nominated him for election to Circuit Court, Sixteenth Judicial Circuit, Seat 1.

**Lisa G. Collins**  
**Circuit Court, Sixteenth Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Collins meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Collins was born in 1962. She is 55 years old and a resident of Rock Hill, South Carolina. Ms. Collins provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1986.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Collins.

Ms. Collins demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte

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communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Collins reported that she has not made any campaign expenditures.

Ms. Collins testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Collins testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Collins to be intelligent and knowledgeable.

Ms. Collins reported that she has taught the following law-related courses:

- (a) I made a presentation on the topic of 'Discovery Requirements under case law including Brady and Edwards' to lawyers attending a CLE Seminar in 2002.
- (b) I made a presentation on the topic of 'Fifth and Sixth Amendment Update – A Review of the South Carolina Appellate Court Cases issued in 1999 involving issues relating to Right to Counsel, Right to Self-Representation and Confessions' to lawyers attending the Ninth Annual Presentation of Criminal Practice in S.C. on Nov. 19, 1999.
- (c) I made a presentation to college students at Winthrop University on the topic of 'Ethics in Leadership' on April 11, 1999. The students were members of a Political Science class of honor students.
- (d) I made a presentation on the topic of 'Defending Criminal Sexual Conduct Cases – Views of a Former

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Prosecutor’ to lawyers attending the 1999 S.C. Public Defender’s Association Annual Conference.

- (e) I made a presentation on the topic of ‘Victim’s Rights – A Review of New Constitutional and Statutory Provisions Concerning the Rights of Crime Victims’ at the 1997 Criminal Practice in South Carolina CLE seminar.
- (f) I made a presentation on the topic of the correct procedure for the presentation of Guilty Pleas before the Circuit Court to lawyers attending the 1997 S.C. Solicitor’s Annual Conference.
- (g) I made a presentation regarding ‘Hearsay – The Hearsay Evidence Rule and Exceptions’ to lawyers attending the 1996 S.C. CLE Seminar on Trial Practice Tune-Ups.
- (h) I made a presentation on the topic of recent case law concerning criminal sexual conduct cases in South Carolina to lawyers attending a 1993 CLE Seminar entitled ‘Sexual Assault Seminar: For the Prosecutor’.
- (i) While I was an Assistant Attorney General for South Carolina, I made a presentation on the topic of the rules of evidence regarding impeachment of witnesses to lawyers attending a CLE seminar at the University of South Carolina School of Law in Columbia, S.C. in 1991 or 1992 (I was not able to confirm the exact date of this seminar).
- (j) In addition, while an Assistant Solicitor in York County, S.C. from 2002 through 2013, I made numerous presentations to groups of law enforcement officers for formal officer training regarding the following topics: Ethics (Rock Hill Police Department); Preparation for Court (Fort Mill Police Department); Preparation to Testify in Court (K-9 Officers Training at Kings Mountain State Park); Investigation of Child Neglect Cases (at Law Enforcement Training Center at Worthy Boys Camp in Rock Hill); Investigation of Criminal Sexual Conduct Cases for Successful Prosecution (presentation to nurses attending a training to become Forensic Sexual Assault Nurse Examiners); and Investigation of Criminal Sexual Conduct Cases (Rock Hill Police Department).

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- (k) From 1995 through 1999, I served as attorney coach for students at Rock Hill High School for the Mock Trial Team. Harry Dest, Circuit Public Defender for York County, and I coached this team together. During this time, Harry and I made numerous presentations to the student team members at Rock Hill High School concerning the rules of evidence and trial practice strategy and procedure.

Ms. Collins reported that she has published the following:

- (a) South Carolina Law Review Annual Survey of South Carolina Law, Volume 37 (Autumn, 1985 #1), Student Author of Article 'Action for Feticide Recognized'; Criminal Law Section, Section III, pages 79-81.
- (b) South Carolina Law Review Annual Survey of South Carolina Law, Volume 37 (Autumn, 1985 #1), Student Author of Article 'Common Law Necessities Doctrine Affirmed and Expanded'; Domestic Law Section, Section V, pages 105-108.
- (c) South Carolina Law Review Annual Survey of South Carolina Law, Volume 37 (Autumn, 1985 #1), Student Author of Article 'Child Custody Jurisdiction Subject to Federal Statute'; Domestic Law Section, Section XII, pages 131-134.
- (d) Fifth and Sixth Amendment Update – A Review of the South Carolina Appellate Court Cases issued in 1999 involving issues relating to Right to Counsel, Right to Self-Representation and Confessions (SC Bar CLE 1999 CLE Materials – Ninth Annual Presentation on Criminal Practice in S.C.).
- (e) Defending Criminal Sexual Conduct Cases – Views of a Former Prosecutor (CLE Seminar Materials for the S.C. Public Defender's Association Annual Conference in 1999).
- (f) The Correct Procedure for Presentation of Guilty Pleas before the Circuit Courts of S.C. (CLE Seminar Materials for the S.C. Solicitor's Annual Conference in 1997).



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(4) Character:

The Commission's investigation of Ms. Collins did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Collins did not indicate any evidence of a troubled financial status. Ms. Collins has handled her financial affairs responsibly.

The Commission also noted that Ms. Collins was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Concerning her rating by a legal rating organization, Ms. Collins reported:

To the best of my knowledge, I am not listed in any of these publications under my current name Lisa G. Collins. I did not know I was listed in Martindale-Hubbell under my former name Lisa G. Jefferson until I checked that website to answer this question. I do not have a rating. As a prosecutor, I do not believe that it is appropriate for me to be included in this publication and I will take steps to have my name removed.

Ms. Collins reported that she has not served in the military.

Ms. Collins reported that she has never held public office other than serving as a municipal judge.

(6) Physical Health:

Ms. Collins appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Collins appears to be mentally capable of performing the duties of the office she seeks.

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(8) Experience:

Ms. Collins was admitted to the South Carolina Bar in 1986.

She gave the following account of her legal experience since graduation from law school:

- (a) Upon my graduation from law school, I worked as an insurance defense attorney with a private law firm, defending lawsuits in civil court in the Circuit Courts of South Carolina (1986-1988). At the request of one of the senior partners, I also represented a plaintiff in a 'slip and fall' personal injury case. I then served as General Counsel for a State Agency, representing the Agency in third-party intervention actions in Family Courts throughout South Carolina to ensure the rights of children in foster care were being met (1988-1991). I then worked for the Office of the Attorney General, representing the State of South Carolina in defending collateral attacks of convictions of criminal defendants (1991-1993). In this capacity, I handled hundreds of Post-Conviction Relief hearings in Civil 'Non-Jury' Circuit Court throughout South Carolina. I also personally handled all of the appeals from these hearings which were filed with the S.C. Supreme Court, which entailed in-depth legal research, the preparation of appellate briefs and the presentation of oral arguments as scheduled before the Supreme Court. I had the honor of representing the State in oral arguments twice before the S.C. Supreme Court with a successful result in both cases. Thereafter, I served as a prosecutor for the Sixteenth Judicial Circuit (1993-1998), Deputy Public Defender for York County (1998-2001), and an Assistant Municipal Judge (2002). I returned to the prosecution of criminal cases for the Sixteenth Judicial Circuit for eleven years (2002-2013). I retired from this position and subsequently became the Chief Municipal Judge for the Fort Mill Municipal Court, presiding over misdemeanor criminal cases (2013-2014). Since January of 2015, I have served as the Chief Deputy Solicitor for the Sixth Judicial Circuit,

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primarily serving Lancaster County; in this position I prosecute all of the pending Murder cases in Lancaster County in addition to other serious felony cases as needed. I also supervise the prosecution of all other cases in Lancaster County by the Assistant Solicitors in our office.

- (b) List of all legal positions I have held in which I worked in a legal capacity:
  - (a) Law Clerk for the South Carolina State Board of Medical and Dental Examiners, Columbia, S.C. (May 1984 – April 1986). I was not involved with the administrative and financial management of this State Agency.
  - (b) Associate Attorney with the private law firm (civil cases – insurance defense) of Rainey, Britton, Gibbes & Clarkson in Greenville, S.C. (August 1986 – May 1988). (This law firm has changed and is now known as the Greenville law firm of Gallivan, White & Boyd.) As an Associate Attorney, I was not involved with the administrative and financial management of this law firm, and I was not involved with the management of trust accounts for this firm.
  - (c) General Counsel for the S.C. Children’s Foster Care Review Board System, a State Agency based in Columbia, S.C. (May 1988 – February 1991). I provided legal representation in family court cases throughout the State of S.C. for this State Agency and for 32 Local Review Boards comprised of citizen volunteers appointed by the Governor. The role of this “watchdog” agency is to ensure that children in foster care receive court-ordered services. I also served as Chief Personnel Officer and Affirmative Action Officer for the Agency. However, I was not involved with financial management of this State Agency.
  - (d) Assistant Attorney General for the State of South Carolina; Office of the Attorney General, Columbia, S.C. (February 1991 – April 1993).

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I represented the State of South Carolina in Circuit Courts throughout the State of South Carolina as well as before the South Carolina Supreme Court, in regard to Post-Conviction Relief (PCR) proceedings. I researched and prepared legal briefs, pleadings, motions and proposed Orders for presiding Judges in regard to PCR hearings at the Circuit Court level. I was assigned to cover PCR proceedings in the Circuit Court (Civil/Common Pleas – Non-Jury hearings) for the Sixteenth Judicial Circuit (York and Union counties), the Ninth Judicial Circuit (Charleston and Berkeley counties), the Tenth Judicial Circuit (Anderson and Oconee counties), and I also briefly covered the Second Judicial Circuit (Aiken, Barnwell and Bamberg counties) and the Sixth Judicial Circuit (Lancaster, Chester and Fairfield counties). I also handled the appeals from all of these proceedings, which required legal research and the preparation of appellate briefs for the South Carolina Supreme Court. On two occasions, I presented oral arguments before the South Carolina Supreme Court in appealed cases. I was responsible for a heavy caseload of criminal post-conviction relief cases. Near the end of my employment with the Attorney General's office, I also assumed responsibility for prosecution of attorney grievance complaints. I was not involved with the administrative and financial management of this State Agency.

- (e) Assistant Solicitor/Assistant Deputy Solicitor for the Sixteenth Judicial Circuit (primarily York County as well as some cases in Union County). (April 1993 – March 1998). I represented the State of South Carolina and prosecuted criminal cases at the Circuit Court level in York County and Union County. As an Assistant Deputy Solicitor, I was involved in

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the administration of the office as requested by the Chief Solicitor and the Deputy Solicitor. However, I was not involved in the financial management of the office.

- (f) Deputy Public Defender for York County (March 1998 – December 2001). I assisted the Chief Public Defender in the administration of the York County Public Defender's Office, including direct supervision of attorneys employed as Assistant Public Defenders and all office staff. I provided legal representation to indigent persons charged with criminal violations in Circuit Court, as appointed by the Court and as assigned by the Chief Public Defender. I assisted the Chief Public Defender in all aspects of office administration including decisions regarding personnel assignments, personnel hiring, education and training, and some office financial decisions. However, I was not involved with the actual financial management of this office.
- (g) Part-time Assistant Municipal Judge for the City of Rock Hill, S.C. (April 2002 – July 2002). As assigned by the Chief Municipal Judge, I presided over jury trials, bench trials, plea hearings, and ordinance violation hearings. (I served in this position on a part-time basis while I stayed at home with my baby daughter.) I was not involved in the administration of the Municipal Court or the financial management of the Municipal Court.
- (h) Assistant Solicitor for the Sixteenth Judicial Circuit (York County) (July 2002 to June, 2013 (retired December 2012 and returned to work December 2012 until June 2013)). I represented the State of South Carolina and prosecuted criminal cases at the Circuit Court level in York County. I was not involved with the administration or the financial management of the office during this time period.

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- (i) Chief Municipal Judge for the Fort Mill Municipal Court (Fort Mill, S.C. – located in York County, S.C.) (December 2013 through December 2014). As Chief Municipal Judge, I presided over jury trials as scheduled, bench trials, plea hearings, ordinance violation hearings and bond hearings. I was responsible for the administration of the Municipal Court. I had limited involvement with the financial management of the Municipal Court in acceptance of some bond payments if the Clerk of Court was not available. I would receive the bond payment, issue a receipt, seal the payment in an envelope with a copy of the ticket/warrant, and place the envelope in a secure locked safe until the Clerk of Court could receive it. I always made sure that another staff member witnessed this full process. However, the Clerk of Court who served the Municipal Court in the collection and management of fines and bond payments answered directly to the City Manager. I did not collect or receive payment for any fines; that was a duty solely of the Clerk of Court during Court or during business hours of the Clerk of Court's office.
- (j) Chief Deputy Solicitor for the Sixth Judicial Circuit (based in Lancaster County, S.C.) (January 2015 to present). I assist the Chief Circuit Solicitor in the administration of the Sixth Judicial Circuit Solicitor's Office, including direct supervision of attorneys employed as Assistant Solicitors and all office staff in our Lancaster County office. I represent the State of South Carolina in regard to the prosecution of persons charged with criminal violations in Circuit Court. As such, I have complete responsibility for the assessment of cases for plea negotiations, preparation and trial of all assigned cases, which include charges for Murder, Attempted Murder, Armed Robbery,

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Burglary, Kidnapping, Homicide by Child Abuse, and similar violent crimes. I assist the Chief Circuit Solicitor in all aspects of office administration including decisions regarding personnel assignments, personnel hiring, education and training, and some office financial decisions. However, I am not involved with the actual financial management of this office.

- (c) Description of General Character of my practice of law throughout my career:
  - (a) Civil Practice primarily in S.C. Circuit Court – Insurance Defense private law firm (August 1986 – May 1988).
  - (b) Family Court – Represented the rights of children in the S.C. Foster Care System in Family Courts throughout S.C. (May 1988 – February 1991).
  - (c) Civil ‘Non-Jury’/Common Pleas Circuit Court Hearings and Appeals from these Actions to the S.C. Supreme Court (February 1991 – April 1993) - Represented the State of South Carolina as an Assistant Attorney General in civil court (Circuit Court) and in appeals to the S.C. Supreme Court regard Post-Conviction Relief actions filed by criminal defendants against the State. A Post-Conviction Relief action is a collateral attack on a conviction by a criminal defendant which is a type of ‘hybrid’ action – the legal action is a civil action held in civil non-jury hearings in the Circuit Court. However, the subject matter of the action deals with criminal matters, generally the sufficiency of legal counsel for the defendant in his jury trial or guilty plea hearing and/or his direct appeal of his conviction and/or sentence.
  - (d) Criminal Law (Prosecution) in Circuit Court – Represented the State of South Carolina in prosecution of criminal cases as an Assistant

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- Solicitor/Assistant Deputy Solicitor. (April 1993 – March 1998)
- (e) Criminal Law (Defense) in Circuit Court – As Deputy Public Defender in York County, S.C., I represented hundreds of indigent criminal defendants in Circuit Court on felony charges as appointed by the Court and assigned by the Chief Public Defender. (March 1998 - December 2001)
  - (f) Part-time Assistant Municipal Court Judge for Rock Hill Municipal Court, presiding over criminal cases or ordinance violations as assigned by Chief Municipal Judge. (April 2002 to July 2002)
  - (g) Criminal Law (Prosecution) in Circuit Court – Represented the State of South Carolina in prosecution of criminal cases as an Assistant Solicitor. (July 2002 – June 2013)
  - (h) Chief Municipal Court Judge for Fort Mill Municipal Court. I presided over criminal cases within the jurisdiction of the Fort Mill Municipal Court. (December 2013 – December 2014)
  - (i) Criminal Law (Prosecution) in Circuit Court – I currently represent the State of South Carolina in prosecution of criminal cases as Chief Deputy Solicitor for the Sixth Judicial Circuit (based in Lancaster County). (January 2015 to present date)

Ms. Collins further reported regarding her experience with the Circuit Court practice area:

The majority of my legal career has been in the field of criminal law. I have served as an Assistant Attorney General for the State of South Carolina (1991-1993), an Assistant Solicitor and an Assistant Deputy Solicitor for the Sixteenth Judicial Circuit (1993-1998), a Deputy Public Defender for the York County Public Defender's Office (1998-2001), an Assistant Solicitor for the Sixteenth Judicial Circuit (2002-2013), and Chief Deputy Solicitor for the Sixth Judicial Circuit (2015 until



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the present: July 2017). For the past five years, I have handled hundreds of cases as a prosecutor. Although many have resulted in guilty pleas, I have also served as the prosecutor during numerous jury trials for the past five years. Some of my last trials in York County, from which I retired as a prosecutor in June of 2013, included charges of Kidnapping, Attempted Murder, and Criminal Sexual Conduct with a Minor. During the sixteen years I served as a prosecutor in York County, I served as co-counsel on at least four murder trials. I also served as co-counsel with the Chief Solicitor for one murder trial in Union, S.C. I have served as co-counsel with the Chief Solicitor in a trial in which the Defendant was charged with Homicide by Child Abuse. In addition, I assisted the Chief Solicitor with legal research, preparation of briefs and witness preparation in several death penalty cases. I am certified to be lead counsel in a death penalty case. As a prosecutor, I have served as trial counsel in well over 100 trials involving charges such as Attempted Murder/Assault and Battery with Intent to Kill, Kidnapping, Criminal Sexual Conduct (adult victim), Criminal Sexual Conduct with a Minor, Lewd Act upon a Child, Peeping Tom, Distribution of Crack Cocaine, Burglary, First Degree, Burglary, Second Degree, Armed Robbery, Stalking, Intimidation of a Witness and Criminal Domestic Violence. I have prosecuted two jury trials “back-to-back” in one week of court on at least one occasion.

From March of 1998 through December of 2001, I served as the Deputy Public Defender for York County. During my years in this position, I served as sole counsel and co-counsel in many trials, often with successful results for my clients. These trials in Circuit Court (General Sessions) involved charges for Attempted Murder/Assault and Battery with Intent to Kill, Kidnapping, Armed Robbery, Burglary, Criminal Sexual Conduct (adult victims), Lewd Act upon a Child, Distribution of Crack Cocaine, Possession with Intent to Distribute Crack Cocaine, and Driving under the Influence, Second or Subsequent Offense. I assisted the Chief Public Defender and other appointed counsel in representing a Defendant in one death penalty case. Issues in these cases included challenging: the admissibility of confessions, pre-trial identifications, evidence from search warrants, and improper enhancement of

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drug charges from prior convictions. During these four years, I usually had at least one trial during each term of court, often having to be prepared for more than one trial each term. I have defended two trials “back-to-back” in one week of court on at least one occasion, prevailing in both trials. I am proud to say that during my years defending criminal clients who were not able to pay for private legal representation, I worked diligently to provide them with the best legal defense possible and I fought to protect their constitutional rights as citizens of our State.

Since January of 2015, as Chief Deputy Solicitor for the Sixth Judicial Circuit, I have served as co-counsel with the Chief Solicitor in two murder trials. I have served as lead counsel on two other murder trials with younger attorneys in my office. I have prepared several other murder cases for trial which culminated in guilty pleas and lengthy sentences for the Defendant. I have also served as trial counsel for cases in which the Defendant was charged with Attempted Murder of a Police Officer, Unlawful Conduct toward a Child (Physical Abuse), Trafficking in Crack Cocaine, Trafficking in Powder Cocaine, Possession with Intent to Distribute Marijuana, and Possession of a Firearm during the Commission of a Violent Crime. These cases involved issues including Fifth Amendment issues/the voluntariness of, and admissibility of, confessions, pre-trial identification issues, Fourth Amendment search and seizure issues, competency of a Defendant to stand trial, criminal responsibility of a Defendant based upon mental health issues at the time of the crime, expert witness testimony regarding DNA analysis and other forensic analysis, expert witness testimony regarding cause of death/autopsy issues and medical expert testimony regarding causation of physical harm to the victim. I have personally moved over 15 Murder cases and one Homicide by Child Abuse case since January of 2015. I have assisted my Chief Solicitor for the Sixth Judicial Circuit in moving additional Murder cases and an additional Homicide by Child Abuse case. I have supervised younger attorneys during their prosecution at trial of charges including Kidnapping, Domestic Violence of a High and Aggravated Nature, Financial Transaction Card Fraud, Fraud upon a Federally Insured Banking Institution, Contraband (Weapons) possessed by a Prisoner, and Grand Larceny. I believe that it is important for a

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senior attorney to constantly be present in the courtroom when younger attorneys are in trial, both to provide guidance and assistance to these attorneys as needed but also so that I do not limit my current trial experiences to Murder cases. For example, in supervising a trial recently that involved a charge of Domestic Violence of a High and Aggravated Nature, I was able to provide assistance to the younger prosecutors but I also gained experience on the complicated nuances of the recently revised criminal statute on Domestic Violence.

As for experience in civil court, upon graduation from law school in 1986 until May of 1988, I worked as an Associate Attorney for a private law firm specializing in insurance defense. As such, I appeared several times before Circuit Court Judges, handling motion hearings such as motions for summary judgement as well as serving as private counsel for parties in at least two jury trials. I was sole counsel in one jury trial (an insurance defense action involving a car accident/personal injury suit) before a Circuit Court Judge and I was co-counsel for a products liability jury trial before a Circuit Court Judge. At the request of a senior partner, I served as sole counsel for a plaintiff in a tort action in a magistrate court jury trial. I assisted the senior partners with legal research and prepared responses to Interrogatories and responded to other discovery issues. I served as counsel in several depositions and interviewed/prepared witnesses for depositions and trials. I appeared before a Master-in-Equity for collection actions and enforcement of civil judgements.

Moreover, from 1991 to 1993 I handled countless Post-Conviction Relief (PCR) actions in Circuit Court throughout the State of South Carolina. This is a civil action which is held in civil court/Court of Common Pleas, although the subject matter of the action involves criminal matters such as the sufficiency of the representation of a criminal defendant by his trial counsel and/or his appellate counsel. During this time, I appeared daily when PCR court was held in my assigned judicial circuits. During the PCR hearing, I appeared before a Circuit Court Judge for a non-jury hearing in which I presented witnesses for the State and cross-examined witnesses for the PCR applicant. I presented legal arguments to the Circuit Court Judge based upon legal research on a variety of issues such as evidentiary errors in

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trial and the sufficiency of trial counsel and/or appellate counsel in objecting to such errors, the admissibility of confessions, the knowing and intelligent waiver of rights by a Defendant in entering his guilty plea, sufficient challenges to search and seizure violations or pretrial identification of a suspect by a witness. I also handled the appeals of all of the PCR actions I handled in the lower court, which involved additional legal research, the preparation of briefs for the appellate court, and the presentation of oral arguments to the South Carolina Supreme Court on two occasions. In 1993, I served as co-counsel on a civil forfeiture jury trial before a Circuit Court Judge in Union, S.C. This involved the seizure of a house being used as a place to sell drugs. We prevailed in getting a jury verdict for the State, resulting in the civil forfeiture of this property.

Although the majority of my legal career has been in the field of criminal law, both as a prosecutor as well as defense counsel, I believe that the years I spent in civil practice, both in insurance defense cases as well as PCR cases, helped solidify my education in this area in law school. I am familiar with discovery practice and the requirements thereof in civil procedure, and I am familiar with the requirements of evidentiary rules, summary judgement motions, and trial practice procedures for civil trials. I was honored to receive the American Jurisprudence Award for Civil Procedure while in law school. As a Circuit Court Judge I will continue to study the requirements of civil practice as set forth by our appellate courts to ensure that I am able to preside over civil matters with the highest level of competency which is without question deserved by the parties in those actions.

As for frequency of appearances before a Circuit Court Judge during the past five years, as Chief Deputy Solicitor for the Sixth Judicial Circuit, I have appeared before a Circuit Court Judge almost daily when General Sessions Court is in session in Lancaster County, S.C., from January 2015 until the present (July 2017). As an Assistant Solicitor in the Sixteenth Judicial Circuit (York County), I appeared very frequently (3 to 5 times a week) when General Sessions Court was in session in York County, S.C. from July 2012 until June of 2013. During July of 2013 through November of 2013, I spent time with my family

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after my retirement from the York County Solicitor's Office until I became Chief Municipal Judge in Fort Mill, S.C. Thus, I did not appear before any Circuit Court Judges during this time period. From December of 2013 through December of 2014, I served as Chief Municipal Judge for Fort Mill, S.C. and therefore I did not appear before any Circuit Court Judges during this time period. During my legal career over the past thirty years, I have made almost daily appearances before Circuit Court Judges when court was in session in my assigned circuits: while I was an Assistant Attorney General in the PCR division (1991 to 1993) (assigned circuits: Sixteenth Judicial Circuit, Tenth Judicial Circuit, Ninth Judicial Circuit, and briefly also the Second Judicial Circuit and the Sixth Judicial Circuit), while I was an Assistant Solicitor/Assistant Deputy Solicitor for the Sixteenth Judicial Circuit (1993 to 1998), while I was a Deputy Public Defender for York County (1998 to December 2001), while I was an Assistant Solicitor for the Sixteenth Judicial Circuit (July 2002 to June 2013), and in serving as Chief Deputy Solicitor for the Sixth Judicial Circuit (Lancaster County) (January 2015 to present: July 2017).

Ms. Collins reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0%;
- (b) State: 100%

Ms. Collins reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 100%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Ms. Collins reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 10%%;
- (b) Non-jury: 90%.

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Ms. Collins provided that she most often serves as lead counsel.

The following is Ms. Collins' account of her five most significant litigated matters:

(a) State v. William Cabe.

This trial involved numerous allegations of sexual assault by a local preacher on several young boys who resided in a children's home for delinquent children run by Rev. Cabe. I prosecuted this case by myself against a seasoned and talented defense attorney. The trial lasted an entire week. The case was significant due to the number of alleged victims (seven), the resulting split in the church and issues related thereto, the fact that the juvenile victims had troubled backgrounds which placed in question their credibility, and the emotional nature of the allegations.

(b) State v. Ricky Kendricks.

This trial involved allegations of Criminal Sexual Conduct, Kidnapping, Burglary and two counts of Assault and Battery with Intent to Kill. The alleged victims were a mother and her seven-year-old daughter. I served as co-counsel to defend this case. This trial was significant due to the nature of the charges, defending the accused on allegations of harming a mother and her child in a violent, prolonged attack, and due to the emotional nature of the allegations. We were successful in obtaining a "not guilty" verdict on the Criminal Sexual Conduct charge and a "hung jury" on the Burglary charge (which was later dismissed). We obtained a verdict of a lesser-included offense of Assault and Battery of a High and Aggravated Nature on one of the charges for Assault and Battery with Intent to Kill. I cross-examined the mother who still had visible scars from the attack. This cross-examination required skill and tact in challenging the testimony of an alleged victim of sexual assault and stabbing in a way which would not alienate the jury but engage the jury in questioning the version of the case presented by the State.

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- (c) State v. William L. Ward.  
This was a murder trial which involved issues of self-defense. I served as co-counsel in prosecuting this case. The victim, the father of a “runaway” daughter, had a long-standing dispute with the defendant and his family. The defendant was a young man who asserted that he was protecting the victim’s daughter, as well as his own family, from the victim, who came to the young man’s home seeking his daughter. This case was significant due to the nature of the offense and the issues involved.
- (d) State v. John Ghent.  
This was a murder trial involving the murder of a wife by her husband during a domestic dispute regarding her relationship with another man. I served as co-counsel in prosecuting this case. This case was significant in that it highlighted the dangers of relationships which involve domestic violence, in this case resulting in the violent murder of the victim by her husband, the defendant. This was a very emotional case in which family members discovered the body of the victim and confronted the defendant at the scene. Dealing with these family members in preparation for their testimony in addition to throughout the case required the highest level of sensitivity and compassion, in that the family members were related not only to the murder victim, their mother, but also to the defendant, their father.
- (e) State v. Terry Catoe.  
This was a murder trial involving the murder of a citizen during a sexual act which began as consensual but changed to a violent anal rape during which the victim was choked to death. I served as co-counsel in prosecuting this case. This case was significant due to the issues involved in the case, which included that the sexual assault began as a consensual act by a victim who at times supported herself through prostitution. The defendant asserted that the death of the victim by choking was an accident during the consensual act. We succeeded in establishing that the act was a violent murder with malice aforethought. This case was significant in that we were able to prosecute a case

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successfully in a way that this victim, as all victims, deserve: obtaining justice and preserving their dignity, even in death under these circumstances.

The following is Ms. Collins' account of five civil appeals she has personally handled:

As stated in my answer to Question 21, I have not handled any purely "civil" or purely "criminal" appeals. However, I have handled approximately twenty-three appeals from post-conviction relief matters, which are civil actions concerning criminal issues from a post-conviction perspective. I have listed five of these appeals in my answer to Question 21.

- (a) Baughman v. State, 311 S.C. 547, 430 S.E.2d 505 (1993)
- (b) Tate v. State, 308 S.C. 163, 417 S.E.2d 553 (1992)
- (c) Sims v. State, 313 S.C. 420, 438 S.E.2d 253 (1993)
- (d) Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992)
- (e) Wilson v. State, 315 S.C. 158, 432 S.E.2d 477 (1993)

The following is Ms. Collins' account of five criminal appeals she has personally handled:

As stated in my answer to Question 21, I have not handled any purely "civil" or purely "criminal" appeals. However, I have handled approximately twenty-three appeals from post-conviction relief matters, which are civil actions concerning criminal issues from a post-conviction perspective. I have listed five of these appeals in my answer to Question 21.

- (a) Baughman v. State, 311 S.C. 547, 430 S.E.2d 505 (1993)
- (b) Tate v. State, 308 S.C. 163, 417 S.E.2d 553 (1992)
- (c) Sims v. State, 313 S.C. 420, 438 S.E.2d 253 (1993)
- (d) Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992)
- (e) Wilson v. State, 315 S.C. 158, 432 S.E.2d 477 (1993)

Ms. Collins further reported the following regarding unsuccessful candidacies:

- (a) In the spring of 2000, I was a candidate for the position of South Carolina Circuit Court Judge, At-Large, Seat #



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3. I was found qualified and nominated by the Commission as one of the three candidates to be considered for this Seat by the Legislature, along with Clifton Newman and Edward “Ned” Miller. I withdrew from the race prior to the election date. The Honorable Clifton Newman was elected to this judicial seat.

- (b) Also in the spring of 2000, I was a candidate for a United States Magistrate Position - Greenville. I was honored to be named as one of five finalists for this position. However, I was not selected for this position.
- (c) I applied as a candidate for the position of United States Magistrate – Florence in 2009. I was not selected for this position.

(9) Judicial Temperament:

The Commission believes that Ms. Collins’ temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Ms. Collins to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament.

Ms. Collins is married to Harry P. Collins. She has one child.

Ms. Collins reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association (1986 to present)
- (b) Lancaster County Bar Association (2015 to present)
- (c) I was the Treasurer for the York County Bar Association in 2000.
- (d) Member, S.C. Law Enforcement Officers Association (SCLEOA) (2015 to present).

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Ms. Collins provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) I have not been a member of any of these types of organizations during the past five years. However, I was a member of the Rock Hill 'JayCees' (U.S. Junior Chamber of Commerce) from May 1993 to May 1994. I was also a member of the Kiwanis Club of Rock Hill from September 1995 to September 1996. I was an attorney coach for the Rock Hill High School Mock Trial Team from 1995 to 1999.
- (b) As a senior at Erskine College, I was awarded the H.M. Young Ring, which is the highest award available to members of the Senior Class. I was also named to Who's Who in American Universities and Colleges. I was the recipient of the Bride Deaton Philosophy Award, the Dr. M. Burton Brown Psychology Award, and the Edgar Long English Award. I was a member of the Garnet Circle Academic Honor Society and the Omicron Delta Kappa Honor Society. I was named as the Student Representative on the Presidential Appeals Council (1982-1983), which is the highest level appeals council for student disciplinary actions.
- (c) I am certified to serve as lead counsel in a death penalty case.

Ms. Collins further reported:

After representing the State of South Carolina, both as an Assistant Attorney General and as Assistant Deputy Solicitor for the Sixteenth Judicial Circuit for over seven years, I "switched sides" and became the Deputy Public Defender for York County, representing indigent persons who are charged with criminal offenses. I served in this position for almost four years. It was an invaluable experience which taught me to treat all persons with dignity and compassion and to consider mitigating factors in each case. Although I subsequently returned to prosecution, both in York County for eleven additional years and currently as Chief Deputy Solicitor for the Sixth Judicial Circuit, I have never forgotten the lessons I learned during my service in the Public Defender's Office. No

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matter which side I represent, I have always been sincerely committed to providing quality legal representation in each and every case, despite high case volume in all of these positions. I believe that all persons appearing in court deserve to have the total commitment of the attorney representing their position, and that the attorney must also be committed to the highest ethical standards and ideals. I believe that my service to the citizens of South Carolina, both victims as well as defendants, has reflected my commitment to equal justice under the law.

During my career, I have practiced civil law in the area of insurance defense for a private law firm. I have practiced criminal law, both in circuit court as well as before the South Carolina Supreme Court in Post-Conviction Relief appeals. I have defended collateral attacks on criminal convictions in Post-Conviction Relief actions. I have served as a municipal judge, presiding over criminal matters in the jurisdiction of municipal court. My time on the bench was instructive on the need for patience at all times and invaluable in acquiring the ability to maintain an excellent judicial temperament at all times.

During my years prosecuting and defending criminal cases, I have appeared almost daily in criminal court (Circuit Court/General Sessions) when court is in session in my county. I often handle several matters before the Court each day. I have prosecuted and defended criminal trials, both as sole counsel and as chief counsel or co-counsel. I have often had to be prepared for two to three felony trials per court week, and I have actually tried two felony trials “back-to-back” on more than one occasion with successful results in all of the trials. In addition to trials, I have represented the State and criminal defendants at many motion hearings, preliminary (probable cause) hearings, bond hearings and countless guilty plea hearings.

In addition to my legal education and my broad background in the practice of law, I believe that I have the necessary demeanor which is suited to judicial office, which is a product of my life experience as well as my education and legal experience. My father, a farmer, died which I was nine years old; my five siblings and I were raised by my mother while she also went to nursing school to support our family. I witnessed first-hand the struggles and triumphs of a single mother raising a family. I was blessed to have two wonderful

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parents who valued education and integrity and taught me the importance of being diligent, honest and compassionate. I have worked since I was sixteen years old, and I paid my way through college and law school by working several jobs, in addition to college work scholarships, academic scholarships and other financial aid for which I was extremely appreciative. During my years in school and throughout my career, I have been complimented by many colleagues who have kindly remarked upon my integrity and work ethic, in addition to my legal abilities both during jury trials as well as complicated motion hearings. Both as a prosecutor and as defense counsel, I have earned a reputation of always being fair and fully prepared in every case. In that almost all of the criminal cases which I have handled have involved extremely emotional fact patterns, I have learned to remain calm and attentive during emotional and potentially disruptive situations. I have also learned the importance of maintaining a professional demeanor in all situations, both in and out of the courtroom. While I often have to communicate unpleasant news in the realities of criminal practice, I have learned to do so tactfully and patiently but firmly and clearly. I have worked over 28 years in public service as an attorney representing various state agencies as well as victims and defendants in criminal cases, in addition to serving as a municipal court judge. I would be honored to serve the citizens of South Carolina as a Circuit Court Judge, and if elected, I would continue to strive to maintain the highest standards of diligent work, detailed preparation, and, most importantly, unquestionable ethics and integrity. I believe that the citizens of South Carolina deserve no less.

(11) Commission Members' Comments:

The Commission commented that Ms. Collins is diligent, industrious, capable, and compassionate.

(12) Conclusion:

The Commission found Ms. Collins qualified and nominated her for election to Circuit Court, Sixteenth Judicial Circuit, Seat 1.

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**William Angus McKinnon  
Circuit Court, Sixteenth Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Mr. McKinnon meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. McKinnon was born in 1973. He is 45 years old and a resident of Rock Hill, South Carolina. Mr. McKinnon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001 and has also been a licensed attorney in Washington, DC since 2004.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. McKinnon.

Mr. McKinnon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. McKinnon reported he has made \$177.15 in campaign expenditures for postage, envelopes, and paper.

Mr. McKinnon testified he has not:

- (a)    sought or received the pledge of any legislator prior to screening;
- (b)    sought or been offered a conditional pledge of support by a legislator;
- (c)    asked third persons to contact members of the General Assembly prior to screening.

Mr. McKinnon testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. McKinnon to be intelligent and knowledgeable.

Mr. McKinnon reported that he has taught the following law-related course:

- (a) I have lectured at the 2008 SCAJ Annual Convention about Email Subpoenas to Third-Party Internet Service Providers

Mr. McKinnon reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. McKinnon did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. McKinnon did not indicate any evidence of a troubled financial status. Mr. McKinnon has handled his financial affairs responsibly.

The Commission also noted that Mr. McKinnon was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. McKinnon reported that he is not rated by any legal rating organization.

Mr. McKinnon reported that he has not served in the military.

Mr. McKinnon reported that he has never held public office other than judicial office.

(6) Physical Health:

Mr. McKinnon appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Mr. McKinnon appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. McKinnon was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Clerk to the Hon. Joseph F. Anderson, Jr., Chief Judge of the United States District Court for the District of South Carolina (2001-2002).
- (b) Law Clerk to the Hon. Andrew J. Kleinfeld, Circuit Judge, United States Court of Appeals for the Ninth Circuit (2002-2003).
- (c) Covington & Burling, Washington, DC, (2003-2004). 100% litigation with a nation-wide practice, split approximately 50/50 between complex corporate litigation (representing defendants) and white collar criminal defense, including defense of securities violations.
- (d) Lewis, Babcock & Hawkins, Columbia, SC (2004-2006). 100% civil litigation, including complex civil cases in the federal and state courts of South Carolina, and appeals in both the federal and South Carolina appellate courts. My practice included all aspects of civil litigation, and was approximately 2/3 plaintiff-side and 1/3 defense-side.
- (e) Solo Private Practice, Columbia, SC (2006-2007). 100% civil litigation, almost entirely a single plaintiff-side trust litigation matter involving a prominent family and a significant amount of money.
- (f) McGowan, Hood & Felder, LLC, Rock Hill, SC (2007-2016). 85% civil litigation, which was entirely plaintiff-side (excepting defense of other lawyers on ethics charges), and 15% criminal defense. My civil practice consisted of about 50% medical malpractice work and the remainder was complex civil litigation in the federal and state courts, including appeals. My criminal defense

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work was in the state court system only. I also assisted other lawyers with ethics issues, sometimes pro bono and sometimes for a fee. The criminal defense work dropped off significantly in the past eighteen months or so because there were less appointed cases referred to the private bar.

- (g) Assistant Solicitor, Sixteenth Circuit Solicitor's Office (2015-Present). I started part-time in 2015 prosecuting DUIs, and closed my private practice and went full time in 2016. Since joining the office full-time, my practice is 100% prosecution of criminal offenses in the general sessions court. I have recently been promoted from general felonies to the drug team.

I have not been involved in administrative or financial management of any of the firms I have practiced with, other than my solo private practice, where I billed hourly and did not have any client funds (I only billed for work performed).

Mr. McKinnon reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: As assistant solicitor, zero. In private practice, averaged 3-4 per year over the course of my practice.
- (b) State: As an assistant solicitor, I average 5 or 6 appearances per court week. In private practice, 10 or so per year on average.
- (c) Other: N/A

Mr. McKinnon reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: as Assistant Solicitor, zero. In private practice, eighty-five to ninety percent.
- (b) Criminal: as Assistant Solicitor, one hundred percent. In private practice, ten to fifteen percent.
- (c) Domestic: as Assistant Solicitor, zero. In private practice, zero.



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- (d) Other: as Assistant Solicitor, zero. In private practice, zero.

Mr. McKinnon reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: ninety-five percent  
(b) Non-jury: five percent

Mr. McKinnon provided that he most often serves as co-counsel.

The following is Mr. McKinnon's account of his five most significant litigated matters:

- (a) White v. Palmetto Health Alliance, et al.  
Complex medical malpractice case involving three different doctors attending an expectant mother for a delivery lasting four days, with severe brain damage to the infant during delivery. Seven figure settlement.
- (b) Wise v. Doctor's Care, et al.  
Complex medical malpractice case involving four physician defendants, a hospital, an urgent care clinic, and allegations of comparative negligence on the part of the decedent. Seven figure settlement.
- (c) Mattel Lead Paint Class Action – Part of Plaintiff's leadership in national class action involving lead paint on toys, resulting in eight-figure national settlement.
- (d) Dash v. WWE and Floyd Mayweather.  
Copyright action against World Wrestling Entertainment and boxer Floyd Mayweather for unauthorized use of song in Wrestlemania pay per view. Issues of first impression in the Fourth Circuit regarding damages in copyright law. Dash v. Mayweather, et al., 731 F.3d 303 (4th Cir. 2013)
- (e) Grier v. Amisub.  
Medical malpractice case originally dismissed because Notice of Intent to File Suit did not have causation opinion from physician. Dismissal reversed by South Carolina Supreme Court, settling issue of whether causation opinion is necessary in physician affidavit.

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Case settled after remand. *Grier v. Amisub*, 397 S.C. 532 (2012).

The following is Mr. McKinnon's account of five civil appeals he has personally handled:

- (a) *Grier v. Amisub*, South Carolina Supreme Court, May 2, 2012, 397 S.C. 532 (2012).
- (b) *Dash v. Mayweather, et al.*, U.S. Court of Appeals for the Fourth Circuit, September 26, 2013, 731 F.3d 303 (4th Cir. 2013)
- (c) *Hearn v. Lancaster County*, U.S. Court of Appeals for the Fourth Circuit, April 15, 2014, 566 Fed. Appx. 231, (4th Cir. 2014).
- (d) *Layman v. State*, South Carolina Supreme Court, May 4, 2006, 368 S.C. 631 (2006) (I wrote the briefs, but did not argue this appeal)
- (e) *Morris v. South Carolina Workers' Comp. Comm'n.*, South Carolina Supreme Court, August 21, 2006, 370 S.C. 85 (2006) (I wrote the briefs, but did not argue this appeal)

The following is Mr. McKinnon's account of a criminal appeal he has personally handled:

- a) None to the appellate courts, but I did handle an appeal from Magistrate's Court to Circuit Court, *State v. Sean Kelly*, Court of Common Pleas, Sixteenth Judicial Circuit, March 28, 2016 (not reported, but now on appeal to the South Carolina Court of Appeals and being handled by the Attorney General's Office)

Mr. McKinnon further reported the following regarding unsuccessful candidacies:

Yes, I was a candidate for the circuit court on two prior occasions; both public hearings were in 2014. I was screened out of the JMSC for a Sixteenth Circuit resident judge seat but another candidate was selected (I withdrew prior to the actual vote), and I was not screened out of the JMSC for an at-large seat.

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(9) Judicial Temperament:

The Commission believes that Mr. McKinnon's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. McKinnon to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Citizens Committee noted, "Mr. McKinnon has run for a circuit court judgeship, and appeared before the Committee, several times. He has diligently worked to improve his qualifications by leaving his civil practice and going to work for the 16th Circuit Solicitor's Office -- a laudable example of conscientiousness and public service."

Mr. McKinnon is married to Ellen Angelina Whitley McKinnon. He has one step-child.

Mr. McKinnon reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Association for Justice (no longer member as assistant solicitor)
- (b) American Association for Justice (no longer member as assistant solicitor)
- (c) York County Bar

Mr. McKinnon provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) National Rifle Association – Firearm Safety and Pistol Instructor
- (b) Westminster Presbyterian Church – Formerly a Deacon and now a Ruling Elder

Mr. McKinnon further reported:

I served as a Deacon and as a Ruling Elder at Westminster Presbyterian Church in Rock Hill. My job as a

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deacon was “emergency care” of congregational members. That is, if someone lost their job and couldn’t pay their power bill, or their air conditioner broke in the summer and they couldn’t pay to fix it, I would get that call. I spent a lot of time assisting, counseling, and praying with people struggling with some very difficult circumstances. I do think this experience changed me. I think that as a result of this work, I will be more able to put myself in the shoes of litigants, victims, and defendants. Additionally, I have significant experience with students, having been a teacher and currently a volunteer with the youth group at my church, experience which has given me significant insight into how children are impacted by difficult family situations.

Finally, I think my wide range of experience will help me be more effective as a judge. I have worked at a firm with over 300 lawyers in one office, and been a solo practitioner. I’ve appeared in Magistrate’s Court a few times, and filed cert petitions with the US Supreme Court. I’ve been a law clerk in a trial court and an appellate court. I’ve argued about every type of motion that exists. I’ve defended criminal clients. In order to gain criminal experience, I closed my private practice in 2016 and became a full-time assistant solicitor. I think this breadth of experience will help me better relate to, and work with, all of the various lawyers we have in the Sixteenth Circuit, as well as the members of the public who come before me as litigants or defendants.

(11) Commission Members’ Comments:

The Commission was impressed with Mr. McKinnon’s great intellect and motivation. They noted that he is well respected in the legal community.

(12) Conclusion:

The Commission found Mr. McKinnon qualified and nominated him for election to Circuit Court, Sixteenth Judicial Circuit, Seat 1.

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**Jerome P. Askins III**  
**Circuit Court, At-Large, Seat 9**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1)    Constitutional Qualifications:

Based on the Commission's investigation, Mr. Askins meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Askins was born in 1952. He is 65 years old and a resident of Johnsonville, South Carolina. Mr. Askins provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1976.

(2)    Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Askins.

Mr. Askins demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Askins reported that he has not made any campaign expenditures.

Mr. Askins testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Askins testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. Askins to be intelligent and knowledgeable.

Mr. Askins reported that he has taught the following law-related courses:

I have served as moderator for these two CLE seminars sponsored by the Williamsburg Bar Association:

(a) Ethical Issues in Appointed Cases 03/06/2003

(b) Recent Significant Ethical Issues 05/05/2004

Note – I have also spoken on several occasions to students at Johnsonville High School and Hemingway High School, including Career Day, etc.

Mr. Askins reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Askins did not reveal evidence of any founded grievances or disqualifying criminal allegations made against him. The Commission's investigation of Mr. Askins did not indicate any evidence of a troubled financial status. Mr. Askins has handled his financial affairs responsibly.

The Commission also noted that Mr. Askins was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Askins reported that his rating by a legal rating organization, Martindale-Hubbell, is 4.5 out of 5, BV Distinguished (Peer Review Rating).

Mr. Askins reported that he has not served in the military.

Mr. Askins reported that he held public office as a:

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- (1) member of the Florence County Planning Commission from 1988-1995; and
- (2) member of the Florence County School District No. 5 Election Commission from 1995-2015.

(6) Physical Health:

Mr. Askins appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Askins appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Askins was admitted to the South Carolina Bar in 1976.

He gave the following account of his legal experience since graduation from law school:

After graduation from USC Law School in May 1976, I took a study course to prepare for the SC Bar Exam, which I took in July 1976. After the bar exam, I was employed as an associate of my father, Jerome P. Askins, Jr., who practiced in Hemingway, SC. I was employed by him until the end of 1980. We were joined by my brother, Gregory B. Askins, in the summer of 1980. My father retired in 1980 (died 1981), and my brother and I began a partnership in 1981, practicing as Askins and Askins. In April 1984, our firm merged with another two person firm to form Askins, Chandler, Ruffin and Askins. C. B. Ruffin withdrew in 1985, and I practiced with my brother and William H. (Bill) Chandler (Askins, Chandler and Askins, LLP) from 1985 until December, 2006 when Bill Chandler died. My brother and I have continued the partnership through the present. My nephew, Carson J. Askins, was employed as an associate in 2011.

My practice has been a general practice. I have handled civil litigation representing mostly plaintiffs with some defense work, probate and estate matters, domestic relations cases, real property matters, contracts and some criminal cases. Most of my criminal defense work was court appointed. I served as

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Assistant Williamsburg County Public Defender for about 3 years in the 1990's. I am a certified circuit court mediator.

I have always practiced in a small firm and I have always been directly involved with the administrative and financial management of the firm, including management of bank accounts.

Mr. Askins reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0;
- (b) State: Approximately 25;

Mr. Askins reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 50%;
- (b) Criminal: less than 5%
- (c) Domestic: less than 1%;
- (d) Other: less than 45%

Mr. Askins reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: jury: less than 5%
- (b) Non-jury: non-jury: over 95%

Mr. Askins provided that he most often serves as sole counsel.

The following is Mr. Askins's account of his five most significant litigated matters:

- (a) State v. E. Douglas and K. Douglas. This was a night hunting case. It was my first jury trial in General Sessions Court
- (b) Smith, et. al. v. McClam, et. al. This was an action to set aside a deed from an elderly woman to her son. We had a jury trial in Common Pleas, appeal to SC Court of Appeals, remand and appeal to SC Supreme Court.
- (c) State v. Bobby Gene Ellison. The defendant was charged with attempt to buy cocaine. We had a jury trial in General Sessions. The defendant was deaf and mute



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so it was necessary to have an interpreter from the SC Association of the Deaf.

- (d) State v. Steven Hanna. Jury trial in General Sessions Court for armed robbery. The defendant had a prior conviction for armed robbery, and was facing mandatory life in prison upon conviction.
- (e) State v. E. D. Wilson. This was a capital murder case. The defendant was charged with murdering two elderly people with an axe. Jury trial in General Sessions. After dealing with some constitutional issues, the defendant was allowed to plead guilty, and was sentenced to life in prison without parole.

The following is Mr. Askins's account of three civil appeals he has personally handled:

- (a) Smith, et. al. v. McClam, et. al. SC Court of Appeals, 280 S. C. 398, 312 S.E.2d 260 (1984); SC Supreme Court, 289 S. C. 452, 346 S.E.2d 720 (1986)
- (b) Ray Realty, Inc. v. Badger R. Bazen, Inc. SC Court of Appeals, 96-UP-161 (May 23, 1996). Sole counsel at trial, co-counsel on appeal
- (c) Anderson Brothers Bank v. EBT Property Holding Company, Inc., et. al. SC Court of Appeals, unpublished opinion – sole counsel at trial, co-counsel on appeal

Mr. Askins reported he has not personally handled any criminal appeals.

Mr. Askins further reported the following regarding unsuccessful candidacies:

Unsuccessful candidate for mayor of Johnsonville, SC in November, 1998 (lost by 4 votes).

Unsuccessful candidate for Circuit Court Seat #15 At Large in 2012-2013 (withdrew before election).

Unsuccessful candidate for Circuit Court Seat #9 At Large in 2014-2015 (lost by 3 votes).

Unsuccessful candidate for Circuit Court Seat #10 At Large in 2015 – (found qualified but not nominated by JMSC)

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(9) Judicial Temperament:

The Commission believes that Mr. Askins's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Askins to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Askins is married to Donna Wofford Askins. He has two children.

Mr. Askins reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Williamsburg County Bar Association, President 2003 and 2004
- (c) Florence County Bar Association
- (d) Previously, South Carolina Trial Lawyers Association
- (e) Appointed to South Carolina Bench-Bar Committee by then SC Chief Justice David W. Harwell 1993-1994

Mr. Askins provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Johnsonville-Hemingway Lions Club – past president, board member, tail twister
- (b) Phi Beta Kappa Honor Society
- (c) Indiantown Masonic Lodge #165 – past Master and Shriner (not active in recent years)
- (d) Hemingway First United Methodist Church – past Chairman of Administrative Council, Chairman of Pastor/Staff Parish Relations Committee, past Trustee, Head Usher, President of United Methodist Men
- (e) Florence County School District #5 Election Commission

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Mr. Askins further reported:

I have aspired to be a circuit judge for some time. My father was an attorney and I was exposed to the legal profession at an early age. He was a country lawyer, as I am. I witnessed how he was as kind, respectful and patient with a poor uneducated sharecropper as he was with a wealthy businessman. I had good parents, good upbringing. Good grades and good behavior at school were demanded, not merely encouraged. Sunday school was mandatory. I decided as a boy that I wanted to be an attorney. During my years of practicing law, I decided that I wanted to be a judge someday. For me, the timing seems right – my wife has retired from teaching school and my children are adults. As far as I know, I am in good health and I intend to work indefinitely. In my forty plus years of practicing law, I have handled a wide array of cases for a vastly diverse group of clients. I believe the experience gained thus far during my career would be of great benefit – not just time in the courthouse, but time dealing with all kinds of people and all kinds of legal problems. Over the years, I have encountered outstanding judges – skilled and capable with the temperament to maintain order and decorum in the courtroom and control the proceeding while being patient, dignified, courteous and respectful to attorneys, parties, jurors and courtroom personnel. Unfortunately, I have also encountered judges who were rude, arrogant, impatient and inconsiderate of those around them. I very much want to serve and I am committed to being one of the good guys. I was an unsuccessful candidate for Circuit Court At Large Seat 15 in 2012-2013 when I was nominated by the Judicial Merit Selection Commission but withdrew prior to the election. I was an unsuccessful candidate for Circuit Court At Large Seat 9 in 2014-15, losing by three votes. I was an unsuccessful candidate for Circuit Court At Large Seat 10 later in 2015, when I was found qualified but not nominated by the Judicial Merit Selection Commission.

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(11) Commission Members' Comments:

The Commission commented on Mr. Askins' wealth of experience in the practice of law.

(12) Conclusion:

The Commission found Mr. Askins qualified and nominated him for election to Circuit Court, At-Large, Seat 9.

**The Honorable Jennifer Blanchard McCoy  
Circuit Court, At-Large, Seat 9**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge McCoy meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge McCoy was born in 1980. She is 37 years old and a resident of Charleston, South Carolina. Judge McCoy provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge McCoy.

Judge McCoy demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McCoy reported that she has not made any campaign expenditures.

Judge McCoy testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;

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- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge McCoy testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge McCoy to be intelligent and knowledgeable.

Judge McCoy reported that she has taught the following law-related course:

- (a) I lectured at an expungement workshop in North Charleston on September 21, 2012 to both attorneys and members of the general public. Topics discussed included expungement procedures and eligibility.

Judge McCoy reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge McCoy did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Judge McCoy did not indicate any evidence of a troubled financial status. Judge McCoy has handled her financial affairs responsibly.

The Commission also noted that Judge McCoy was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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(5) Reputation:

Judge McCoy reported that her rating by a legal rating organization, Martindale-Hubbell, is AV Preeminent, Martindale-Hubbell.

Judge McCoy reported that she has not served in the military.

Judge McCoy reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge McCoy appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge McCoy appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge McCoy was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experience since graduation from law school:

- (a) Upon graduating from law school in 2007, I clerked for the Honorable R. Markley Dennis, Jr. While his chambers are in Moncks Corner, Berkeley County, we traveled all over the state during my tenure, including Charleston County, Hampton County, and Florence County. Judge Dennis was the chief administrative judge for both Common Pleas and General Sessions during my clerkship. This involved extra duties as his clerk, including scheduling status conferences, communicating with counsel on cases, preparing scheduling orders, and reviewing filings.
- (b) From August 2008 until June 2011, I worked as an associate attorney for Carlock, Copeland & Stair, LLP, a civil litigation firm in Charleston. I had a varied case load, but all of my experience there was defense-

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oriented. I handled car wrecks, declaratory judgment actions, dram shop cases, construction negligence cases, and various types of professional negligence cases including architects, engineers, doctors, and lawyers. I was responsible for the sole handling of files, supervised when necessary by a partner.

- (c) From September 2011 through June 2015, I served as an assistant solicitor at the Ninth Judicial Circuit Solicitor's Office in Charleston. I handled mainly drug cases from the North Charleston area, and also various other crimes including burglary, armed robbery, domestic violence, and attempted murder cases. On average, I managed about 300-400 open warrants at a time. I tried several cases to verdict before a jury.
- (d) Since June 2015, I have served as a Part-time Magistrate Judge in Charleston County. I hear evictions, claim and delivery actions, small claims cases, public sales, and criminal matters arising from the College of Charleston Office of Public Safety. Administratively, I am responsible for the day-to-day activity of the court and I manage two clerks and two constables in the office. I am also responsible for supervising the court accounts, including daily deposits and record keeping.
- (e) In November of 2015, I started my own firm, the Law Office of Jennifer McCoy, LLC. I only take a select number of clients so that my duties as a part-time Magistrate are fulfilled. Generally, I take criminal defense cases that arise outside of Charleston County and Federal cases.

Judge McCoy further reported regarding her experience with the Circuit Court practice area:

I served as an Assistant Solicitor for the Ninth Judicial Circuit for over three years. During this time, I handled hundreds of cases ranging from misdemeanor drug offenses to attempted murder and I served as lead counsel and co-counsel in several trials including those involving drugs, armed robbery, criminal sexual conduct with a minor, hit and run with death, kidnapping, and murder. Management of these cases involves everything from bond matters to discovery issues, pre-trial

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motions, plea negotiations, and resolution. I worked with police officers, victims, crime scene technicians, SLED agents, defense attorneys, and judges to seek justice. I appeared frequently in General Sessions court in Charleston in this capacity.

From 2008 until 2011, my practice focused on civil defense. About ninety percent of my practice was in South Carolina Circuit Courts, while the other ten percent was in the Federal Courts of South Carolina. I handled cases in all stages of litigation from pre-suit to appeal. The firm's focus was professional negligence, which necessitated the use of experts, on both the plaintiff and defense side, to move forward with litigation. The vast majority of these cases resolved by settlement at or before mediation. Much of my practice included arguing dispositive motions – either Motions for Summary Judgment or Motions to Dismiss – before a court which involved drafting briefs on the issues. In this capacity, I regularly appeared before a Circuit Judge during my time at the firm.

Most recently, I have served as a Part-time Magistrate in Charleston County. I primarily hear evictions, claim and delivery actions, public sales, restraining orders, and magistrate-level criminal offenses. I also practice law outside of this position, handling mostly criminal cases arising outside of Charleston County or in Federal District Court. In my capacity as attorney, I represent clients regularly in Circuit Court and Federal Courts.

Judge McCoy reported the frequency of her court appearances prior to her service on the bench as follows:

- (a) Federal: 5%
- (b) State: 95%

Judge McCoy reported the percentage of her practice involving civil, criminal, and domestic matters prior to her service on the bench as follows:

- (a) Civil: 25%;
- (b) Criminal: 74%
- (c) Domestic: 1%



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Judge McCoy reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) Jury: 100%;
- (b) Non-jury: 0%.

Judge McCoy provided that prior to her service on the bench she most often served as co-counsel.

The following is Judge McCoy's account of her five most significant litigated matters:

- (a) Walde v. Association Insurance Company, Aiken County Court of Common Pleas (later S.C. Ct. App. Op. 5061, Dec. 2012).

In this case, I represented the defendant, Association Insurance Company, against claims for breach of duty to defend and indemnify. After cross motions for summary judgment were argued, the trial court granted the Plaintiffs' motion for partial summary judgment, holding my client was obligated to defend Plaintiff, that the policy provided coverage, and that my client was liable for fees and costs. On appeal, this decision was reversed and the court found that the Plaintiffs' argument that their claims involved a permitting problem, as opposed to a construction defect, did not allow it to escape the damage to property exclusion of the CGL policy.

- (b) State v. Jeffrey Thomas, Charleston County Court of General Sessions.

This was a criminal case involving a former DNR officer who was convicted at trial of hit and run with death after leaving the scene of an accident that resulted in a bicyclist's fatality. This was a difficult case for several reasons, including the fact that the defendant had no record and essentially confessed to the crime on the witness stand at trial. While the jury ultimately found him guilty, it was evident that no verdict would bring back the victim for his family.

- (c) State v. Antonio Myers, Charleston County Court of General Sessions.

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I initially prosecuted Mr. Myers for several drug charges that arose out of an arrest made by both the North Charleston Police Department and the Charleston County Sheriff's Office. While out on bond for those charges, he was rearrested by the Charleston County Sheriff's Office for trafficking marijuana, as well as Assault and Battery with Intent to Kill for hitting an officer while attempting to run. Mr. Myers ultimately pled guilty to Trafficking Marijuana and Assault on an Officer While Resisting Arrest. This case involved highly trained narcotics officers who intercepted large packages of marijuana being transported via U.S. Mail.

- (d) State v. Venancio Perez, Charleston County Court of General Sessions.

This criminal trial resulted in convictions of lewd act on a minor and assault and battery of a high and aggravated nature. I served as co-counsel in this case with another assistant solicitor. This case was significant to me for several reasons, including most of all the ability of the minor victim to cooperate with the prosecution in the conviction of the offender.

- (e) FF&C, LLC v. Sea Island Land Survey, Inc., Beaufort County Court of Common Pleas.

In this professional negligence claim, I defended a land surveyor which necessitated the use of an expert to visit the site with me and form an opinion as to my client's alleged negligence with respect to the industry standard of care in misidentifying the correct species of trees. The case ultimately settled.

The following is Judge McCoy's account of the civil appeal she has personally handled:

Walde v. Association Insurance Company, S.C. Ct. App. Op. 5061, Dec. 2012. I argued this case at the trial level and wrote the briefs on appeal. I did not argue before the Appellate Court.

The following is Judge McCoy's account of the criminal appeal she has personally handled:

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State v. James Summersett, Charleston County  
Court of General Sessions.

While this case was on appeal, I argued an outstanding Motion to Reconsider Sentence on January 31, 2014, which was decided on June 20, 2014.

Judge McCoy reported that she has held the following judicial office(s):

Yes. I was appointed as a Part-time Magistrate Judge for Charleston County and took office in June of 2015. I hear civil matters pertaining to evictions, claim and delivery, public sales, restraining orders, and small claims matters involving damages up to \$7,500 in value. I have served as bond judge in Charleston County several times, and I hear criminal cases for misdemeanor crimes and traffic offenses carrying a penalty of up to thirty days in jail.

Judge McCoy provided the following list of her most significant orders or opinions:

- (a) Housing Authority of the City of Charleston v. Jane Doe (currently on appeal to the Court of Appeals) – Eviction action involving the eviction of a mother for her son’s arrest off housing authority premises
- (b) Jane Smith v. John Doe – Restraining Order case where a woman was threatened repeatedly by her ex-boyfriend
- (c) John Doe v. Jane Smith – Restraining Order case involving the stalking of a man by a former roommate
- (d) Ansonborough House v. Jane Smith – Eviction action involving a tenant treated by a Mental Health facility
- (e) Housing Authority of the City of Charleston v. Jane Doe – Eviction action involving the trespass or ‘ban’ list”

Judge McCoy reported the following regarding her employment while serving as a judge:

- (a) While serving as a Part-time Magistrate, I have operated the Law Office of Jennifer McCoy, LLC. I take select cases that will not interfere with my duties as a Magistrate. I registered this LLC in 2015 and I am the sole proprietor.

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(9) Judicial Temperament:

The Commission believes that Judge McCoy's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge McCoy to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability, and "Well qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge McCoy is married to Peter Michael McCoy Jr. She has three children.

Judge McCoy reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, House of Delegates (2012-2014)
- (b) Charleston County Bar Association
- (c) Former President, Charleston Lawyers Club (2014-2015)
- (d) South Carolina Summary Court Judges Association

Judge McCoy provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Medical University of South Carolina Board of Visitors (2014-2016)
- (b) James Island Yacht Club Ladies Auxiliary (2016-2017)
- (c) Daughters of the American Revolution (2014-2017)

Judge McCoy further reported:

My father was a WWII Marine Veteran and homebuilder and my mother worked as a school teacher and administrator. A strong work ethic has been instilled in me as a result. I worked hard in school in order to obtain jobs that would enable me to learn and make connections to the legal world. My experience working for two judges I admire has shaped my

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judicial personality. From Judge Blatt, I learned to treat all who appear before me with courtesy and respect. Judge Dennis taught me to appreciate the positions of the attorneys before me and the delicate balance between clients, attorneys, and a fair decision. My most humbling and educational life experience to date is motherhood. Being a parent has given me better insight into intrinsic personality differences, as well as patience, perspective, and the ability to prioritize the most important things in life.

(11) Commission Members' Comments:

The Commission commented that Judge McCoy has sought out experience to prepare herself for a judicial position and has demonstrated an excellent work ethic.

(12) Conclusion:

The Commission found Judge McCoy qualified and nominated her for election to Circuit Court, At-Large, Seat 9.

**Grady L. Patterson III  
Circuit Court, At-Large, Seat 9**

**Commission's Findings:      QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Patterson meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Patterson was born in 1952. He is 65 years old and a resident of Columbia, South Carolina. Mr. Patterson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1979.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Patterson.

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Mr. Patterson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Patterson reported that he has not made any campaign expenditures.

Mr. Patterson testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Patterson testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Patterson to be intelligent and knowledgeable.

Mr. Patterson reported that he has taught the following law-related courses:

I have lectured at the following continuing legal education seminars and conferences:

Subject

Location

- (a) Discovery in Administrative Proceedings, CLE  
Columbia, SC
- (b) Soldiers' and Sailors' Civil Relief Act, CLE  
Columbia, SC
- (c) Deployment Issues, U.S. Air Force CLE  
Denver, CO
- (d) Domestic Violence and the Military, U.S. Air Force  
CLE  
Denver, CO

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- (e) Advocating the Rights of Service Members, CLE Columbia, SC
- (f) Commander Legal Issues, Regular Lecturer at Commander's Course for several years Knoxville, TN
- (g) Drug Forfeiture Act, Solicitors' Association Conference Myrtle Beach, SC"

Mr. Patterson reported that he has published the following:

- (a) Civil Forfeiture Manual (South Carolina Attorney General, 1984), Co-author.
- (b) Materials for lectures set forth in items (a) through (e) in No. [3] above.

(4) Character:

The Commission's investigation of Mr. Patterson did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Patterson did not indicate any evidence of a troubled financial status. Mr. Patterson has handled his financial affairs responsibly.

The Commission also noted that Mr. Patterson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Patterson reported that his rating by a legal rating organization, Martindale- Hubbell Peer Review, is AV.

Mr. Patterson reported the following military service: I served in the South Carolina Air National Guard from 1981 to 2012. I attained the rank of Brigadier General and at the end of my service received an Honorable Discharge.

Mr. Patterson reported that he has never held public office.

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(6) Physical Health:

Mr. Patterson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Patterson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Patterson was admitted to the South Carolina Bar in 1979.

He gave the following account of his legal experience since graduation from law school:

Legal Experience.

(a) South Carolina Attorney General's Office

1979 – 1985

Upon completion of law school and admission to the South Carolina Bar I began practicing law with the South Carolina Attorney General's Office. I was involved in a number of areas of the law including worker's compensation, tort claims, condemnation actions, construction law claims, enforcement actions for State agencies, drug forfeiture actions, tender offer actions, licensing board hearings, and writing legal opinions.

In connection with my worker's compensation work I represented the State Worker's Compensation Fund in all compensation cases involving the Fund which arose in one of the seven South Carolina Industrial Commission administrative districts. I also handled tort claims against the State and State employees.

Another significant aspect of my work with the Office concerned construction law. I was involved in contract drafting, contract administration, arbitration, and litigation.

A major responsibility of attorneys in the Attorney General's Office was representation of State agencies. Representation included defending agencies against



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suits, prosecuting enforcement actions for licensing agencies, and rendering opinions. In connection with representing the Deputy Securities Commissioner I worked with review of tender offer securities transactions. I appeared before the Fourth Circuit Court of Appeals in defense of State tender offer review action. I also handled drug forfeiture actions for law enforcement agencies.

I was involved in two cases brought in the original jurisdiction of the United States Supreme Court. The first concerned the South Carolina-Georgia boundary and the second concerned registration of state-issued bonds.

In addition, I was assigned to the Attorney General's Legislative Task Force which drafted and presented proposed legislation to the General Assembly.

### (b) Quinn, Patterson & Willard

1985 - 1999

I entered private practice in 1985 with the Columbia firm of Quinn, Brown & Arndt, which later became Quinn, Patterson & Willard. The practice concentrated on business litigation. It was mainly a defense practice although a significant amount of plaintiffs' work was done. Contracts, business torts, unfair trade practices, and other business issues were the primary subjects of our practice. I also handled condemnation actions, bankruptcy cases, and a case in the United States Court of Federal Claims.

I handled a number of appeals including appeals to the South Carolina Supreme Court, the South Carolina Court of Appeals, and the United States District Court.

### (c) Montgomery, Patterson, Potts & Willard, L.L.P.

2000 - 2008

My practice at Montgomery, Patterson, Potts & Willard was similar to my practice at Quinn, Patterson & Willard. It centered on business issues and insurance defense. The business practice included both corporate work and litigation. Contracts, including leases, and business disputes were a large part of the business litigation.

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### (d) Patterson Law Offices, LLC

2008 - present

In April 2008 I started Patterson Law Offices, LLC. My practice consists primarily of litigation and corporate work. Litigation covers a broad area but focuses on contracts, business disputes, and construction law. Corporate work includes drafting and negotiating various contracts, including leases, and other corporate documents.

### (e) South Carolina Air National Guard

1981 - 2003

In addition to my regular practice I have been a Judge Advocate in the South Carolina Air National Guard. After joining the Air Guard I attended Air Force law school where I finished first in my class. I was designated a Judge Advocate by the United States Air Force and in my military legal work I prosecuted and defended airmen subject to discharge before discharge boards. I have also served as the legal advisor to boards, which is a role similar to the role of a judge for the hearing. My judge advocate work included issues ranging from the law of armed conflict to preparing wills for deploying troops. During the course of my military career I received biennial update training in criminal and civil law. In 2003 I moved from the JAG position to become a line officer. Following command positions I was appointed the South Carolina Assistant Adjutant General for Air in which position I served until 2012.

### Administrative and Financial Management.

I was not involved in the administrative or financial management of the Attorney General's Office during my time there. I had limited involvement with the administrative and financial management of Quinn, Patterson & Willard and did not have any management responsibility for the trust account or accounts. I was involved in most management decisions at Montgomery, Patterson, Potts & Willard as most management decisions were made by consensus among

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the partners but did not have any management responsibility for the trust accounts. I have been completely in charge of the administrative and financial management of Patterson Law Offices, including being solely responsible for management of the trust account. In connection with my Air National Guard duties I managed the Legal Office for the 169th Tactical Fighter Group from 1981 to 1988 including, during various times, supervision of other JAG officers and paralegal personnel. I managed the Headquarters, South Carolina Air National Guard, Legal Office from 1988 to 2003.

Mr. Patterson further reported regarding his experience with the Circuit Court practice area:

I am a candidate for the Circuit Court. My practice has largely been in civil matters. I have been involved in a suit against a bank for loss of personal identifying information; a land dispute suit which involved removal of lateral support; a suit concerning damage to a business resulting from failure of the landlord to maintain the premises; representation of a South Carolina county and two cities in suits against online reservation services for nonpayment of taxes; a series of condemnation actions for a school district to obtain the right-of-way for a road servicing a new school; defense of collection actions; filing and defense of mechanic's lien actions; a will contest; personal injury claims; sales of businesses, including transfer of stock or membership interests and pledge agreements; drafting contracts, including those for construction, lease of nursing homes, and financing documents; handling partnership redemptions; sale of an office building in Columbia; and representation of a client before a professional licensing board.

My work has been balanced between plaintiff and defense matters although it has moved from more defense work in the past to more plaintiffs' work now. Most of my litigation experience has been in jury matters.

In the criminal area I have handled cases in the Magistrate's and City Court as well as summary military courts. To obtain experience in criminal matters I have been associated on General Sessions criminal cases. I believe my trial background will assist me in preparing to preside over criminal matters. While

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the substantive law is different, the general mode of trial, examination of witnesses, questions concerning evidence, and analyzing arguments rely upon the same skills I have developed through years of experience. I am confident I will be able to preside over both civil and criminal matters.

I have appeared before a Circuit Court Judge an average of approximately six times per year within the past five years.

Mr. Patterson reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: Average of approximately one time per year;
- (b) State: Average of approximately six times per year.”

Mr. Patterson reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 98%;
- (b) Criminal: 2%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Mr. Patterson reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 95%;
- (b) Non-jury: 5%.

Mr. Patterson provided that he most often serves as sole counsel. He also provided he served with co-counsel on larger cases.

The following is Mr. Patterson’s account of his five most significant litigated matters:

- (a) Altman, et al. v. First Citizens Bank and Trust Company, Inc., et al.

Suit brought by thirty-nine customers of a bank for failure to adequately protect personal identifying information which had been stolen. The case involved issues of negligence, breach of fiduciary duty, and unfair trade

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practices, among others. Significant issues included the sources of and extent of the bank's duties to its customers and application of both the "unfair" and "deceptive" prongs of the unfair trade practices act. In addition, an insurance company filed a declaratory judgment action in the United States District Court for the District of South Carolina entitled Nationwide Mutual Fire Insurance Company v. First Citizens Bank and Trust Company, Inc. et al. to obtain a declaratory judgment that the policy it issued did not apply to the loss alleged. We also represented the thirty-nine customers who were named as defendants in that case.

- (b) H. Thomas Taylor v. Terry L. Cash, et al. (more than twenty cases).

Suit by lessor of nursing homes who was former business partner of the individual defendant. We represented the individual defendant and the defendant companies. Plaintiff lessor sought a declaratory judgment, alleged fraud, alleged breach of contract, sought claim and delivery of equipment, and sought ejectment of the lessees in connection with transfer of leases of six nursing homes and related covenants not to compete. Numerous issues resulted in more than twenty suits being brought in or removed to Bankruptcy Court and handled as adversary proceedings. Four trials were held (including a number of cases consolidated for trial). Three of the cases were appealed to the United States District Court where they were briefed and argued. One of the cases was appealed to the United States Fourth Circuit Court of Appeals where the issues were briefed prior to settlement. A significant trial involved the issue of whether plaintiff could sell the nursing homes and, thereby, eliminate defendants' interests. We were successful in preventing the sale. The case involved issues of first impression and is reported at In re Taylor, 198 B.R. 142 (D.S.C. 1996).

- (c) Turner Murphy Company v. City of York (two cases).  
Suit by contractor against the City of York, South Carolina, for the balance of the contract price on construction of new wastewater treatment plant. Represented the City of York in a two-week jury trial.

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The case was significant due to the number of issues involved including complex administrative issues involving the U.S. Environmental Protection Agency. The second suit was brought several years later by the City against the contractor and engineer for defective work when a concrete filter structure leaked. Three-day jury trial in the York County Circuit Court resulted in a verdict for the City.

- (d) F.D.D. Ltd. v. GMK Construction, et al. (two cases).  
I represented the plaintiffs in a suit prosecuted by the homeowners' association of a residential development. Suit was brought against the contractor, subcontractor, and engineer for defects in roadways and piping system in the development. Settled with contractor and subcontractor. Week long jury trial in the United States District Court for the District of South Carolina against the engineer resulted in verdict for the homeowners' association. Verdict and settlement amounts provided sufficient funds for the homeowners' association to effect all needed remedial work.
- (e) Griggs v. Southern Electronic Manufacturing Company.  
Suit by manufacturer's representative against manufacturer alleging breach of an agreement to pay the representative an ongoing commission. The case involved a significant issue of whether sales commissions can be received as long as a business sells to the customer introduced by the representative. I represented the defendant and obtained summary judgment for the client.

The following is Mr. Patterson's account of five civil appeals he has personally handled:

- (a) Rumpf, et al. v. Massachusetts Mutual Life Insurance Company, et al., 357 S.C. 386, 593 S.E.2d 183 (Ct.App. 2004).  
This case involved a trucking company which entered a contract with Massachusetts Mutual to provide a pension plan for the company's employees. The contract gave retirement benefits to employees in the form of annuities. The issue was whether the pension plan administrator, who was deceased at the time the case was brought, had

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let the statute of limitations run on claims against the annuity provider. Summary judgment was granted to Defendant and the decision was upheld on appeal.

- (b) Rowe v. Hyatt, 321 S.C. 366, 468 S.E.2d 649 (1996).  
This case involved the question of whether an individual owner who did not participate in the sale of an automobile could be liable under the Automobile Dealers Act, S.C. Code Ann. Section 56-15-10, et seq. (Supp. 1998). Court of Appeals decision reported: Rowe v. Hyatt, 317 S.C. 172, 452 S.E.2d 356 (Ct.App. 1995).
- (c) D & D Leasing Co. of South Carolina v. David Lipson, Ph.D., P.A., 305 S.C. 540, 409 S.E.2d 794 (Ct.App. 1991).  
This case involved the issue of whether an automobile lease termination clause which provided for acceleration of unpaid lease payments and sale of the repossessed automobile was valid.
- (d) D & D Leasing Co. of South Carolina v. Gentry, 298 S.C. 342, 380 S.E.2d 823 (1989).  
This case involved the question of whether a commercial lease of personality was governed or controlled by Article 2 (Sales) of the Uniform Commercial Code.
- (e) Gosnell v. South Carolina Department of Highways and Public Transp., 282 S.C. 526, 320 S.E.2d 454 (1984).  
This case involved the question of whether a directed verdict should have been granted to the Department in a collision case arising out of work being done on a highway.

Mr. Patterson reported that he has not personally handled any criminal appeals.

Mr. Patterson further reported the following regarding unsuccessful candidacies:

South Carolina House of Representatives, District 79, 1988 general election.

Circuit Court Judge, Fifth Judicial Circuit, Seat 3, Spring 2000.

Circuit Court Judge, Fifth Judicial Circuit, Seat 3, Fall 2011.

Circuit Court Judge, At-Large, Seat 16, Fall 2012.

Circuit Court Judge, At-Large, Seat 9, Fall 2014.

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Circuit Court Judge, At-Large, Seat 10, Fall 2015.  
Administrative Law Judge, Fall 2016.

(9) Judicial Temperament:

The Commission believes that Mr. Patterson's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Patterson to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented that "Mr. Patterson has considerable experience in both civil and criminal law, as well as considerable trial and life experience." The Committee stated in summary, "Mr. Patterson would be a superior Circuit Court Judge."

Mr. Patterson is married to Sarah Jordan Patterson. He has three children.

Mr. Patterson reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar

Member of the House of Delegates for the Fifth  
Judicial Circuit (1992 - 1998)

Chairman of the Military Law Section (1990 -  
1991)

Member of the House of Delegates for Military  
Law Section (1991 - 1992)

Member of the Military Law Section

Member of the Committee on Continuing  
Education

(b) Richland County Bar Association

Member of the Clerk of Court Committee

(c) Air Force Association

(d) American Legion

(e) National Guard Association of the United States



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National Conference Delegate from SC (2005 – 2012 and 2015)

- (e) National Guard Association of South Carolina
  - President
  - President-Elect
  - Executive Council
  - By-Laws Committee Chairman

Mr. Patterson provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) South Carolina Aerospace Task Force Advisory Board
- (b) Governor's Military Base Task Force (Adjutant General Designee)
  - Executive Committee (Adjutant General Designee)
- (c) United Way Campaign
- (d) Boy Scouts of America
  - Chairman, Richland County Major Gifts - 2008
  - Chairman, Richland County Leadership - 2007
- (e) South Carolina Air National Guard
  - Air Force Distinguished Service Medal
  - Legion of Merit Medal
  - Meritorious Service Medal (with one oak leaf cluster)
  - Commendation Medal for service in South Carolina during Operation Desert Storm
  - Global War on Terrorism Service Medal
- (f) Graduate of USAF Air War College
- (g) Graduate of USAF Air Command and Staff College
- (h) Spring Valley Homeowners Association Board of Directors
  - President (1995 - 1998)
- (i) Shandon Presbyterian Church, Columbia, S.C.
  - Deacon
  - Trustee - Chairman of the Board of Trustees (2015-2016)

Mr. Patterson further reported:

I have a strong desire to serve on the bench. I believe my training and experience will be assets to the position. I

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believe in our system of justice and I will zealously seek the proper and just resolution of matters in dispute through appropriate application of the law. I feel that I can make a contribution to the cause of justice and the fair and orderly administration of the law in this state.

(11) Commission Members' Comments:

The Commission commented that Mr. Patterson has a wealth of experience and thanked him for his exemplary service to the state through his service in the SC Air National Guard.

(12) Conclusion:

The Commission found Mr. Patterson qualified and nominated him for election to Circuit Court, At-Large, Seat 9.

**FAMILY COURT  
QUALIFIED AND NOMINATED**

**Angela W. Abstance  
Family Court, Second Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Abstance meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Abstance was born in 1975. She is 42 years old and a resident of Barnwell, South Carolina. Ms. Abstance provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Abstance.

Ms. Abstance demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations

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important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Abstance reported that she has spent \$78.89 in campaign expenditures for postage.

Ms. Abstance testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Abstance testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Abstance to be intelligent and knowledgeable.

Ms. Abstance reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Ms. Abstance reported that she has published the following:

- a) "Are Employer Credit Checks on the Way Out?" (South Carolina Lawyer, November, 2013);
- b) Appellant's Final Brief: Patricia Fickling v. City of Charleston, 372 S.C. 597, 643 S.E.2d 110 (S.C. Ct. App. 2007). I was co-counsel in this case and was responsible for writing the brief. My co-counsel, E.T. Moore, Jr., reviewed the brief and provided minor editorial changes.

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(4) Character:

The Commission's investigation of Ms. Abstance did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Abstance did not indicate any evidence of a troubled financial status. Ms. Abstance has handled her financial affairs responsibly.

The Commission also noted that Ms. Abstance was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Abstance reported that she is not rated by any legal rating organization.

Ms. Abstance reported that she has not served in the military.

Ms. Abstance reported that she has never held public or judicial office.

(6) Physical Health:

Ms. Abstance appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Abstance appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Abstance was admitted to the South Carolina Bar in 2001.

She gave the following account of her legal experience since graduation from law school:

(a) The Moore Firm, LLC, 2001-2008.

I was an associate attorney at The Moore Firm, LLC, in Barnwell, South Carolina. During this time, I practiced

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in the areas of family law (including divorce, custody, visitation, equitable distribution, adoptions, domesticating foreign adoptions, defending parents in SCDSS cases, and representation of the volunteer GAL program in DSS cases), civil litigation and personal injury, probate, real estate, post-conviction relief cases, Social Security disability cases, and other general practice matters, including drafting wills. I practiced in state and federal courts and participated in civil appeals, including writing appellate briefs. At that time, I was not responsible for the financial management of the firm. My work involved extensive client contact, legal writing, court appearances, representation in depositions, and interaction with other attorneys and judges.

- (b) South Carolina Department of Social Services Staff Attorney, Fourteenth Judicial Circuit, 2008-2011.

In this position, I was the sole attorney responsible for handling abuse and neglect cases for the Department of Social Services in Colleton, Hampton, and Allendale Counties. In that capacity, I was usually in court at least three weeks each month. I regularly tried contested cases involving issues of abuse and neglect, including physical and sexual abuse cases where entry of Defendants on the Central Registry of Child Abuse and Neglect was at issue. I was responsible for managing the docket, scheduling cases to be heard in a timely manner, presenting and trying cases in court, supervising the paralegals who assisted in the legal department, ensuring correct data was entered into the case management system, and interacting with attorneys and caseworkers.

- (c) Abstance Law Firm, L.L.C., 2014- Present.

I currently operate a solo law practice in my hometown of Barnwell, South Carolina, in which I am responsible for the administrative and financial management of my practice, including the trust account. I supervise a part-time administrative assistant. I am a certified Family Court Mediator. I am a 608 contract attorney with the Office of Indigent Defense, and I appear regularly in

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Family Court defending parents in abuse and neglect cases in the Second and Fourteenth Circuits. I also handle private Family Court cases and regularly serve as guardian ad litem in private court cases. I handle guardianship/conservatorship cases in Probate Court, and I also serve as guardian ad litem for minors or unknown heirs in Probate Court when needed. I regularly interact with clients, attorneys, judges, guardians ad litem, and Family Court and Probate Court personnel. I also draft Wills and Deeds for clients. I have a small percentage of personal injury cases.

Ms. Abstance further reported the following regarding her experience in the Family Court practice area:

I have practiced in Family Court since I was admitted to the Bar in 2001.

DIVORCE/CUSTODY/EQUITABLE DIVISION OF PROPERTY

I have represented mothers and fathers in divorce cases based on both fault and no-fault grounds. Many of the divorce cases I have handled included issues of custody of minor children, and virtually all of them had issues of the equitable division of property. I have handled divorces in which the parties earned minimum wage (or even imputed minimum wage) and had few assets to divide as well as cases in which the parties had substantial assets, including real property, second homes, and retirement or investment accounts. I believe my background in handling real estate transactions prepared me to understand complex property issues (including notes, mortgages, liens and title issues) and helped me represent my clients in these matters. I have also served as a certified family court mediator in divorce cases, often focusing on the issues of equitable division, custody, child support, and visitation. I have served many times as a guardian ad litem in private custody cases. In custody cases, I have had experience with the use of custodial evaluations, psychological evaluations, and expert medical testimony to assist the trier of fact in making determinations of custody.

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ADOPTION/TERMINATION OF PARENTAL RIGHTS

I have handled termination of parental rights actions (both private actions and SCDSS actions), private adoptions (including domestication of foreign adoptions) and numerous abuse and neglect cases (representing SCDSS and representing indigent parents). I have represented parents in seeking to terminate the parental rights of another parent and have defended parents in TPR actions. In fact, I was recently appointed to represent an indigent parent in a TPR case and was successful in having that action dismissed. I have represented adopting parents and was able to domesticate two foreign adoptions over the years.

ABUSE AND NEGLECT

As a former staff attorney for SCDSS, I am knowledgeable in all aspects of abuse and neglect cases. In that capacity, I appeared almost weekly in Family Court for approximately three years. I routinely handled cases of physical neglect, physical abuse, and sexual abuse, and tried numerous contested cases, some of which involved the issue of whether to place a Defendant's name on the Central Registry of Abuse and Neglect. As a DSS attorney, I would prepare a docket that could include anywhere from five to fifteen cases to be handled in one day. On occasion, I would handle a full docket in Colleton County from 9:30 a.m. until noon, then I would drive to Hampton to handle a full docket at 2:00 p.m. The experience of remembering the different facts in each case and clearly communicating to the presiding Judge the summary of the case as well as the parties and issues involved in an organized, understandable manner was good practice for the rigors of the Family Court bench, where judges are expected to assess and evaluate multiple cases in an expedient manner on a daily basis. I have tried cases of alleged sexual abuse and/or physical abuse, some of which took multiple days and involved witnesses that included law enforcement officers, doctors, SLED forensic experts, forensic interviewers, and psychologists. In those cases, I have had contested motions hearings to admit hearsay testimony under South Carolina Code section 19-1-180. I have qualified witnesses as experts and have cross-examined experts.

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Prior to serving as attorney for SCDSS, I represented the South Carolina Guardian ad Litem program for Barnwell and Bamberg Counties. In that capacity, I represented volunteer guardians ad litem in abuse and neglect cases and advocated for the best interests of the children involved.

In the last three years since I opened my own practice, I regularly appear in Family Court in both private cases and DSS cases. I usually appear in court for multiple hearings at least three weeks each month. On days when I appear in DSS court, I often handle multiple hearings in one day.

### JUVENILE JUSTICE

This is the only area in Family Court in which I do not have significant experience. In the Second Circuit, most of our cases are handled by the Public Defender's office. However, I plan to make arrangements to meet with the attorneys who handle these cases for the Solicitor's office and the Public Defender's office to discuss the procedure, and I also plan to sit in on several terms of court to observe these cases. I will also carefully review and study the applicable statutes and case law. However, I have handled cases for DSS in which the subject children have companion cases with DJJ, and have reviewed the evaluation reports and other records from DJJ facilities in connection with these matters. Because of this overlap in cases, I do have some familiarity with the juvenile justice process, despite not practicing in this area.

Ms. Abstance reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I have not appeared in Federal Court in the last five years.
- (b) State: I appear regularly in Family Court several times per month, often having court at least three weeks each month. On days when I appear in DSS court, I will handle multiple hearings per day.

Ms. Abstance reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:



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- (a) Civil: 6%;
- (b) Criminal: 3%;
- (c) Domestic: 72%;
- (d) Other: 19%.

Ms. Abstance reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: I have not had any jury trials in the past five years. Less than 10% of my current cases are in circuit court or magistrate court.
- (b) Non-jury: Over 70% of my practice involves family court hearings and trials.

Ms. Abstance provided that she most often serves as sole counsel.

The following is Ms. Abstance's account of her five most significant litigated matters:

- (a) Patricia Fickling v. City of Charleston, 372 S.C. 597, 643 S.E.2d 110 (S.C. Ct.App. 2007).

In this case, co-counsel and I represented the appellant, Ms. Fickling, who was injured when she fell in a hole in a sidewalk in Charleston. The trial court ruled on directed verdict that the sidewalk was owned by the State so the City of Charleston had no duty to inspect or maintain the sidewalk. Further, the trial court found the City had no actual or constructive notice of the defect. However, the Court of Appeals reversed and remanded the case to the trial court because Fickling had presented evidence that (1) the City of Charleston exercised some control over sidewalks within the City (even those not owned by the City); (2) the City had voluntarily undertaken to field complaints about sidewalks and to repair them; (3) and that the hole had been there for some length of time prior to her fall. Because this evidence was presented, the Court found the trial court erred in granting a directed verdict and remanded the case. This case recognized that even though the City did not own the sidewalk where Fickling was injured, the

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City could be held liable under the common law or a theory of a voluntary undertaking.

- (b) SCDSS v. Sheree W. et al. 2012-UP-164.

In this case, I represented SCDSS in a contested removal hearing, and the Defendant appealed the order of removal. This case is significant because it involved multiple witnesses including law enforcement, paramedics, forensic experts from SLED, and medical doctors. In this case we dealt with issues concerning the chain of custody when introducing evidence, whether SCDSS could forgo reasonable efforts to reunify the family, and the qualification of expert witnesses.

- (c) SCDSS v. Jane Doe, et al., Case Number: REDACTED, available upon request.

I recently defended a parent in a contested removal hearing in an abuse and neglect action brought by the South Carolina Department of Social Services. In this case, SCDSS was seeking to forgo reasonable efforts to reunify the family based upon the parent's mental deficiency. In a lengthy trial, I cross-examined the psychologist who performed the psychological evaluation and was able to show the testing was not appropriate for the Defendant because of the parent's I.Q. level, and DSS failed to show the Defendant had a diagnosable mental deficiency that prevented the parent from caring for the child. The court recognized that DSS must offer to the Defendant services that were appropriate for her disabilities.

- (d) SCDSS v. Jane Doe, John Doe, et al., Case Number: REDACTED, available upon request.

In this case, I defended a grandparent who was accused of sexually abusing the grandchildren. SCDSS was seeking a finding of sexual abuse and to enter the Defendant on the Central Registry of Child Abuse and Neglect. This case involved an extensive, contested hearing on SCDSS's motion to introduce hearsay testimony under South Carolina Code section 19-1-180. The subsequent trial lasted three days and involved testimony from a forensic interviewer, an expert in child abuse assessment and treatment, a law enforcement

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officer, a counselor, DSS caseworker, foster parents, and service providers. I extensively researched the law concerning forensic interviews, which has developed significant changes recently, and those changes were important in the testimony and cross-examination of forensic interviewers in this case.

- (e) N.L. v. A.L., Case Number: REDACTED, available upon request.

I represented a father in a private case where the mother brought an action for custody. In that case, the toddler had suffered a broken leg and a skull fracture on two separate occasions within about a month's time, both of which occurred in mother's care. Mother alleged the skull fracture occurred while the child was with father. I deposed the doctor who treated the child and was able to narrow the time frame to show that the child's injury could not have happened in the care of the father. In that case, we also obtained a custodial evaluation, which involved psychological evaluations for each parent. The use of experts in this case allowed us to retain custody, supervise visitation for the other party, and ensure the safety of the minor child.

The following is Ms. Abstance's account of two civil appeals she has personally handled:

- (a) Patricia Fickling v. City of Charleston, Court of Appeals, March 12, 2007. Fickling v. City of Charleston, 372 S.C. 597 (2007); 643 S.E. 2d 110 (S.C. Ct.App. 2007).

I represented Ms. Fickling as co-counsel.

- (b) Atkins v. Horace Mann Insurance Company, Court of Appeals, February 21, 2008. Atkins v. Horace Mann Ins. Co., 376 S.C. 625, 658 S.E.2d 106 (S.C. Ct.App. 2008).

I represented Mr. Atkins as co-counsel.

Ms. Abstance reported she has not personally handled any criminal appeals.

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Ms. Abstance reported she has never been an unsuccessful candidate for elective, judicial, or other public office.

(9) Judicial Temperament:

The Commission believes that Ms. Abstance's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Abstance to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, and experience; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, reputation, physical health, mental stability, and judicial temperament. The Committee commented, "We received both positive and negative information about Ms. Abstance prior to our interview. Most of our concerns were abated during the interview, but her demeanor is so timid that several lawyers on the committee questioned whether she could control a courtroom properly." Further, the Committee stated in summary, "We think Ms. Abstance meets most of the qualifications for this position, but we are not sure she can command a courtroom."

Ms. Abstance is married to Robert Manning Abstance III. She has three children.

Ms. Abstance reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar, 2001 - present.
- (b) Barnwell County Bar Association
- (c) South Carolina Trial Lawyers Association, Former Member
- (d) South Carolina Women's Lawyers Association, Former Member

Ms. Abstance provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

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- (a) Rotary Club of Barnwell County
- (b) Barnwell County Library Board, Vice President
- (c) First Baptist Church of Denmark, South Carolina
- (d) Barnwell County First Steps Board, Former Member
- (e) Barnwell County Chamber of Commerce, Former Executive Director, Current Member

Ms. Abstance further reported:

I grew up in Barnwell County, South Carolina. My father was a self-employed mechanic, and my mother worked as a lab technician at the Savannah River Site. I have two younger sisters. My parents worked hard and expected the best from me. They encouraged good grades in school and celebrated my academic accomplishments. My father worked long hours building his business, and my mother worked shift work. As a result, I learned to be independent, diligent, and responsible. I was the first person in my immediate family to attend college. I graduated from Furman University in Greenville, and I went on to law school at the University of South Carolina. After graduating from law school, I returned to my hometown to practice law. Practicing in a small town has its unique opportunities and challenges. I work with people who have substantial resources and assets as well as those who make minimum wage and struggle to make ends meet. I work among my family and friends, and I enjoy being able to help people with their problems. I recognize the challenges our litigants face in a rural area like Barnwell, where access to drug treatment services and mental health services are limited. Within the course of a day, I might negotiate a contract worth hundreds of thousands of dollars for a local business person and then assist an indigent defendant with his Family Court case. I strive to treat each person I meet with dignity and respect, and I aim to bring that empathy and respect to the Family Court bench. Litigants in Family Court are struggling through the most difficult circumstances in their lives. They are under great stress and are often worried about their children and their assets. Children are displaced from their homes, and they endure significant changes that affect them greatly. It is important to ensure the best interests of children are protected, that spouses can present their claims and be heard, and that assets are divided

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fairly so that people can leave the court with confidence in our judicial system, even if they are not happy with the result. A Family Court judge should be mindful of the due process rights of litigants as well as the needs and best interests of the children whose lives are being decided in the courtroom.

Managing my own law practice requires discipline, diligence, time-management skills, and hard work. I believe these qualities are strengths I can bring to the Family Court Bench. I also believe that because of my years of handling divorce and custody cases and my work as a staff attorney for SCDSS handling abuse and neglect cases, I have experience in almost all areas of Family Court which prepares me for the position. In the area of juvenile justice, I plan to study and work with our local practitioners in that area to gain the knowledge necessary to handle those issues prior to serving on the bench, if elected.

(11) Commission Members' Comments:

The Commission commented that Ms. Abstance has a wealth of experience in family law.

(12) Conclusion:

The Commission found Ms. Abstance qualified and nominated her for election to Family Court, Second Judicial Circuit, Seat 2.

**Thomas Murray Bultman**  
**Family Court, Third Judicial Circuit, Seat 1**

**Commission's Findings:      QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Bultman meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Bultman was born in 1953. He is 64 years old and a resident of Sumter, South Carolina. Mr. Bultman provided in his application that he has been a resident of South Carolina for

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at least the immediate past five years and has been a licensed attorney in South Carolina since 1978.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Bultman.

Mr. Bultman demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Bultman reported that he has made \$132.68 in campaign expenditures for letters to Erin Crawford, Lindi Legare, Sebrina Matthews, and to members of the General Assembly.

Mr. Bultman testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Bultman testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Bultman to be intelligent and knowledgeable.

Mr. Bultman reported that he has taught the following law-related courses:

- (a) Trying The Equitable Distribution Case: A Bench Bar Conference. Friday, June 10, 1988, USC School of Law, Columbia, South Carolina: Ethical Considerations in Family Court

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- (b) Domestic Practice; “Hot Tips From The Experts” Rides Again. Friday, May 15, 1992, at the USC School of Law, Columbia, South Carolina: Dependency Exemption: Is It Really Worth Fighting For?
- (c) Domestic Practice; Hot Tips From The Experts. Friday, May 6, 1994, at the USC School of Law, Columbia, South Carolina: Compelling Settlements in the Family Court
- (d) Domestic Practice; The Continuing Saga of “Hot Tips From The Experts.” Friday, July 21, 1995, at the USC School of Law, Columbia, South Carolina: Registration of Delayed Birth Certificates
- (e) Domestic Practice; Hot Tips From The Experts. Friday, August 23, 1996, at the USC School of Law, Columbia, South Carolina: Compelling Settlements in the Family Court
- (f) Domestic Practice; Hot Tips From The Experts. Friday, September 12, 1997, at the USC School of Law, Columbia, South Carolina: Compelling Settlements in the Family Court
- (g) Domestic Practice; Hot Tips From The Experts. Friday, August 28, 1998, at the USC School of Law, Columbia, South Carolina: Validity of Foreign Divorce Decrees
- (h) Hot Tips From The Best Domestic Practitioners. Friday, September 24, 1999, at the USC School of Law, Columbia, South Carolina: Reducing or Terminating Alimony – A Case Review
- (i) Hot Tips From the Coolest Domestic Law Practitioners, Friday, September 23, 2005, at the USC School of Law, Columbia, South Carolina: Domestication of Foreign Adoption Decrees
- (j) 60 Tips To Build A Successful Family Law Practice, Friday, April 22, 2006, at the USC School of Law, Columbia, South Carolina: Billing Practices and Other Suggestions to Consider

Mr. Bultman reported that he has not published any books or articles.



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(4) Character:

The Commission's investigation of Mr. Bultman did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Bultman did not indicate any evidence of a troubled financial status. Mr. Bultman has handled his financial affairs responsibly.

The Commission also noted that Mr. Bultman was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Bultman reported that his rating by a legal rating organization, Martindale-Hubbell, is BV or Distinguished.

Mr. Bultman reported that his rating by a legal rating organization, Super Lawyer Magazine, is Super Lawyer Family Law.

Mr. Bultman reported that he has not served in the military.

Mr. Bultman reported that he has never held public office.

(6) Physical Health:

Mr. Bultman appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Bultman appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Bultman was admitted to the South Carolina Bar in 1978.

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He gave the following account of his legal experience since graduation from law school:

- (a) Richardson, James & Player, 1978 to 1987, General Practice
- (b) Part-time Assistant Solicitor, Third Judicial Circuit, 1983 to 1987
- (c) Bryan Law Firm, 1987 to present, emphasis on Family Law, but also practice Social Security and VA Disability; and I am currently the managing partner

Mr. Bultman reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: Social Security Disability, twice every two to three months. VA Disability, two times a year
- (b) State: Family Court four times a month
- (c) Other:

Mr. Bultman reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil:
- (b) Criminal:
- (c) Domestic: 75 percent
- (d) Other: Social Security Disability 20 percent, VA Disability 5 percent

Mr. Bultman reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: None
- (b) Non-jury: 100 percent

Mr. Bultman provided that he most often serves as sole counsel.

The following is Mr. Bultman's account of his five most significant litigated matters:

- (a) I represented a client in a Social Security disability case for seven years. There were three unsuccessful hearings before two different Administrative Law Judges, all of which were appealed to Appeals Council and all of which

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were remanded for another hearing. The fourth hearing resulted in a fully favorable decision by the third Administrative Law Judge to hear the case.

- (b) Cullen v. Prescott, 302 S.C. 201, 394 S.E. 2d 722 (Ct. App. 1990). Involved the Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act.
- (c) Shake v. Darlington County DSS, 306 S.C. 216, 410 S.E.2d 923 (Ct. App. 1991).  
My client, a foster parent, was awarded custody of the child instead of the foster child's parents.
- (d) Baker v. Baker, Op. No. 2010-UP-323 (S.C. Ct. App. June 23, 2010). Held that my client's SC disability retirement pay was income and not marital property subject to division which resulted in the case being remanded.
- (e) Successfully representing clients in contested adoption cases.

The following is Mr. Bultman's account of five civil appeals he has personally handled:

- (a) Cullen v. Prescott, 302 S.C. 201, 394 S.E. 2d 722 (Ct. App. 1990)
- (b) Shake v. Darlington County DSS, 306 S.C. 216, 410 S.E.2d 923 (Ct. App. 1991).
- (c) Ardis v. Ardis, Op. No. 92-UP-069 (S.C. Ct. App. March 26, 1992)
- (d) McBratney v. McBratney, Op. No. 2002-UP-163 (S.C. Ct. App. March 6, 2002)
- (e) Baker v. Baker, Op. No. 2010-UP-323 (S.C. Ct. App. June 23, 2010)

Mr. Bultman reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Bultman's temperament would be excellent.

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(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Bultman to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Bultman is married to Marsha Black Bultman. He does not have any children.

Mr. Bultman reported that he was a member of the following Bar and professional associations:

- (a) Sumter County Bar Association
- (b) South Carolina Bar Association
- (c) American Academy of Matrimonial Lawyers, South Carolina Chapter  
President 2005-2006, President Elect 2004-2005, Secretary 2003-2004, and Treasurer 2002-2003
- (d) National Organization of Social Security Claimants’ Representatives
- (e) National Organization of Veteran’s Advocates

Mr. Bultman provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Sumter Rotary Club  
President 1993-1994, President Elect 1992-1993, Secretary 1991-1992, Board of Directors 1988-1991, Treasurer 1983-1988, and Paul Harris Fellow
- (b) South Carolina Bar’s Pro Bono Service Award 1989

Mr. Bultman further reported:

I have been practicing law for thirty-eight years with an emphasis on family law. I have tried numerous family law cases before many different Family Court Judges. My knowledge of South Carolina Family Law, as well as my demeanor, will be beneficial to the lawyers and parties who will appear before me.

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(11) Commission Members' Comments:

The Commission commented that Mr. Bultman has an excellent reputation as a family court practitioner and complimented him on the positive results of the BallotBox surveys.

(12) Conclusion:

The Commission found Mr. Bultman qualified and nominated him for election to Family Court, Third Judicial Circuit, Seat 1.

**Edgar Robert Donnald Jr.  
Family Court, Third Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Donnald meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Donnald was born in 1970. He is 47 years old and a resident of Sumter, South Carolina. Mr. Donnald provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Donnald.

Mr. Donnald demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Donnald reported that he has not made any campaign expenditures.

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Mr. Donnald testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Donnald testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Donnald to be intelligent and knowledgeable.

Mr. Donnald reported that he has taught the following law-related courses:

- (a) I have lectured at the guardian ad litem program attorneys CLE on the Role of volunteer guardians ad litem at the termination of parental rights stage of DSS Family Court proceedings. 2016.
- (b) I was adjunct Professor of Business Law at Central Carolina Technical College 2004 to 2012

Mr. Donnald reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Donnald did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Donnald did not indicate any evidence of a troubled financial status. Mr. Donnald has handled his financial affairs responsibly.

The Commission also noted that Mr. Donnald was punctual and attentive in his dealings with the Commission, and

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the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Donnald reported that he is not rated by any legal rating organization.

Mr. Donnald reported that he has not served in the military.

Mr. Donnald reported that he has never held public office

(6) Physical Health:

Mr. Donnald appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Donnald appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Donnald was admitted to the South Carolina Bar in 1999.

He gave the following account of his legal experience since graduation from law school:

- (a) 2009 to 2001: Assistant State Attorney General – General Prosecution Section: responsible for the prosecution of criminal cases that were being handled due to conflicts of interest at the county level or referred directly by SLED;
- (b) 2001 to 2002: Assistant State Attorney General – Post Conviction Relief Section: represented the State against allegations of ineffective assistance of counsel;
- (c) 2002 to 2003: Assistant Solicitor – Fifth Circuit Solicitor's Office, Richland County: responsible for the prosecution of all manner of criminal cases;
- (d) 2003 to 2013: General Practice: Young and Associates then Young, Keffer, and Donnald; General Practice including in diminishing order: Domestic Relations

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involving all types of marital litigation, and child custody and support issues; personal injury; alternative dispute resolution as a certified family court mediator; criminal defense; worker's compensation, real estate, probate, contracts and business transactions.

- (e) 2004 to present: Program Attorney in Sumter and Lee Counties for the Cass Elias-McCarter Volunteer Guardian Ad Litem Program, representing volunteer guardians in DSS child abuse and neglect cases before the Family Court
- (f) 2012 to present: Assistant Solicitor – Third Circuit Solicitor's Office, Sumter County: responsible for the prosecution of all manner of criminal cases.
- (g) 2017 to present: Program Attorney in Sumter and Lee Counties for the South Carolina Vulnerable Adult Guardian Ad Litem program.

Mr. Donnald reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: Zero;
- (b) State: Daily.

Mr. Donnald reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 90%;
- (c) Domestic: 10%;
- (d) Other:

Mr. Donnald reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 20%;
- (b) Non-jury: 80%.

Mr. Donnald provided that he most often serves as sole counsel.

The following is Mr. Donnald's account of his five most significant litigated matters:



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- (a) State v. Arsenio Colclough; 2014-GS-43-0896.  
This criminal conviction resulted in multiple life sentences in a double homicide that arose from a gang / drug transaction.
- (b) South Carolina Dept. of Social Services v. Miller, 2016-UP-179 (Ct. App. filed April 11, 2016);  
This was a multiple day Termination of Parental Rights trial resulting from the severe injuries to an infant through abuse or neglect; I represented the volunteer guardian ad litem.
- (c) State v. Jimonte Gilbert, Rhkeim Ingram, Robert McFadden, Travis, Tabias Lorland McFadden, Travis McFadden and Timothy Singletary; 2012-GS-43-781.  
This Criminal Convict resulted in 30 year sentences of the shooters in a gang related multiple defendant homicide.
- (d) State v. Ishmael Williams; 2014-GS-543-0458.  
This conviction for attempted Murder resulted in a 18 year sentence for a serial domestic abuser.
- (e) South Carolina Dept. of Social Services v. Covington; 2011-DR-31-0057, 2012-DR-31-0105  
This was a multiple day Termination of Parental Rights trial resulting from sexual abuse of a minor by the child's mother; I represented the volunteer guardian ad litem.

The following is Mr. Donnald's account of five civil appeals he has personally handled:

- (a) Dixon v. Ford, 362 S.C. 614, 608 S.E.2d 879 (Ct. App. 2005).  
Appeal from Sumter County Common Pleas; I personally handled the appellate matters.
- (b) Richardson v. Donald Hawkins Const., Inc., 381 S.C. 347, 673 S.E.2d 808, (2009)  
Appeal from Sumter County Common Pleas; I personally handled the appellate matters.
- (c) White's Mill Colony, Inc. v. Williams, 363 S.C. 117, 609 S.E.2d 811, (Ct.App.2005)  
Appeal from Sumter County Common Pleas; I personally handled a significant portion of the appellate matters.
- (d) Gilchrist v. State, 350 S.C. 221, 565 S.E.2d 281 (2002);

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Appeal from Greenwood County Post Conviction Relief  
Petition and trial and appeal.

- (e) Todd v. State, 355 S.C. 396, 565 S.E.2d 305 (2002);  
Appeal from Horry County Post Conviction Relief  
Petition and trial and appeal.

Mr. Donald reported that he has not personally  
handled any criminal appeals.

- (9) Judicial Temperament:

The Commission believes that Mr. Donald's  
temperament would be excellent.

- (10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial  
Qualifications found Mr. Donald to be "Qualified" in the  
evaluative criteria of constitutional qualifications, physical  
health, and mental stability; and "Well Qualified" in the  
evaluative criteria of ethical fitness, character, professional and  
academic ability, reputation, experience, and judicial  
temperament.

Mr. Donald is married to Michelle W. Donald. He  
has one child.

Mr. Donald reported that he was a member of the  
following Bar and professional association:

- (a) South Carolina Bar Association, admitted June, 1999

Mr. Donald provided that he was a member of the  
following civic, charitable, educational, social, or fraternal  
organization:

- (a) Rotary Club of Sumter Palmetto – Past President -  
resigned in 2104

Mr. Donald further reported:

I have a wide range of experiences, both inside and outside the  
legal profession, that will bring a unique perspective to the Bench.  
At the age of 23, left my job as a truck driver to start college. By  
the age of 28 I graduated from Law School. I have extensive

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experience dealing with those accused of crime and those who have been victimized by crime. I have over a decade advocating for the child victims of abuse and neglect. I not only have the ability to be compassionate to those who are deserving, but also the ability to discern and hold responsible those who are flaunting the system. I have the knowledge to help children who are abused and neglected by their caretakers and the experience to assist the Department of Social Services achieve a fair and safe outcome

(11) Commission Members' Comments:

The Commission commented that Mr. Donnald is very experienced in the area of family court law.

(12) Conclusion:

The Commission found Mr. Donnald qualified and nominated him for election to Family Court, Third Judicial Circuit, Seat 1.

**Ernest Joseph Jarrett  
Family Court, Third Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Jarrett meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Jarrett was born in 1967. He is 50 years old and a resident of Kingstree, South Carolina. Mr. Jarrett provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Jarrett.

Mr. Jarrett demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte

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communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Jarrett reported that he has not made any campaign expenditures.

Mr. Jarrett testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Jarrett testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Jarrett to be intelligent and knowledgeable.

Mr. Jarrett reported that he has taught the following law-related courses:

I was an Adjunct Professor at Limestone College and taught Business Law (1997-2000).

- (a) I was the Co-Course Planner on "Children's Issues in the Family Court" (March 20, 2009).
- (b) I was a Speaker on "Constitution and the Bill of Rights" at Williamsburg Technical College (September 16, 2009).
- (c) I was the Co-Course Planner for "Dollars and Sense in Family Court" (October 6-8, 2011) at Grove Park Inn, Ashville, NC.
- (d) I was a Speaker at "Hot Tips" on "Form 4 – What Now?" (September 28, 2012).
- (e) I was the Co-Course Planner for "Fast Pass to the Child Custody Roller Coaster" (October 23-25, 2013) at The Yacht and Beach Club at Disney Resort in Orlando, FL.

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- (f) I was a Speaker at “Family Law Essentials” on “Equitable Division of Marital Assets” (June 27, 2014).
- (g) I was a Speaker at “Family Law Essentials” on “Orders of Protection” (June 26, 2015).
- (h) I was the Co-Course Planner for “Family Law Inside and Out” (October 20-22, 2016) at The Westin Savannah Harbor Golf Resort & Spa, Savannah, GA.
- (i) I was a Speaker on “Child Hearsay in Family Court” at the Fifteenth Circuit Family Court CLE (February 13, 2017).
- (j) I was a Speaker on “Preparing Court Information Sheets” at Florence DSS (February 14, 2017).
- (k) I was a Speaker on “Preparing Court Information Sheets” at Georgetown DSS (February 16, 2017).

Mr. Jarrett reported that he has published the following:

- (a) South Carolina Family Lawyer’s Toolkit, Second Edition (SC Bar 2010), Contributing Author
- (b) South Carolina Family Lawyer’s Toolkit, Third Edition (SC Bar 2017), Contributing Author

(4) Character:

The Commission’s investigation of Mr. Jarrett did not indicate any evidence of a troubled financial status. Mr. Jarrett has handled his financial affairs responsibly. The Commission also noted that Mr. Jarrett was punctual and attentive in his dealings with the Commission, and the Commission’s investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Jarrett reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Mr. Jarrett reported that he has not served in the military.

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Mr. Jarrett reported that he has held the following public office:

Williamsburg County Board of Voter Registration and Elections Appointed by the Governor and Confirmed by the Senate March 15, 2010 to Present.

- (a) I did miss the filing deadline one year right after I was appointed and was fined a small amount. That made a lasting impression on me and I have never missed the deadline again. I have the date this report is due already recorded on my calendar for the next five years.

(6) Physical Health:

Mr. Jarrett appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Jarrett appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Jarrett was admitted to the South Carolina Bar in 1992.

He gave the following account of his legal experience since graduation from law school:

In August of 1992, I returned home to Kingstree following graduation from law school and completion of "Bridge the Gap" as an associate attorney for Jenkinson, Jenkinson, and McFadden, PA, working for W. E Jenkinson, III, Gordon B. Jenkinson and Helen T. McFadden. I have practiced and continue to practice law in this same firm. Jennifer R. Kellahan joined the firm as an associate in 1995. I became a partner in 1996 and the name of the firm was changed to Jenkinson, Jarrett & Kellahan, PA, in 1998. I have served as the Managing Partner since 2000 and have been responsible for overseeing all finances and administrative areas of the firm including the regular trust account, operating account, and the partnership account. I review all deposits and checks written on a daily basis and make sure all of our accounts are in order.

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(Jennifer R. Kellahan manages the Real Estate Trust Account). I oversee our associate attorneys, our office manager, the receptionist, the runners, and my paralegals. The other paralegals report directly to their respective attorneys, but the office staff meets weekly to discuss office procedures. If there is ever a personnel problem, I work with the office manager to resolve the issue.

As an associate attorney, I worked for all attorneys and did mostly civil litigation (Family, Magistrate, and Common Pleas) as well as real estate and probate work. I completed all research for the firm and wrote briefs and supporting memoranda to use in court. I was drawn to family court cases and as the years progressed, I concentrated more on these types of cases. In 1993, I contracted with the South Carolina Guardian Ad Litem Program and served as their attorney until 1995, when I then contracted with the South Carolina Department of Social Services. I have been serving as a DSS contract attorney in one or more counties since that time. I have also been the attorney for the Town of Kingstree since 1994. For the past twenty (20) years, my practice has focused almost exclusively in Family Court.

Mr. Jarrett further reported regarding his experience with the Family Court practice area:

During my last semester in law school, I interned with William Byers, Family Court Judge. Since I did not have a part-time job, I spent every hour that I was out of class and he was in court watching and learning from him. I knew early on that I wanted to practice in Family Court and one day be a Family Court Judge. When I started as an associate, I learned all aspects of family law from Gordon B. Jenkinson. During the first five years I practiced law, I concentrated approximately one half of my practice handling cases involving divorce, equitable division of property, child custody, child support, adoption, name changes, birth certificates, annulments, and common law marriages. I have handled every type of case that a Family Court Judge handles many, many times. During my internship with Judge Byers, I spent my entire Spring Break with him while he held court in Clarendon County. Judge Turbeville had just been elected to the family court bench, and he sat with Judge Byers

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for that week as part of his training. As a result, Judge Turbeville and I developed a close relationship, and he has always been my mentor. He taught me how to conduct myself in court and taught me to always be prepared and know the rules and the law. I have been a contract attorney for the Department of Social Services handling abuse and neglect cases for over twenty-two years. I currently have contracts in Williamsburg, Georgetown, Horry, and Pickens Counties. I have also represented DSS in Lee, Clarendon, Sumter, and Florence Counties. I have handled hundreds of family court cases to include abuse and neglect, child support, equitable division, divorce, custody, termination of parental rights (both DSS and private), adoption, name changes, annulments, delayed birth certificates, Rules to Show Cause, amended birth certificates, and common law marriage. These cases have also included some complex equitable division cases. Although not in my primary practice area, I have handled approximately ten juvenile justice cases over the course of my practice. I have also observed many of these hearings while waiting in the courtroom for my cases to start, and I would have no problem presiding over these types of cases. I have also routinely served as guardian ad litem in contested custody and visitation cases. I am a certified Family Court Mediator and mediate family law cases as well.

As far as appearances, I have appeared in family court for at least one family court hearing 48 out of the past 52 weeks. Some weeks, I have had in excess of thirty hearings when I have back-to-back DSS court days in Williamsburg and Georgetown Counties. I primarily practice in Williamsburg, Sumter, Clarendon, Georgetown, Horry, Marion, and Florence Counties, but I have handled cases statewide when necessary.

Mr. Jarrett reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Multiple hearings weekly in Family Court
- (c) Other: N/A



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Mr. Jarrett reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 0%;
- (c) Domestic: 95%
- (d) Other: N/A

Mr. Jarrett reported the percentage of his practice in trial court during the past five years as follows:

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

Mr. Jarrett provided that he most often serves as sole counsel.

The following is Mr. Jarrett's account of his five most significant litigated matters:

- (a) South Carolina Department of Social Services vs. Teresa Swindler, Anthony Shephard and Caroline Shepard Op. No. 2004-UP-313 (S.C.Ct.App. filed May 13, 2004).

This case was tried in March of 2002 before Judge Lisa A. Kinon in Horry County and lasted several days. It was one of my first termination of parental rights cases. The case was contested and the Defendant father was extremely volatile. One of our witnesses had moved to North Carolina and we had to fly her in and meet her at the airport to bring her in to testify. There were numerous witnesses and exhibits to coordinate. I was successful in terminating the parental rights of the parents. Both parents appealed, and the Court of Appeals affirmed the ruling.

- (b) SCDSS vs. Veronica Denise Chandler and Monroe Holmes Op. No. 2016-UP-166 (S.C.Ct.App. filed April 1, 2016).

This case was a complicated Termination of Parental Rights case where SCDSS sought termination of parental rights on both the mother and father, and Judge Pincus terminated the parental rights of both parents.

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The case was reversed by the South Carolina Court of Appeals and remanded back to Judge Pincus due to the admission of drug screens without the proper chain of custody. We had a full day remand hearing, and Judge Pincus again terminated the parental rights of both parents. Currently, the case is under its second appeal and has been briefed and is awaiting an opinion.

- (c) Robert M. Richardson, Sr. vs. Jean B. Richardson  
2014-DR-22-602

This was a complicated equitable division case which involves a transmutation issue and was tried before the Honorable Wayne M. Creech on January 25, 2016. We won on the transmutation issue, the equitable division issue, and received an award of attorney's fees. The case is currently being appealed by the Plaintiff to the South Carolina Court of Appeals and has been briefed but not set for oral arguments at this point.

- (d) Randy Mobley vs. Sharon Mobley 93-DR-22-280

This case was tried on December 9 and 10, 1993, before current Supreme Court Justice Kay Hearn when she was a Family Court Judge. This case was my first all-out custody case that lasted over two days, and I was up against a seasoned family court petitioner. I represented the father and was able to convince the court to award him custody of four young girls all under the age of ten. Back in 1993, it was not common for fathers to get custody of children, especially young girls. This case was probably my biggest case early on and established my reputation in custody actions. I have been able to watch all four of these girls grow into adults and have represented all of them over the years.

- (e) James Dillon vs. Janelle Elizabeth Evans Turner  
2015-DR-22-369

This matter was a divorce, contested custody, and equitable division case. The big issue in the case was custody, as the mother had relocated from Georgetown County to Georgia and since the temporary hearing, the parties were alternating week to week. Due to the distance between the homes, one parent has to have primary custody of the child during the school year. It

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was very contested and involved a lot of animosity and many witnesses. The exhibits included Facebook and other social media posts. I was able to win full custody for the father in Georgetown County and due to the distance involved, the mother was only awarded visitation one weekend per month during the school year.

The following is Mr. Jarrett's account of five civil appeals he has personally handled:

- (a) Williamsburg Rural Water vs. Williamsburg County Water Williamsburg County, Town of Kingstree, et al 357 S.C. 251, 593 S.E.2d 154 (2003), and 367 S.C. 566, 627 S.E.2d 690 (2006)
- (b) SCDSS vs. Tammy A, Douglas A and John Doe Op. No. 2011-UP-088 (S.C.Ct.App. filed March 3, 2011)
- (c) SCDSS vs. Fulton Op. No. 2017-UP-244 (S.C.Ct.App. filed June 6, 2017)
- (d) SCDSS vs. Hitt Op. No. 2016-UP-456 (S.C.Ct.App. filed November 9, 2016)
- (e) SCDSS vs. Sheakenia S. Op. No. 2013-UP-089 (S.C.Ct.App. filed February 25, 2013)

Mr. Jarrett reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Jarrett's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Jarrett to be "Well Qualified" in the evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Jarrett is married to Josette Tisdale Jarrett. He has three children.

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Mr. Jarrett reported that he was a member of the following Bar and professional associations:

- (a) Williamsburg County Bar Association 1992 – Present  
Secretary/Treasurer 1992 - 1996
- (b) Georgetown County Bar Association 2001 – Present
- (c) South Carolina Association for Justice 1993 – Present
- (d) Family Law Section Council of the South Carolina Bar  
2008 – Present  
Family Law Intensive Co-planner 2009 - Present  
Chairperson-Elect 2017 - 2018
- (a) Supreme Court Commission on Docketing, Family  
Court Committee  
2017 – Present
- (b) South Carolina Family Court Bench-Bar Committee  
2015 - Present  
Nominating Committee 2017
- (c) South Carolina Bar Resolution of Fee Disputes Board  
2014 - Present
- (d) Office of the Disciplinary Counsel – Attorney to Assist  
2005 - 2014
- (e) SC Bar Young Lawyer Division – 3<sup>rd</sup> Circuit  
Representative 1994 – 2002
- (f) SC Bar Judicial Qualification Committee 2003 - 2006

Mr. Jarrett provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Williamsburg Academy Governing Board 2001 –  
Present  
Chairman 2003 – Present
- (b) Kingstree Rotary 2000 – Present  
Paul Harris Fellow  
Past President 2009 - 2010  
Projects Chair 2014 - Present  
President–Elect 2017 - 2018
- (c) Williamsburg County First Steps Board 2011 – Present  
Personnel Committee 2012 - Present  
Vice- Chairman 2014 - Present

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- (d) Kingstree United Methodist Church Member Birth – Present  
Council on Ministries (became Church Council) 1994 – 2002  
Chairman of Council on Ministries 1997 – 2000  
Long-Range Planning Committee 1996 - 1999  
Church Council 2002 – Present  
Committee on Lay Leadership 2001 - 2004  
Trustees 2002-2005; 2015 - Present  
Vice-Chair 2005  
Sunday School Teacher (3<sup>rd</sup> – 6<sup>th</sup> grade) 2008 – Present  
Youth Leader Assistant 1997 – Present  
Bible School Leader 1993 – Present  
Mission Trip Chaperone 1997 - Present
- (e) South Carolina Independent School Association  
Executive Committee  
2010 – Present
- (f) Tri-County Regional Development Board 2012 – 2016

Mr. Jarrett further reported:

I can remember attending a church conference one weekend where we had to write a personal life mission statement as one of our exercises. I do not remember the exact wording of my mission statement, but I remember it being something to the effect of “serving others by helping them through difficult times.” I have tried to devote my life to serving others professionally by representing them during some of the most trying and difficult times in their lives. I enjoy serving others. I have participated in eighteen mission trips through Kingstree Community Youth, the youth group sponsored by my church, Kingstree United Methodist Church. These mission trips cover the south east and we go into the community, stay in a local school, and serve the residents during the week by repairing homes, painting, and helping to rebuild their lives. I think being selected as a Family Court Judge will allow me to further my life of service to others. I have patterned my career to position me to have the professional, academic and ethical traits along with the proper temperament to do this job well. I deeply care about children’s issues as reflected by my professional work with the Department of Social Services and

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by my volunteer work with children and youth at Williamsburg Academy and my church. I want to see children thrive and grow up in a healthy and safe environment, and I always want what is best for them. I want to be fair, impartial and treat each person that comes before the Family Court with dignity and respect. I realize that this is a very trying time in the lives of litigants and a family court judge usually sees the worst side of people and relationships. However, I think I can have a positive impact on the lives of the litigants and especially the lives of children who are involved in family court proceedings.

(11) Commission Members' Comments:

The Commission noted that Mr. Jarrett is dedicated to the community and legal profession as a whole. They also commented that Mr. Jarrett has an impressive track record of working with children through his DSS Contract Attorney work.

(12) Conclusion:

The Commission found Mr. Jarrett qualified and nominated him for election to Family Court, Third Judicial Circuit, Seat 1.

**Catherine S. Hendrix  
Family Court, Sixth Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Hendrix meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Hendrix was born in 1957. She is 60 years old and a resident of Blair, South Carolina. Ms. Hendrix provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Hendrix.

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Ms. Hendrix demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Hendrix reported she has made \$111.00 in campaign expenditures for cards printed from the Copy Shop and postage expenses.

Ms. Hendrix testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) or asked third persons to contact members of the General Assembly prior to screening.

Ms. Hendrix testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Hendrix to be intelligent and knowledgeable.

She reported that she has taught the following law-related courses:

- (a) South Carolina Bar, Guardian *ad Litem* Seminar "Child Based Custody Arrangements" (authored materials 2014)
- (b) South Carolina Association for Justice Family Law Section. "Building a Practice Brick by Brick" (authored materials 2014)
- (c) South Carolina Bar, Children's Issues in Family Court – Case Law update (authored materials 2014)
- (d) South Carolina Bar, Briefcase Lawyer: Essentials for Every Practitioner. "I want out of this marriage but I can't find the door" (authored materials 2012)

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- (e) South Carolina Bar, Hot Tips from the Coolest Domestic Law Practitioners “How to make the Most of Your Initial Consultation” (authored materials 2011)
- (f) Family Court Bench Bar Seminar; “Wiretapping and Communication Violations”
- (g) South Carolina Bar: Hot Tips for the Coolest Domestic Law Practitioners. Moderator, 2006
- (h) National Business Institute: What Family Lawyers Need from a P.I. (authored materials 2006)

Ms. Hendrix reported that she has not published any books or articles.

(4) Character:

The Commission’s investigation of Ms. Hendrix did not reveal evidence of any founded grievances or disqualifying criminal allegations made against her. The Commission’s investigation of Ms. Hendrix did not indicate any evidence of a troubled financial status. Ms. Hendrix has handled her financial affairs responsibly.

The Commission also noted that Ms. Hendrix was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Hendrix reported that her ratings by legal rating organizations as follows:

Martindale-Hubble, AV Preeminent 2016 and 2011 Family Law Legal Elite by Columbia Business Monthly  
2015 Top 100 National Family Court Attorneys

Ms. Hendrix reported that she has not served in the military.

Ms. Hendrix reported that she has never held public office.



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(6) Physical Health:

Ms. Hendrix appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Hendrix appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Hendrix was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) Koon and Cook, Associate attorney and office manager of the office [2001- June 2006] Her managerial duties were administrative and included no financial responsibilities.
- (b) Law Offices of Ken H. Lester, Associate attorney [June-December 2006].
- (c) Law Offices of Lester and Hendrix, Partner [December 2006- 2012].
- (d) Law Offices of Lester and Hendrix, LLC, Managing Partner [2012 – Present].

She took over the financial and the administrative duties of the firm, including management of its escrow accounts.

Ms. Hendrix reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0;
- (b) State: 100%;
- (c) Other: 0%.

Ms. Hendrix reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 100%;

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- (d) Other: 0%.

Ms. Hendrix reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;  
(b) Non-jury: 100%

Ms. Hendrix reported that she most often serves as sole counsel.

The following is Ms. Hendrix's account of her most significant litigated matters:

- (a) I was appointed to represent a young woman in a DSS case who had had her children taken from her for neglect. The neglect sprang from her leaving a home wherein she was being physically abused and the children were with a babysitter. My client ran because of an outstanding probation violation charge that she knew would put her in prison. She was arrested eventually. I was appointed while she was in prison. The children were placed with the paternal Aunt. Once my client got out of jail, she tried diligently to complete the safety plan and the requirements that DSS had set out for her. The problem was that the treatment plan was grossly beyond the scope of a finding of neglect. To further compound the problem, DSS failed to make the necessary referrals. My client, with my guidance, completed all of the requirements on a private basis. The GAL never visited my client's home or met with her outside of monitoring a visitation. I filed a Motion for the Judicial Review hearing to be scheduled and was able to get a day certain. At the conclusion of the trial, the Court ordered the minor children returned to my client, that very day. I have never had that happen before and haven't again. I watched my client grow from being an insecure victim with mental health problems, and no real parenting or employment skills, to a confident, assertive, adult who was in charge of her own life and her own children. She went to work, secured housing

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and got her life back on track. I was very proud to have aided this young woman in putting her life back together with her children.

- (b) Most of my cases involve assisting individuals in putting their lives back together after a very traumatic and emotional event. I take a great deal of personal pride in seeing my clients leave me ready to experience and cope with the new “normal” in their lives. While I wouldn’t say my cases are insignificant, there are none really responsive to this question except as set out above.

Ms. Hendrix reported she has not personally handled any civil or criminal appeals.

- (9) Judicial Temperament:

The Commission believes that Ms. Hendrix’s temperament would be excellent.

- (10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Ms. Hendrix to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee noted, “Ms. Hendrix has maintained an active Family Court practice in the Midlands of South Carolina since 2001. She has handled a wide range of Family Court matters, though perhaps not as broad a range as Ms. Matthews. To the extent she lacks experience in a particular type of matter, however, the Committee is confident that she could acquire that experience on the bench.”

Ms. Hendrix is married to William Brooks Hendrix Jr. She has one child.

Ms. Hendrix reported that she was a member of the following Bar and professional associations:

- (a) American Academy of Matrimonial Lawyers, Fellow

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- (b) South Carolina Bar Association, Member
- (c) South Carolina Bar Association Family Law Section, Member
- (d) South Carolina Solo & Small Firm Section, Council Member 2010-present
- (e) Fairfield County Bar Association, Member
- (f) Richland County Bar Association, Member
- (g) Lexington County Bar Association, Member
- (h) Horry County Bar Association, Member
- (i) South Carolina Association for Justice, Member
- (j) South Carolina Association for Justice Family Law Section, Chair- 2011
- (k) South Carolina Association for Justice, Convention Vice Chair 2010-present
- (l) South Carolina Women Lawyers Association, Member
- (m) National Association of Professional Women, Member
- (n) U.S. District Court, South Carolina
- (o) South Carolina Bar Admission

Ms. Hendrix provided that she was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) Mental Illness Recovery Center, Inc. - Board Member 2013-2015

(11) Commission Members' Comments:

The Commission found Ms. Hendrix to be well qualified for a Family Court judgeship. Her professional experience and status as a 'go-to' person for family law questions indicate the extent of her Family Court abilities.

(12) Conclusion:

The Commission found Ms. Hendrix qualified and nominated her for election to Family Court, Sixth Judicial Circuit, Seat 2.

**Debra A. Matthews**  
**Family Court, Sixth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Matthews meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Matthews was born in 1957. She is 60 years old and a resident of Blackstock, South Carolina. Ms. Matthews provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Matthews.

Ms. Matthews demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Matthews reported that she has made \$34.20 in campaign expenditures for two fingerprint cards, postage, paper, and ink.

Ms. Matthews testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Matthews testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Matthews to be intelligent and knowledgeable.

Ms. Matthews reported that she has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Ms. Matthews reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Matthews did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Matthews did not indicate any evidence of a troubled financial status. Ms. Matthews has handled her financial affairs responsibly.

The Commission also noted that Ms. Matthews was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Matthews reported that she is not rated by any legal rating organization.

Ms. Matthews reported that she has not served in the military.

Ms. Matthews reported that she has never held public office.

(6) Physical Health:

Ms. Matthews appears to be physically capable of performing the duties of the office she seeks.

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(7) Mental Stability:

Ms. Matthews appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Matthews was admitted to the South Carolina Bar in 2001.

She gave the following account of her legal experience since graduation from law school:

- (a) Self-employed attorney since admission in 2001.
- (b) I have been a sole practitioner since admission in 2001. I opened a general practice in Winnsboro shortly after being admitted in 2001. I employed associate attorneys on two occasions for short periods of time. At the outset of my career, I immediately began practicing in the Family Court. A large part of my practice focuses on family court cases. My first court appointment was a DSS abuse and neglect case with a companion criminal case. I have continued practicing in the Family Court, handling most all kinds of family court cases, including divorces, custody, child support, abuse and neglect, name changes and adoptions. I was a contract attorney with South Carolina Commission on Indigent Defense representing parents and vulnerable adults in DSS cases from 2013 to 2015. I have served as a mediator, court appointed guardian ad litem and have represented juveniles in Family Court.
- (c) In 2002, I began practicing in the United States Bankruptcy Court handling consumer bankruptcy filings for Chapter 7 and 13 clients. In 2015 I tapered my bankruptcy practice, and currently have three pending cases in the Bankruptcy Court.
- (d) I have represented clients in criminal matters, workers compensation, personal injury, social security disability, estate planning, probate and real estate closings since 2004.
- (e) I was certified as a Family Court Mediator in July, 2010 and Circuit Court Mediator in September, 2010.

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- (f) For most of my career I have handled the administrative and financial management including trust accounts. I employed one book keeper to handle financial affairs since opening my firm. My staff normally handles payments from clients who come in the office to make a payment (accepting payments and giving receipts).

Ms. Matthews further reported regarding her experience with the Family Court practice area:

- (a) On average over the past five years, I estimate 3 to 5 times per month appearing before a Family Court Judge.
- (b) Divorce: I represent clients in divorces on fault based grounds including adultery, physical cruelty and habitual drunkenness, as well as no fault divorces of residing separate and apart continuously for one year.

In one divorce case involving jurisdiction, I represented a husband who resided in Fairfield County and his spouse filed for divorce, equitable distribution, custody and child support in the State of Florida. We retained Counsel in Florida to file a limited appearance to contest jurisdiction in the Florida Court. The wife lived in Florida for the requisite six months, but that was not enough to bring the husband under Florida jurisdiction to dissolve the marriage and address the real property. The parties lived in Florida for six months while the husband was in the Coast Guard. Thereafter, the parties moved to South Carolina, purchased a home and lived here for four years. The Florida Court did not have jurisdiction over the husband or equitable distribution of the real property situated in South Carolina. The Florida action was dismissed and we filed suit in Fairfield County where the case was ultimately resolved.

In a recent divorce action, I represented the wife who had a child born outside of the marriage. The parties submitted to DNA, and with the guardian's investigation the husband was declared not to be the biological father of the minor child. We were able to negotiate and settle the case with the parties obtaining a



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divorce on the statutory grounds of living separate and apart for one year.

- (c) Equitable division of property: Equitable apportionment was usually involved in most all of the divorce cases that I handled. The assets were both personal and real acquired during the marriage and owned at time of filing, including assets which were transmuted. I have experience in obtaining appraisals for real property, businesses and retirement. I have dealt with accountants and appraisers. I have handled divorce cases where parties were also involved in Chapter 13 bankruptcy proceedings involving personal assets, debts and real property. Having handled bankruptcy filings, I am privy to how income and assets are handled by the Bankruptcy Trustee and Court as it relates to Family Court. I understand what disposable income is in Bankruptcy and Family Court. Since mandatory mediation was implemented, most of my cases settle.
- (d) Custody: I have handled many cases involving child custody disputes. I have tried cases utilizing expert witnesses and guardians. During one particular child custody case, we employed a private investigator who witnessed a Mother leave in the early morning without the three minor children. The three minor children, ages 6, 8 and 9 were left home alone. The private investigator witnessed a taxi cab arrive at the home and take the children to school. At an expedited hearing, we presented evidence to the Court of the mother leaving the children home alone to take a taxi to school. In the best interests of the children, the Family Court granted temporary and permanent custody to the Father.
- (e) Adoptions: I have handled many adoptions, including family member, step-parent and non- family member adoptions. I understand the process of searching the Responsible Father Registry, the Central Registry for abuse and neglect, obtaining family adoption home studies, including with the Interstate Compact for the Placement of Children, as well as the importance of the guardian ad litem. The most recent adoption that I

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handled was finalized in April, 2017. The child was placed with my clients by the South Carolina Department of Social Services, but they did not terminate parental rights. The biological Father consented to the adoption but the biological Mother did not consent. The paternal rights of the biological Mother were terminated and the Court approved the adoption.

- (f) Abuse and neglect: As a contract attorney with Indigent Defense, I was appointed to represent many parents and vulnerable adults in abuse and neglect cases. I have knowledge of the statutes and procedures. In one particular contested abuse case, we retained an expert who opined that the child who was injured had a metabolic bone disease. After many hearings, we settled the case and the parents were reunited with their children.
- (g) Juvenile justice: I have represented several juveniles in family court. In one particular juvenile case, the incident took place on school grounds. We were able to present evidence from school personnel of the juvenile's academic and athletic record. We were able to show that while the incident occurred at school, (the complaining party) employees of the school gave very good reports about the juvenile.

Ms. Matthews reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 10%;
- (b) State: 90%.

Ms. Matthews reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 15%;
- (b) Criminal: 5%;
- (c) Domestic: 80%.
- (d) Other:

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Ms. Matthews reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Ms. Matthews provided that she most often serves as sole counsel.

The following is Ms. Matthews's account of her five most significant litigated matters:

- (a) Trapp v. Stewart, et al.

I represented Larry Walter Stewart (Stewart) in an election protest in Fairfield County. Stewart ran against incumbent Mikel Trapp (Trapp) for County Council District 3 seat. The official vote tally for Stewart was 485 and Trapp 489, a margin of four votes. I filed the protest alleging irregularities and a hearing was held in front of the Fairfield County Board of Canvassers (FCBC). We presented evidence to show five electors voted in the wrong district. The FCBC granted a new election. Trapp filed an appeal to the State Election Commission convening as the State Board of Canvassers (SBC). The burden to set aside the election results were incredibly high, especially since the general rule in South Carolina is the presumption is in favor of sustaining contested election results. I had no previous knowledge of election laws, but researched, read and prepared myself in the law. SBC upheld the decision of the FCBC on December 1, 2014. Governor Nikki R. Haley granted a new election on December 19, 2014. On March 3, 2015, Stewart won County District 3 seat. It is my understanding that this was the first time an election had ever been overturned in Fairfield County.

- (b) Jang v. Ahn, 2015-CP-20-023.

I represented Chang Soon Ahn, the Personal Representative (PR) in this Probate Estate case, The PR is the Decedent's sister. At the time of death Decedent lived with his sister in California, but owned properties in South Carolina. The PR incurred various expenses to

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repair and sell the properties. The PR's son, Michael Jang (Jang) disputed the expenses and alleged the PR waived her statutory commission because during negotiations she offered to waive those fees. At trial, the Probate Court granted reimbursement of the PR's expenses and her commissions. Jang appealed and for the first time he argued implied waiver which was not argued in the lower court. After the hearing in the Appellate Court, both sides submitted proposed orders and the Judge affirmed the Probate Court's decision and executed our proposed order. It is significant that the Appellate Court did not disturb the lower court's findings of fact regarding expenses and the statutory commission, nor did it allow the issue of implied waiver.

- (c) SCDSS v. Benjamin, et al., 2016-DR-40-3397.

I was retained by the biological Father in this abuse and neglect action. The Father did not qualify for a court appointed attorney. DSS removed the child who tested positive for marijuana, from the biological Mother. Mother testified during trial that she tried to complete her treatment plan, but she had trouble getting in touch with DSS and the guardian ad litem. She further testified that her work schedule prevented her from completing her treatment plan. We were able to show that the Mother's testimony was untruthful, especially in light of the fact that four months had passed since implementation of the treatment plan before she began employment. The Court granted permanent custody to the biological Father. The significance of this case is "honesty in the courtroom" and through cross examination the Court was able to determine the credibility of the Mother.

- (d) SCDSS v. Smith, et al., Appellate Case No. 2017-000784.

I represent the biological Mother in this case which is pending a hearing in the South Carolina Supreme Court. During the initial case, the biological Mother's counsel passed away, and I was court appointed on June 2, 2015 by order of York and Union County Court. Although I

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did not contract for appointments in York or Union, I accepted the appointment. The case had already gone up to the Appellate Court on two different issues before I was appointed. This complex litigation case has eight attorneys and two guardian ad litem. At a pretrial hearing on June 4, 2015, the case was set for a 10 day trial beginning July 20, 2015. The child was removed by emergency protective custody and placed with foster parents, Mr. and Mrs. Dalsing (Dalsings). The Dalsings are licensed foster care parents in Rock Hill. The biological father was incarcerated in the Commonwealth of Virginia. The paternal Grandmother intervened in the DSS action in Union County, and Dalsings filed a private adoption action in York. Both actions were consolidated for trial in Union. Both parents signed specific Consent and Relinquishments. My client executed a Consent and Relinquishment for the Dalsings to adopt her child, and the biological Father executed a Consent and Relinquishment for his Mother to adopt the child. The Family Court terminated the parental rights of both parents, and found the permanent plan and the best interest of the minor child was adoption by Dalsings. One Issue raised at trial and on appeal is standing in accordance to *Youngblood v. S.C. Dep't of Soc. Servs.*, 402 S.C. 311; 741, S.E.2d 515 (2013). More specifically, whether the Dalsings had standing in light of *Youngblood*. The Court of Appeals overturned the Family Court's ruling and the case is now pending to be heard at the South Carolina Supreme Court. There are currently proposed amendments to S.C. Code Ann. § 63-9-60 pending in the Senate. The amendment specifically addresses who has standing to petition to adopt, including parents who have executed consents.

- (e) Pineda v. Pineda, 2012-DR20-0153.

In this private custody case, I represented the paternal Aunt and Grandparents of two minor children against the biological mother. The biological father was killed and the presumption is the biological mother would have custody of the children. The trial Court found the

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Plaintiffs degree of attachment with the minor children met the factors as stated by the South Carolina Supreme Court in *Marquez v. Caudill*, 376 S.C. 229; 656 S.E.2d 737 (2008), declaring the Plaintiffs the psychological parents of the minor children. Plaintiffs were granted full custody of the minor children. We had to employ translators at trial. As a side note, I recently saw my clients and the children are doing well.

The following is Ms. Matthews's account of three civil appeals she has personally handled:

- (a) Jang v. Ahn, Court of Common Pleas, Fairfield County, July 20, 2015, 2015-CP-20-023
- (b) Trapp v. Stewart, et al., State Board of Canvassers, December 1, 2014.
- (c) SCDSS v. Smith, et al., Appellate Case No. 2017-000784, pending a hearing at the South Carolina Supreme Court.

Ms. Matthews reported she has not personally handled any criminal appeals.

Ms. Matthews further reported the following regarding unsuccessful candidacies:

- (9) Judicial Temperament:

The Commission believes that Ms. Matthews' temperament would be excellent.

- (10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications reported that Ms. Matthews is "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Ms. Matthews is married to Raymond R. Matthews Sr. She has two children

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Ms. Matthews reported that she was a member of the following Bar and professional associations:

- (a) SC Bar Association
- (b) Fairfield County Bar Association
- (c) SC Association for Justice
- (d) SC Bankruptcy Law Association
- (e) SC Bar Pro Bono Program

Ms. Matthews provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) SC Bar Pro Bono
- (b) Finance Committee – St. Teresa Church
- (c) Secretary - Mid County Water Board
- (d) Coach and Judge Volunteer– Mock Trial
- (e) Sixth Judicial Circuit Public Defender Board
- (f) Sixth Judicial Circuit Public Defender Selection Panel

Ms. Matthews further reported:

I have been married for over 27 years and raised two sons. My sons are 25 and 26 years old and are very successful in their own business. I have been self-employed since 2001, having opened and built a successful law firm including purchasing my office building in 2002. I have served as a Certified Mediator in family court cases and as a guardian ad litem in custody disputes. I have practiced in many areas of the law, not just family court. I experienced a hotly contested divorce and custody battle between my parents, and as the oldest sibling of four, I was in the center of the litigation being pulled by both sides. I understand the importance of children being protected in family law disputes.

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(11) Commission Members' Comments:

The Commission commented that Ms. Matthews is well suited for the position of Family Court judge.

(12) Conclusion:

The Commission found Ms. Matthews qualified and nominated her for election to Family Court, Sixth Judicial Circuit, Seat 2.

**The Honorable Bryan C. Able  
Family Court, Eighth Judicial Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Able meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Able was born in 1961. He is 56 years old and a resident of Laurens, South Carolina. Judge Able provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Able.

Judge Able demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Able reported that he has made \$44.96 in campaign expenditures for business cards.

Judge Able testified he has not:



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- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Able testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Able to be intelligent and knowledgeable.

Judge Able reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Able reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Able did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Able did not indicate any evidence of a troubled financial status. Judge Able has handled his financial affairs responsibly.

The Commission also noted that Judge Able was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Able reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

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Judge Able reported that he has not served in the military.

Judge Able reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Able appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Able appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Able was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

- (a) 1987-1991 - Culbertson, Whiteside & Turner – Associate – General Practice
- (b) 1991-1996 - Culbertson, Whiteside, Turner & Able – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (c) 1992 - September 2004 - Contract Attorney for the South Carolina Department of Social Services – I appeared as attorney of record for DSS in Laurens, Greenwood, Abbeville and Newberry Counties handling all abuse and neglect cases involving children and vulnerable adults.
- (d) 1996-1999 - Turner & Able – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.

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- (e) 2000-2001 - Turner, Able and Burney – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (f) 2001 to present - Bryan C. Able, Attorney at Law – General Practice – I am a sole practitioner. I am involved daily with the administration and financial management of my firm including the management of trust account(s).
- (g) 2005 – 2006 - Assistant Laurens County Public Defender – I handled appointed criminal cases before the Court of General Sessions.
- (h) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County.
- (i) June 2013 - present – Associate Judge of Probate, Laurens, SC - I am responsible for hearing and adjudicating all contested hearings concerning all aspects of the courts' jurisdiction under Section 62-1-302; decedents' estates, trust and Article 5 protective proceedings. During my tenure as judge, I have presided over numerous cases not only in Laurens County but from other counties as well. I have had the honor of being appointed by the Supreme Court to hear and preside over cases in other counties.
- (j) July 2014 – present – Family Court Mediator

Divorce: I have handled hundreds of divorce cases over my 30 years of law practice. Some cases were very complex involving substantial marital estates and support issues. Others were simple involving no-fault grounds for divorce and little or no property issues. I have brought divorce actions involving all grounds of divorce. Many divorce cases I have handled have been highly contested and have taken several days to try. Some have been

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settled prior to trial by mediation or negotiation and were placed on the record in 15 minutes. I have handled cases for separate support and maintenance and common law marriages.

Equitable Division: Many of the divorce cases I have handled have involved the division of the marital estate. Often these marital estates can be quite substantial and consist of real and personal property, retirement accounts, stocks, brokerage accounts, cash value of life insurance and cash held in savings or checking accounts. I have worked with experts to value property and businesses that are part of marital estates. I have handled cases that involve issues of transmutation of non-marital assets and the validity of pre-nuptial agreements.

Child Custody: Many divorce cases I have handled have involved issues of child custody and visitation issues. I have represented parents of children ranging in all ages including adult disabled children and children that were special needs. I have represented both fathers and mothers in paternity actions where the issues of custody and visitation were litigated. I have represented grandparents and great grandparents who have brought custody actions.

Adoptions: I have handled many adoptions during my career. I have handled adoptions involving stepparents adopting stepchildren where the parental rights of the biological parent had to be terminated. I have handled adoptions for couples who have adopted children born out of state. I have handled adoptions for grandparents or great grandparents adopting grand children or great grand children. I have handled adoptions for foster parents. I have handled adoptions for persons who are unrelated by blood or marriage to the child being adopted.

Abuse and Neglect: I was a contract attorney for the South Carolina Department of Social Services (DSS) for 12 years. In 1992 I began contracting with DSS in Laurens County. In 1993 I contracted with Greenwood and Abbeville County. Lastly, I contracted with Newberry County. In my 12 years as a DSS contract attorney I handled all of the abuse and neglect for the four counties

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named above. I handled all 72 hour Probable Cause hearings, all merits hearing and trials, all review hearings and all termination of parental rights hearings and trials. In addition, I handled all aspects of any appeal filed naming DSS as a party. I handled all cases involving vulnerable adults.

When my contract with DSS ended in 2004, I began representing parents that have been accused of abuse and neglect. I have handled cases where the Family Court has ruled that DSS did not meet its burden of proving by a preponderance of the evidence that the parent(s) had abused or neglected the child(ren) and dismissed the case.

Juvenile Justice: I have represented juveniles before the Family Court who have been accused of committing crimes. I have handled all aspects of juvenile cases involving the detention hearing, trial and disposition. I have represented juveniles where the issue before the court is whether the charge should be waived up to General Sessions or retained in Family Court.

On average I appear before the Family Court 2-3 times each week.

Judge Able reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 0%;
- (b) State: 100%

Judge Able reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 0%;
- (b) State: 100%

Judge Able reported the percentage of his practice involving civil, criminal, and domestic matters prior to his service on the bench as follows:

- (a) Civil: 5%;
- (b) Criminal: 20%;

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- (c) Domestic: 75%;
- (d) Other: 0%.

Judge Able reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Judge Able provided that prior to his service on the bench he most often served as sole counsel.

The following is Judge Able's account of his five most significant litigated matters:

- (a) State of South Carolina v Ashley N. Hepburn, Appellate Case No. 2011-190695

Tried in Laurens County; Court of General Sessions February 22 to March 3, 2011

I represented Ms. Hepburn at trial. Ms. Hepburn was charged with homicide by child abuse.

On the evening of October 13, 2009, Ms. Hepburn's sixteen-month-old daughter (the victim) became unresponsive and was admitted to the hospital in Greenwood, South Carolina. She eventually died in a Greenville hospital on October 17, 2009. No one, including Ms. Hepburn, disputed that the victim died from child abuse. There were only two people that could have killed the victim, either Ms. Hepburn or her boy friend, as they were home with the victim on the night she sustained her fatal injuries.

At the close of the States' evidence, I moved for a directed verdict pursuant to Rule 19 SCRCrP claiming the State had fail to present substantial circumstantial evidence that Ms. Hepburn committed the crime charged. I argued the State's evidence merely rose to a suspicion that Ms. Hepburn committed the crime, and this mere suspicion was insufficient to survive a directed verdict motion, in that the State had only proven that Ms. Hepburn was in the home when the victim sustained the fatal injuries. I conceded that the State had proven that the child died from homicide by child abuse, but argued

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that the State had not proven that the child abuse was inflicted by Ms. Hepburn.

The Court denied my motion for a directed verdict. The jury found Ms. Hepburn guilty of homicide by child abuse and she was sentenced to 45 years' imprisonment.

I did not handle the appeal, however the Supreme Court directed a verdict of acquittal finding the trial court erred in refusing to grant my mid-trial motion for directed verdict. The Supreme Court held in reversing the trial courts' refusal to direct a verdict of acquittal that the State did not put forward sufficient direct or substantial circumstantial evidence of Ms. Hepburn's guilt.

(b) South Carolina Department of Social Services v Robert David Johnston Jr. and Christy Dawn Johnston

Tried in Laurens County Family Court; December 13, 14, 15, 17, 20, 21, and 22, 2010

2007-DR-30-648

2007-DR-30-775

This was a child abuse case. I represented Mr. Johnston. DSS sought an Order of the Court to make an affirmation determination that Mr. Johnson did sexually and physically abuse his four (4) children and ordering that Mr. Johnston's name be listed in the Statewide Central Registry for Child Abuse and Neglect. The case involved the testimony of many medical experts and one of the children. After seven (7) days of trial the Court found that DSS had failed to prove by a preponderance of the evidence that Mr. Johnston sexually or physically abused his children and ordered the case dismissed.

(c) Belinda Godfrey v William R. Godfrey

Tried in The Laurens County Family Court; December 3-4, 2007

06-DR-30-485

This was a divorce case. I represented Ms. Godfrey. Prior to trial the parties reached an agreement on all issues raised in the pleading with the exception of whether or not the lake lot inherited by Mr. Godfrey had been transmuted to marital property and if so transmuted, how was it to be divided between the parties.

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The court found that the evidence and testimony presented clearly showed it was the intent of Mr. Godfrey to transmute the lot on Lake Greenwood into marital property.

The court ordered that Ms. Godfrey and the parties minor child could remain in the marital home upon the Lake Greenwood lot until the minor child graduated from high school and at that time the property would be listed for sale and the net proceeds divided equally between the parties. Ms. Godfrey and the child could remain in the home and upon the lake lot until the property sold.

(d) James H. Holliday v Tiffany M. Holliday

Tried in the Laurens County Family Court; June 13-14, 2005

04-DR-30-519

This was a child custody and relocation case. I represented Ms. Holliday. Mr. Holliday brought the action seeking full custody of the parties minor child based on a substantial change of circumstances. By prior Order of the Court dated August 9, 2001 the parties had been granted joint custody of the minor child “with the child living with the mother on a final and permanent basis.” By subsequent divorce order dated June 12, 2003 all provisions concerning custody and visitation contained within the previous Order dated August 9, 2001 were to “remain in full force and effect.” Subsequent to the parties divorce Ms. Holliday relocated with the minor child from Laurens County, SC to Greencove Springs, Florida. Ms. Holliday’s move to Florida was alleged by Mr. Holliday to be a substantial change of circumstances.

The court found that there had not occurred a substantial change of circumstances that would warrant a change in custody or that would warrant charging the minor child living with his mother and having visitation with his father. The Court ordered that the parties would have joint custody of the minor child being defined as the child living with mother and mother making the day-to-day decision concerning the child and father having visitation.

(e) Derry Julian Bundrick v Melissa Ann Darnell Bundrick

Tried in the Laurens County Family Court; April 24, 2012



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2010-DR-30-316

This was a divorce case. I represented Ms. Bundrick. The issues to be decided by the court were equitable division of a considerable marital estate, alimony, restraining orders and attorney's fees.

The parties had been married for 40 years at the time of the pleadings being filed.

After a day of trial, the Court divided the marital estate equally between the parties with Ms. Bundrick being awarded the marital home and ordered Mr. Bundrick to pay Ms. Bundrick permanent periodic alimony together with Ms. Bundrick's attorney's fees.

The following is Judge Able's account of five civil appeals he has personally handled:

- (a) Johnny Lee Johnson v. Phillip Flaughner – SC Supreme Court
- (b) Jennifer Satterfield by her Guardian Ad Litem, Pam Satterfield v. Dillard Department Store – SC Court of Appeals
- (c) South Carolina Department of Social Services v. Jason Ihnatiuk et al. - SC Court of Appeals
- (d) South Carolina Department of Social Services v. Jacqueline D. Sims et al. - SC Court of Appeals
- (e) South Carolina Department of Social Services v. Grace Williams, Robert Williams, Jr. and Briana J. A. W. and Justin L. W. - SC Court of Appeals

The following is Judge Able's account of the criminal appeal he has personally handled:

- (a) Municipality of Fountain Inn v Monique Tucker  
Greenville County Court of Common Pleas  
August 11, 2014  
(Municipal Court appeal to Court of Common Pleas)

Judge Able reported that he has held the following judicial office(s):

- (a) Appointed City of Laurens, SC - Laurens City Judge  
March 1991 – 1994

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Criminal jurisdiction up to limit of the statutory fine or thirty (30) days in jail.

- (b) Appointed Laurens County, SC - Associate Judge of Probate February 2013 – Present  
Jurisdiction pursuant to Section 62-1-302

Judge Able provided the following list of his most significant orders or opinions:

- (a) Deborah Parsons, Personal Representative of the Estate of William Edward Carr v. Darlene Brashwell, Ralph L. Braswell, Jr., Tammy Foster and Melissa Glass  
2011-ES-30-0081 (Tried February 2, 2016)
- (b) Ralph Wayne Ramsey and Marshall E Ramsey v. Roger Dean Ramsey and Janet Ramsey  
2007-ES-30-408 (Tried May 19, 2015)  
Appealed to Laurens County Court of Common Pleas. 2015-CP-30-727. By order of Jean Hoefer Toal, Presiding Judge of the Court of Common Pleas it was ordered that the Orders of the Probate Court (2007-ES-30-0408), including the order dated September 9, 2015, “are final and subject to immediate enforcement.”
- (c) Bianca Jackson v Angela Brunside  
In the matter of: the Estate of Willie C. Jackson 2014-ES-30-0222 (Tried May 12, 2015)
- (d) In the matter of: The Estate of Stanley W. Davis  
Victoria Laura Bishop v Eugene M. Griffin, Lonnie Griffin, Mary E. Raines, Joan G. Rook and Betty G. Tollison  
2016-ES-30-146 (Tried July 19, 2016)
- (e) Nancy Valdivia v Ann Kelly  
2016-GC-30-18 (Tried October 27, 2016)

Judge Able reported the following regarding his employment while serving as a judge:

- (a) 2001 to present - Bryan C. Able, Attorney at Law – General Practice
- (b) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County. Supervisor: Jana Nelson

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Judge Able further reported the following regarding unsuccessful candidacies:

- (a) Circuit Court, Eighth Circuit, Seat 1 - 2009
- (b) Circuit Court, Circuit, Seat 2 - 2008
- (c) Solicitor, Eighth Judicial Circuit - 2004

(9) Judicial Temperament:

The Commission believes that Judge Able's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Judge Able to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Able is married to Esther Ruth Myers Able. He has three children.

Judge Able reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Association of Probate Judges

Judge Able provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) Laurens County Exchange Club

Judge Able further reported:

Over the past 30 years, I have met many different kinds of people while practicing law in the Family Court. I have represented and worked with people of great wealth and high levels of education. I have also represented and worked with people who have been very poor and could not read or write. I often can be at the courthouse talking with a judge and a group of lawyers between hearings about everyday topics like family or sports but then stop to speak to the custodians or sheriffs deputy in the hall to ask about his or her family or their plans for the

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weekend. I was raised to believe that a person is not judged by his station in life or how much money or education he or she has, but what that person is doing with their life.

I want everyone who appears in front of me as a judge to leave my courtroom believing that they had been treated fairly by someone who is patient, understanding, compassionate and willing to listen. No matter their station in life or their resources I want everyone to know that they appeared in front of a courteous, ethical and honorable judge.

(11) Commission Members' Comments:

The Commission commented that Judge Able has a great deal of experience in family law.

(12) Conclusion:

The Commission found Judge Able qualified and nominated him for election to Family Court, Eighth Judicial Circuit, Seat 1.

**Ashley Phillips Case  
Family Court, Eighth Judicial Circuit, Seat 1**

**Commission's Findings:      QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Case meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Case was born in 1963. She is 54 years old and a resident of Fountain Inn, South Carolina. Ms. Case provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Case.

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Ms. Case demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Case reported that she has made \$582.00 in campaign expenditures for

- (a) Creation and design of informational postcard;
- (b) Photograph for postcard; and
- (c) Postage and stationary.

Ms. Case testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Case testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Case to be intelligent and knowledgeable.

Ms. Case reported that she has taught the following law-related courses:

- (a) I have presented on Family Court Procedure and Rules: Transfer, Waiver, Detention, and Other Hearings to lawyers attending "Prosecuting Cases in Family Court" program by the South Carolina Commission on Prosecution Coordination in August 2008.
- (b) I have presented on Family Court Procedure and Rules: Transfer, Waiver, Detention, and Other Hearings to lawyers attending "Prosecuting Cases in Family Court" program by the South Carolina Commission on Prosecution Coordination in August 2009.

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- (c) I facilitated a Discussion of Prevalent Issues and Best Practices—a Circuit-by-Circuit Review with lawyers attending “Prosecuting in Family Court: Issues and Best Practices” by the South Carolina Commission on Prosecution Coordination in August 2013.
- (d) I facilitated the Discussion on Best Practices & Emerging Issues and Trends at the 2015 South Carolina Solicitors’ Association Annual Conference in September 2015.
- (e) I presented on Juvenile & Family Court matters at the Greenville County Bar Year End CLE in February 2016.

Ms. Case reported that she has published the following:

- (a) Pre-Trial Evaluations in Juvenile Proceedings, Volume 2, Issue 3, “The Higher Standard”, 2009.
- (b) The Sixteen-Year-Old Adult, Volume 1, Issue 1, “The Higher Standard”, 2008.
- (c) Juvenile Detention Laws, Volume 1, Issue 3, “The Higher Standard”, 2008.

(4) Character:

The Commission’s investigation of Ms. Case did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Ms. Case did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Ms. Case was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Case reported that she is not rated by any legal rating organization.

Ms. Case reported that she has not served in the military.

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Ms. Case reported that she has held the following public office:

(a) I have served on the South Carolina State Human Affairs Commission as a commissioner since 2014 and have filed my yearly report with the State Ethics Commission timely each year.

(6) Physical Health:

Ms. Case appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Case appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Case was admitted to the South Carolina Bar in 1988.

She gave the following account of her legal experience since graduation from law school:

- (a) I worked at the law firm of Butler, Means, Evins & Browne as an associate attorney from May 1988 until September 1990. I handled cases in the following areas: insurance defense, bankruptcy, worker's compensation, real estate, and general corporate law.
- (b) From September 1990 to June 2000, I was an Assistant Solicitor for the Seventh Judicial Circuit encompassing Spartanburg and Cherokee counties. I handled all of the Juvenile Family Court cases and additionally handled several Murder and Felony DUI cases in General Sessions. I also traveled to Gaffney for two years to assist with their General Sessions docket.
- (c) I have been with the Thirteenth Judicial Circuit Solicitor's Office from June 2000 to the present as the Family Court Unit Head. I handle all of the Family Court matters for the Solicitor's Office. The caseload ranges from truancy matters to murder charges. My caseload focused mainly on domestic violence cases for a two-year period. While serving at the Thirteenth

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Circuit Solicitor's Office, I have managed between four and nine employees.

Ms. Case reported the frequency of her court appearances during the past five years as follows:

- (a) federal: I have not appeared in Federal Court during the past five years.
- (b) state: I appear in Family Court three days each week handling approximately thirty cases each week.

Ms. Case reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: Not applicable.
- (b) criminal: Ninety percent of my practice involves criminal matters. The other ten percent deals with status offenses.
- (c) domestic: All of my practice has been in the Family Court System.
- (d) other: Not applicable.

Ms. Case reported the percentage of her practice in trial court during the past five years as follows:

- (a) jury: Not applicable in past five years.
- (b) non-jury: In the past five years, all of my trials have been non-jury and before a Family Court Judge.

Ms. Case provided that she most often serves as sole counsel.

The following is Ms. Case's account of her five most significant litigated matters:

- (a) State v. Miguel Cano (2016).  
This case involved a thirteen-year old male who brutally murdered his mother. I filed a motion to waive the case to General Sessions. The waiver hearing involved multiple issues including likelihood of rehabilitation in the Family Court system, the possible diagnosis of



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Autism Spectrum Disorder and Jackson v. Deno issues with regard to admissibility of a statement. The Judge ruled in my favor to waive the case to General Sessions.

(b) State v. Darius Beeks (2014).

I was the prosecutor in a two-day trial involving an Involuntary manslaughter charge against a twelve-year-old male who shot and killed his fourteen-year-old friend. Issues included the fifth amendment right against self incrimination with regard to providing the password for a cell phone. The juvenile defendant was adjudicated delinquent in Family Court.

(c) State v. Sam Young (2009).

I was the prosecutor in this case involving a fourteen year old male who kidnapped, sexually assaulted, and murdered an eight-year-old neighbor. Upon my motion and a two-day hearing, he was waived to General Sessions.

(d) State v. Reginald Henderson (2014).

This case involved a fourteen-year-old male who pled in Family Court to armed robbery, possession of pistol, and attempted murder, among other charges related to shooting a pizza delivery person. I worked with The Juvenile Parole Board to structure a sentence which allowed him to remain in the Family Court system but also receive an appropriately severe sentence due to the serious and violent nature of the crime.

(e) In 2013, I prosecuted a case in Family Court where eleven juveniles were charged with Assault and Battery by a Mob 1<sup>st</sup> Degree where a young man from Columbia was chased down and beaten to death in the West End of Greenville. I successfully negotiated pleas in Family Court, and indeterminate sentences for all eleven juvenile defendants. I coordinated the juveniles' allocution on the record in Family Court to aid in the trial of the remaining adult co-defendants in General Sessions.

Ms. Case reported she has not personally handled any civil or criminal appeals.

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(9) Judicial Temperament:

The Commission believes that Ms. Case's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Ms. Case to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament.

Ms. Case is married to Roger Franklin Case. She has two children.

Ms. Case reported that she was a member of the following Bar and professional association:

- (a) The South Carolina Bar and the Greenville County Bar.

Ms. Case provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Trinity United Methodist Church- Chairperson of the Administrative Council and member of the Youth Council and Chancel Choir.
- (b) Member of the Laurens County Community Relations Council.
- (c) James Monroe Mission House.
- (d) Laurens Salkehatchie Summer Service Program.
- (e) 2015 Solicitor of the Year Award by the Greenville County Sheriff's Office.
- (f) 2015 Thirteenth Judicial Circuit Solicitor's Award for Exceptional Service.
- (g) 2005 Recipient of the Ernest F. Hollings Award for Excellence.
- (h) Member of the Founding Board of Directors of the Children's Advocacy Center in Spartanburg, South Carolina.

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- (i) Establishing member of the Juvenile Drug Court Program in Greenville, South Carolina.

Ms. Case further reported:

My twenty-seven years of experience in the field of juvenile prosecution has exposed me to all aspects of the Family Court system. Many juvenile cases have dual involvement with the Department of Social Services, and the majority of the juveniles with whom I work are being raised in single parent homes. Children are dealing with the effects of non-custodial parents who are not supportive financially or emotionally. I have also witnessed on many occasions the inability of divorced or separated parents to effectively co-parent. I am keenly aware of the impact the Family Court, and Family Court Judges, have on the lives of our children, and families of the State of South Carolina. Decisions with regard to child custody, equitable distribution, child support, abuse and neglect, and juvenile criminal and status offenses, change the lives of parents, grandparents, and children on a daily basis. I also realize that the Family Court dockets of this State have grown exponentially and that a large portion of those dockets involve public or institutional matters. I have managed one of the largest juvenile dockets in the State very effectively, handling thirty-plus cases each week. I have been told many times by resident and visiting Judges that we are one of the best run offices in the State. I recognize the importance of time management and hard work, and I would continue with my work ethic as a Family Court Judge. I know that my knowledge of the issues that arise in Family Court cases, of all types, has given me an understanding that has prepared me to be a competent and efficient Family Court Judge.

- (11) Commission Members' Comments:

The Commission commented that Ms. Case is an excellent and knowledgeable candidate for a Family Court

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judgeship. The Commission noted that she is a passionate individual and is dedicated to public service.

(12) Conclusion:

The Commission found Ms. Case qualified and nominated her for election to Family Court, Eighth Judicial Circuit, Seat 1.

**Matthew Price Turner  
Family Court, Eighth Judicial Circuit, Seat 1**

**Commission's Findings:      QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Turner meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Turner was born in 1978. He is 39 years old and a resident of Laurens, South Carolina. Mr. Turner provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Turner.

Mr. Turner demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Turner reported that he has made \$290.02 in campaign expenditures.

- Mr. Turner testified he has not:
- (a) sought or received the pledge of any legislator prior to screening;

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- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Turner testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Turner to be intelligent and knowledgeable.

Mr. Turner reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Turner reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Turner did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Turner did not indicate any evidence of a troubled financial status. Mr. Turner has handled his financial affairs responsibly.

The Commission also noted that Mr. Turner was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Turner reported that his rating by a legal rating organization, Martindale-Hubbell, is BV Distinguished (2010)

Mr. Turner reported that he has not served in the military.

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Mr. Turner reported that he has never held public office.

(6) Physical Health:

Mr. Turner appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Turner appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Turner was admitted to the South Carolina Bar in 2003.

He gave the following account of his legal experience since graduation from law school:

- (a) Turner and Burney, P.C., Associate, August 2003-2007
- (b) Turner and Burney, P.C., Partner, 2007 to present  
Turner and Burney is a general practice firm. We have offices in Laurens and Simpsonville. I have represented clients in cases in Common Pleas, General Sessions, Probate Court, Family Court, and Magistrate's Court. However, approximately fifty percent (50%) of my caseload is devoted to Family Court cases. I am involved in the management of my practice, including the staff and finances. I am also the attorney responsible for overseeing the firms' trust account.

Mr. Turner further reported regarding his experience with the Family Court practice area:

Divorce and Equitable Division of Property I have been representing litigants in Family Court since the day I began practicing law. In almost fourteen (14) years of private practice, I have personally been involved in hundreds of family court cases as sole counsel and served as co-counsel in several others. I have handled contested and non-contested matters. I have represented clients in cases where the parties were married less than (one) 1 year and cases where the parties were married more than forty (40) years. I have represented both Husbands and

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Wives. I have represented clients in actions for separate support and maintenance. I have handled cases involving divorces on the basis of a one-year separation, adultery, habitual drunkenness/drug abuse, and physical cruelty. I have also handled cases in Probate Court and Family Court involving common law marriages.

I have represented clients in cases involving a very small marital estate and cases where the parties had substantial assets. I served as co-counsel in several cases that had marital estates with millions of dollars in assets, including one (1) case with a marital estate of more than ten (10) million dollars. I have dealt with identifying and dividing various types of assets and debts. I have been involved in cases where experts, such as a Forensic Accountant, were employed to value the marital assets, value businesses, and determine the marital portion of one spouse's retirement account. I have also been involved in cases where one spouse alleged that certain assets were non-marital, which involved issues of transmutation and special equity.

Child Custody I have represented both Mothers and Fathers in cases involving child custody and visitation matters in cases where the child was born during the marriage as well as cases where the child was born to parents who were not married. I have also represented grandparents and other third parties in child custody and visitation cases. I have represented parents in initial custody actions as well as in custody and/or visitation modification actions. I have been involved in cases where a third party alleged that he/she was a "psychological parent" of the minor child. I have represented parents in cases involving allegations of "coaching" and "parental alienation." I have been involved in cases where counselors and therapists were necessary, including cases where one or both parents were ordered to undergo a psychological evaluation. I have served as a Guardian ad Litem in contested custody actions, visitation actions, and adoptions.

Adoption I have represented clients in adoption cases, including cases involving the termination of parental rights. I have also served as a guardian ad litem in adoption cases and as

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the attorney for a guardian ad litem in a contested adoption case. I have explained and witnessed the execution of Consent and Relinquishment Forms for parents wishing to voluntarily terminate their parental rights.

Abuse and Neglect I have represented parents and third parties in DSS cases who were accused of abusing and/or neglecting a child(ren). I have also been involved in many private actions where one parent was alleged to have physically abused and/or mentally abused the child(ren), including cases dealing with “coaching” and “parental alienation.” I also served as guardian ad litem in a visitation case which involved allegations of sexual abuse.

Juvenile Justice I have defended juveniles in several DJJ cases, including one (1) trial which resulted in a directed verdict for my client. I have also represented many adults in criminal cases and have knowledge of the criminal law and process. I plan to observe DJJ hearings in the future to help me become more knowledgeable about this area of practice in the Family Court and the procedure.

Mr. Turner reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: My schedule varies from week to week. I may have 1 court appearance one week and 3-4 the next. Some weeks I do not have any court.

Mr. Turner reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 20%;
- (b) Criminal: 20%;
- (c) Domestic: 50%;
- (d) Other: 10%.



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Mr. Turner reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Mr. Turner provided that he most often serves as sole counsel.

The following is Mr. Turner's account of his five most significant litigated matters:

- (a) Owings v. Owings.

I served as co-counsel in this case in which we represented the wife. The parties were married close to fifty (50) years and had three (3) grown children. Husband was a successful periodontist and the parties had accumulated millions of dollars in assets during the course of their marriage. This case involved many issues including adultery, alimony, equitable division of assets and debts, and attorney's fees. Wife filed for divorce on the ground of adultery. Husband acknowledged that he was in a relationship, but alleged the affair began after the parties' separation. The parties "separated" when Husband moved Wife into a nursing home so that he did not have to take care of her. Through discovery and the deposition of the girlfriend, we were able to establish that the affair began prior to the parties' separation and that Husband had purchased many gifts for his girlfriend and had taken her on several trips during the marriage. After a two (2) day trial, Wife was granted a divorce on the ground of adultery and was awarded one-half (1/2) of the marital estate, \$4,300 per month in permanent periodic alimony, and a substantial sum in attorney's fees and costs.

- (b) Linton v. Calvert.

This case involved the custody of a young child who was born out of wedlock. The parties were also young. I represented the father who filed the action seeking custody of his son. The child was less than one (1) year old at the time the action was filed and had lived with

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the mother since birth. Father alleged that the mother could not provide a stable home for the child and that she had no routine for the child, was exposing the child to different men, and was placing her personal interests above the child's. Father and mother lived several hours apart. Mother alleged that father sought custody solely because he did not want to have to drive to see his son. At the temporary hearing, mother submitted an affidavit which included many false and/or misleading allegations. Based upon the same, Mother was granted temporary custody of the child and father was granted visitation one weekend per month. The final hearing was tried over the course of two (2) days. As a result of the deposition of the mother and other discovery obtained, father was able to establish that mother was not credible. Mother acknowledged on cross-examination that she made numerous misrepresentations and false statements in her affidavit submitted at the temporary hearing which the Court relied on in giving her temporary custody. We were able to establish that Father was capable of taking care of the child on a full time basis and capable of financially supporting the child. The Court awarded father sole custody of the minor child. Father was also awarded attorney's fees and costs.

This was a very rewarding case for me due to the fact that we were able to overcome the fact that the father was a young, single man and the child was very young at the time of the litigation. It was also rewarding that we were able to establish that the mother had made many false and misleading statements which led to her obtaining custody on a temporary basis.

(c) Bragg v. Bragg. Unpublished Opinion No.: 2011-UP-428 (Ct. App. filed September 21, 2011)

I represented mother in this post-divorce action. Father filed an action alleging a substantial change in circumstances which he contended warranted an order granting him sole custody of the minor child. This case involved several temporary and/or emergency hearings and a two (2) day final hearing. Throughout the

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pendency of the action, father asked for temporary custody on three (3) separate occasions. Father alleged that mother had exposed the minor child to the use of illicit drugs and the excessive consumption of alcohol. Father further alleged that mother was involved in relationships with younger men and exposed the child to these relationships on an overnight basis. Father presented several witnesses who testified that mother was exposing the child to numerous young men and having them overnight while the minor child was present. Father's witnesses also testified that mother had supplied underage men with alcohol and that she excessively used alcohol while the child was in her care. We were able to establish that father's witnesses were either not credible or had a personal relationship with the father and were biased. After a two-day trial, the Court found that the child was doing well in school, was in no danger while in the mother's care, and was well taken care of by the mother. As such, the Court awarded sole custody to the mother.

Father appealed the Family Court's decision alleging that the Court erred in failing to find a substantial change in circumstances had occurred warranting a modification of prior order. I represented the mother in the appeal. Pursuant to an unpublished opinion, the Court of Appeals affirmed the Family Court's Order, thereby leaving custody with the mother.

(d) State of South Carolina v. Hunter

This was a DJJ action. I represented the Defendant who was charged with lynching. Defendant was a fine, young man who was in the 8<sup>th</sup> grade at the time the allegations were made. He was in Honors classes and played on the football team. Defendant was accused of attacking a friend in the locker room, along with several other young men, during gym. The victim's mother worked for a local attorney's office and was extremely upset with my client. She was very involved in the case and sought full prosecution of the case. The Defendant was suspended from school for ten (10) days because of the allegations. At trial, I was able to establish that there

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was no proof Defendant was involved in the attack despite the State's witnesses prior statements to the contrary. After the State rested, the Trial Judge granted my Motion for Directed Verdict and dismissed the case.

(e) Thomas vs. Thomas

I represented the wife in this divorce action. The parties were married for 25+ years and had two (2) grown children. This case involved issues of divorce on the ground of adultery, equitable division of assets and debts, alimony, and attorney's fees. At the temporary hearing, wife was awarded temporary use and possession of the former marital home, alimony, and attorney's fees. Despite the temporary ruling, husband would not agree to pay permanent alimony nor would he agree to divide his retirement and other marital assets with the wife. After a trial on the issues, wife was granted ownership of the former marital home, permanent periodic alimony, the vehicle that both parties sought ownership of, one-half of husband's retirement account, and an award of attorney's fees.

The following is Mr. Turner's account of five civil appeals he has personally handled:

- (a) Miles v. Miles, 393 S.C. 111, 711 S.E.2d 880 (2011)
- (b) Duckett v. Goforth, 374 S.C. 446, 649 S.E.2d 72 (Ct. App. 2007)
- (c) Simpson v. World Finance Corporation of South Carolina, 373 S.C. 178, 644 S.E. 2d 723 (2007)
- (d) Bragg v. Bragg. Unpublished Opinion No.: 2011-UP-428 (Ct. App. filed September 21, 2011)
- (e) Lollis v. Dutton. Pending oral argument. Appellate Case No.: 2015-001861. Docket No.: 2013-CP-30-3513

The following is Mr. Turner's account of one criminal appeal he has personally handled:

- (a) State of South Carolina vs. Raymond Franklin. Unpublished Opinion No.: 2014-UP-110 (Ct. App. filed March 12, 2014)

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(9) Judicial Temperament:

The Commission believes that Mr. Turner's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Turner to be "Well Qualified" in the evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health and mental stability. The Committee commented "Although Mr. Turner has not practiced as long as the other two candidates for this seat, he has broad experience in the Family Court handling a variety of different cases. His pleasant confidence reflects a good temperament, which would serve him well on the bench.

Mr. Turner is married to Megan Wadford Turner. He has two children.

Mr. Turner reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Laurens County Bar; President 2006 - present
- (c) Greenville County Bar
- (d) South Carolina Association for Justice
- (e) South Carolina Association of Criminal Defense Lawyers

Mr. Turner provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) First Baptist Church, Laurens- current Chair, Board of Deacons
- (b) YMCA of Greater Laurens- member and current Board Member
- (c) Straight Street Youth Ministry-volunteer

Mr. Turner further reported:

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I have always been a driven, goal-oriented person. At a young age, I decided to attend the University of South Carolina, go to law school, and return home to practice law with my father. That is what I did. I am committed to my wife and children, my church, and my job. When I commit to do something, I put in one hundred percent (100%) effort. I pride myself on being a hard worker. To that end, I have no problem working long hours to ensure that the task is completed thoroughly and precisely. If elected to the bench, I will continue to work hard each and every day. I am relatively young and have the energy and motivation needed to be an effective judge.

I have served on various boards in my community and my church. I have served as chair of the YMCA board and am currently the chair of the board of deacons of the First Baptist Church of Laurens. I volunteer at Straight Street Laurens which is a program that gives middle school and high school youth a safe environment where they can spend time together and keep them out of trouble. I have also coached many of my boys' sports teams through the YMCA. My experience coaching and volunteering at Straight Street have given me the opportunity to work with children and youth from all walks of life.

Throughout the years, I have had the pleasure of working with clients through some of the most difficult times they have ever faced. I have represented individuals from all walks of life, from those who are indigent to those who are very wealthy, from those who had little or no education to those who are well educated and successful. I have also been there for friends and family members who have dealt with unfaithfulness in their marriage, divorce, custody cases, and addiction. I have seen the emotional and financial stress that people go through in Family Court cases as an attorney and as a friend/family member. I am a certified Family Court mediator and have mediated various types of Family Court issues which has given me the opportunity to be a neutral party and view these types of cases from a different viewpoint.

I have always tried to be kind and respectful to others, and to treat them the way I want to be treated. Throughout my life, I have made a point to be courteous to everyone and be open to what they have to say, even when I disagree with them. The experiences I have had, both professionally and personally, have

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served to strengthen my desire to be open minded and to treat everyone with respect.

(11) Commission Members' Comments:

The Commission commented that Mr. Turner presented himself well and was well prepared. They also noted that Mr. Turner was clearly enthusiastic about the opportunity to become a Family Court Judge.

(12) Conclusion:

The Commission found Mr. Turner qualified and nominated him for election to Family Court, Eighth Judicial Circuit, Seat 1.

**Huntley Smith Crouch  
Family Court, Eleventh Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Crouch meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Crouch was born in 1972. She is 45 years old and a resident of Lexington, South Carolina. Ms. Crouch provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Crouch.

Ms. Crouch demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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Ms. Crouch reported that she has made campaign expenditures for postage, stationery, printing, etc.

Ms. Crouch testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Crouch testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Crouch to be intelligent and knowledgeable.

Ms. Crouch reported that she has taught the following law-related courses:

- a) I lectured at the South Carolina Bar Convention 2016 in Charleston, South Carolina as part of the Children's Law Committee CLE. I presented on the topic of Father's Rights, Alienation, and Ethical considerations for practicing family law attorneys.
- b) The Honorable Anne Gue Jones invited me to speak at the December 2016, Family Court Bench/Bar CLE on the issues of Guardians *ad Litem* in Family Court.

Ms. Crouch reported that she has published the following:

I have not written any books or articles, but as a research assistant for David G. Owen, Carolina Distinguished Professor of Law, I assisted with research, writing chapters and editing Owen, Products Liability Law, West, 2005.

(4) Character:

The Commission's investigation of Ms. Crouch did not reveal evidence of any founded grievances or criminal



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allegations made against her. The Commission's investigation of Ms. Crouch did not indicate any evidence of a troubled financial status. Ms. Crouch has handled her financial affairs responsibly.

The Commission also noted that Ms. Crouch was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Crouch reported that she is not rated by any legal rating organization.

Ms. Crouch reported that she has not served in the military.

Ms. Crouch reported that she has never held public office.

(6) Physical Health:

Ms. Crouch appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Crouch appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Crouch was admitted to the South Carolina Bar in 1998.

She gave the following account of her legal experience since graduation from law school:

1998-1999	Law Clerk to the Honorable Wyatt T. Saunders, Circuit Court Judge, Eighth Judicial Circuit
1999-2010	Brown, Jefferies & Boulware; contract attorney with general practice firm. No involvement in management from an administrative or financial aspect at all.

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- 2010-2014 Cofield Law Firm: associate attorney hired to create Family Law division in general practice firm. No involvement with financial management of this entity and no authority over and no management of trust accounts. Some involvement in management from an administrative/personnel standpoint, as I was included in the hiring and firing of employees and in calling meetings when necessary to address any issues or concerns related to personnel.
- 2014-2016 Cofield Law Firm: partner in five attorney general practice firm heading up Family Law division. No involvement with financial management of this entity and no authority over and no management of trust accounts. Some involvement in management from an administrative/personnel standpoint, as I was included in the hiring and firing of employees and in calling meetings when necessary to address any issues or concerns related to personnel.
- 2016-present Law Offices of Huntley S. Crouch, LLC: member, solo practice firm practicing in the area of family law and family court mediations. Solely responsible for all aspects of the firm, including management and reconciliation of all accounts.

Ms. Crouch further reported regarding her experience with the Family Court practice area:

### Divorce and Equitable Division of Property:

I have had the opportunity to handle divorce actions involving simple divorces with very little property division to highly contested actions involving grounds for divorce and division of assets exceeding a million dollars. I have brought and defended actions involving military divorces and division of property in military divorces. I have handled divorces involving all statutory grounds except for the ground of desertion. Several of the divorce actions in which I have been involved have involved

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issues in Magistrate's Court, Probate Court, Bankruptcy Court, and Social Security Disability, and my background working in two general practice law firms has aided me in understanding the issues to be addressed in those legal areas. Additionally, in multiple cases, I have been required to attend domestic abuse hearings and file for *ex parte* emergency or expedited relief.

Child Custody: Typically, a majority of the divorce cases that I have handled also involved issues of child custody and children's issues. I have represented clients whose children ranged from infants to teens, and I have represented parents of adult disabled children and special needs children. I have represented military parents in custody cases. Many of my cases have involved post-divorce modifications based on a substantial change in circumstances. In addition to bringing and defending cases, I also serve as a Guardian *ad Litem*. As such, I have addressed issues in private cases involving drug and alcohol abuse, parental alienation, mental health concerns, physical abuse and sexual abuse.

Adoption: With regard to adoption cases, I have served as Guardian *ad Litem* and as counsel for a party in private adoption cases and step-parent adoption cases, involving termination of parental rights, both contested and uncontested. One of the more interesting cases that I handled was an adult adoption case in which an adult wished to be adopted by his former step-father and his former step-father's current wife. The case involved issues of notice and military issues.

Abuse and Neglect: I have been appointed in abuse and neglect cases and in those cases have addressed issues such as custody, visitation, child support, and termination of parental rights. Several interesting issues which have been raised and/or litigated in my representation of parties in abuse and neglect cases include: jurisdiction under the UCCJEA and the impact of emergency jurisdiction when South Carolina is not a home state; appointment of an attorney for the minor children when the recommendation/investigation of the Guardian *ad Litem* does not track with the children's wishes under S.C. Code Ann Section 63-7-1620 (2); motion to remove the Guardian *ad*

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*Litem*; and motions to return the children and dismiss the action for failure to prosecute and timely comply with statutory requirements in abuse and neglect cases.

Juvenile justice/juveniles: I have represented parents of a juvenile and as a result have been involved with DJJ, the solicitors and public defenders, and other state agencies. I have attended hearings related to that action, including detention hearings, adjudication and sentencing hearings, and dispositional hearings. On several cases, I have advised clients regarding truancy issues and hearings. Additionally, my experience and service as a Guardian *ad Litem* in private cases and as representative for parents in abuse and neglect cases has given me insight into some of the concerns and issues arising under the Juvenile Justice Code, ranging from drug and alcohol use by a minor to reports and evaluations relating to the juvenile. I have taken the opportunity to observe, with the Court's permission, juvenile proceedings to better understand this area of the law and the procedure related to it in Family Court.

It is difficult to state the frequency with which I have appeared before a Family Court judge in the last five years. I appear very frequently, which is to state multiple times monthly.

Ms. Crouch reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: Previously, I appeared for Administrative Hearings before a Federal Agency on average one to two times per year.;
- (b) State: My appearance in State Court varies, but on average, primarily with regard to my practice in Family Court, I appear anywhere from one to four times a week. There are weeks when I may not have a hearing and weeks where I may have up to six hearings scheduled.

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Ms. Crouch reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 8%;
- (b) Criminal: 0%;
- (c) Domestic: 90%;
- (d) Other: 2%.

Ms. Crouch reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 1%;
- (b) Non-jury: 99%.

Ms. Crouch provided that she most often serves as co-counsel.

The following is Ms. Crouch's account of her five most significant litigated matters:

- (a) Wilson v. Dyess

This was a post-divorce action in which I represented the Father. The case began as a contempt action which was tried in Family Court. Issues involved in the contempt portion of the case related to the adult disabled child's social security benefits and accounting as required under the prior order. The father prevailed. It became clear that the adult disabled child's needs were not met, and a separate action was brought in Probate Court. The results of the Probate action were also favorable to Father, requiring a third action in Family Court to modify custody of a second child and address issues of child support. Mother later filed for bankruptcy which impacted the financial matters related to the Family Court and Probate Court cases. This case is significant from a legal standpoint, because it spanned three courts and had issues of federal law involved in the contempt action. Without being able to represent the client fully in both Family and Probate Court, I would not have been able to achieve the satisfactory results that were obtained. Interestingly, the Family Court judge in the contempt action refused

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to order that the Social Security disability benefits for the minor child be redirected to be paid to the Father, citing his inability to order a federal agency to take that action. As noted below in the Fink v. Fink case, a Family Court judge can issue such an order. From an emotional standpoint, this case will always hold a special meaning for me, because of the family and the special needs child. The result obtained was necessary and fulfilling.

(b) Fink v. Fink

This case involved a divorce on grounds of adultery, equitable apportionment, custody of two small children, visitation, and child support. This case is significant, because the Husband/Father had a personal injury settlement and worker's compensation settlement that were at issue in the case. He also had Social Security disability benefits. Father failed to comply with the Court's orders, and a contempt action was tried in the midst of the divorce litigation. Father wasted assets. Ultimately, Mother received custody of the children, and Father was denied any contact or visitation with them after a contested hearing. This case is significant, because the only funds that were available to Mother for child support was Father's social security disability check. Father would not comply with the order of the Court to pay child support through the Clerk of Court and was evading service for additional contempt charges. I filed a motion on behalf of Mother to have Father's disability check garnished and redirected to the Clerk of Court for payment of Father's child support and arrears. The sitting Family Court judge, who had been a judge for more than twenty years, stated he had never had an attorney ask for that relief. He was skeptical that the federal agency would comply with a State Court judge's order; however, he issued an order that Social Security Administration redirect Father's disability check to the account established with the Clerk of Court for payment of child support. Social Security Administration accepted the order, and Mother

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began receiving the disability payments as child support.

(c) Brown v. Odom

This divorce action is currently on appeal. Throughout the litigation, court appearances included temporary hearings, a contempt trial, issuing bench warrants, vacating bench warrants, compelling discovery and mediation, and a final merits hearing. The issues at trial involved equitable apportionment, alimony, and attorney fees. The Court ruled in favor of Plaintiff, determining that two businesses, valued at greater than one million dollars and owned prior to marriage, were transmuted into marital property and as such were subject to equitable division. Additionally, it was discovered that Defendant transferred significant assets after separation but before filing without Plaintiff's knowledge, making the date which the Court determined the marital estate significant. The Court ruled in favor of Plaintiff, finding that the disposed of assets should be included in the marital estate. More than \$30,000.00 in attorney fees were awarded to Plaintiff. Defendant filed for bankruptcy after trial but before the Final Decree was issued, staying the Family Court's ability to issue a ruling. The parties litigated issues in bankruptcy, and ultimately, after multiple hearings and motions, Defendant's bankruptcy action was dismissed by the Bankruptcy Court. The Family Court judge was able to issue the final decree more than six (6) months post-trial. Defendant filed to reconsider and appealed. As part of the appeal, Plaintiff/Respondent raised the little used Fugitive Disentitlement Doctrine, as Defendant had an outstanding bench warrant related to the Family Court case, yet, he evaded service of the warrant. Defendant was forced to turn himself in to avoid the dismissal of his appeal. The appeal is still pending. This case is significant on many levels. It illustrates the need for an attorney to understand all areas of the law, especially Bankruptcy and the impact it has on domestic litigation. Additionally, it further illustrates the finer points of

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South Carolina case law as to equitable apportionment and the significance of the date to determine the marital estate for valuation purposes. Finally, this case illustrates the proper use of the Form 4F in Family Court, which is rarely utilized properly by practitioners.

(d) DSS v. Doe

In 2012, I was appointed to represent the Mother in an Abuse and Neglect case. This case was significant in many aspects, not the least of which is the importance of the statutory time constraints mandated in DSS cases. Those time constraints were not followed in this action, and the children remained in foster care for more than four years. The Court acknowledged that the delays in the litigation were not attributable to Mother. At the last judicial review hearing, the Court ordered that Mother be reunified with the children. This was a hard fought case, and Mother never stopped fighting to have her children returned to her. This also involved issues of the application of the UCCJEA. Mother was also successful in having an attorney appointed for her minor children, when the Guardian *ad Litem* did not promote the children's desires. From a practice standpoint, as a result of my diligent representation of Mother in this case, I have been retained to assist other parents in DSS actions to successfully have their children returned. One such case was a young father who traveled from South Dakota to South Carolina. He hired me the day he arrived in South Carolina, and in a few weeks, he was on a plane with his young son. I was hired by Grandparents who live in Virginia to successfully gain custody of their grandson.

(e) Gantt v. Chavez

This case continues to be one of my most fulfilling cases. I represented Father who was in the military. He and Mother had one child. Father had standard visitation. The case began as a modification action, with Father wanting an additional day with his daughter and wanted Mother to assist in transporting the child for the visitation. Mother was not cooperative, and it quickly became evident that issues of alienation were



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prevalent in this matter. As the case progressed, Father was assigned out of state. He went from every other weekend visitation to having the child two consecutive weeks every six weeks. Father filed a second modification approximately one year later, as the child was starting school and had developed medical issues that Mother did not manage. Custody was transferred to Father on a temporary basis. The Guardian *ad Litem* was very involved. Mother continued to engage in alienation of Father, and Father was ultimately able to gain full legal and physical custody of the child who still lives with him out-of-state. Father continues to provide updates to me about his child, along with pictures of her milestones. This action also involved issues of a voluntarily acknowledgement of paternity, relinquishment of parental rights, and a step-parent adoption.

The following is Ms. Crouch's account of the civil appeal she has personally handled:

I have assisted in writing briefs for multiple appeals, and I am co-counsel in a current appeal from Family Court. There are no reported cases to date.

- (a) Emily S. Brown v. Grady C. Odom, South Carolina Court of Appeals  
Case # 2013-DR-06-179. Pending.

Ms. Crouch reported she has not personally handled any criminal appeals.

Ms. Crouch further reported the following regarding unsuccessful candidacies:

I ran for Family Court for a Lexington County seat in Spring 2014. I was found qualified but not nominated.

I ran for Family Court for an at-large seat in Spring 2017. I was found qualified and was nominated. I withdrew prior to the vote, and The Honorable Thomas T. Hodges was elected.

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(9) Judicial Temperament:

The Commission believes that Ms. Crouch's temperament is excellent and well-suited to the Family Court bench.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Crouch to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented that they "thought Ms. Crouch was an outstanding candidate the last time we screened her, and this screening only heightened our opinion of her. She has extensive experience in Family Court and she has been highly recommended by other lawyers and judges." In summary, "Ms. Crouch will make an outstanding Family Court Judge."

Ms. Crouch is married to Charles "Chuck" Martin Crouch Jr. She has three children.

Ms. Crouch reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Lexington County Bar Association, Executive Committee; Mediation Chair
- (c) South Carolina Bar, Judicial Qualifications Committee Member
- (d) South Carolina Bar, Children's Law Committee and legislative sub-committee member
- (e) Special Committee, Guardian *ad Litem*

Ms. Crouch provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) School Improvement Council, Lexington 1 School District; 3 years

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- (b) Lexington United Methodist Church, Snack Sacks program; nationally recognized in People Magazine's Allstars Among Us campaign. Also, I was the recipient of a grant to help expand the program after submitting a favorable application. Currently send home approximately 290 bags of healthy snacks each weekend for school aged children in need.
- (c) Lexington Life magazine's Best in Lexington Family Lawyer; 3 years

Ms. Crouch further reported:

I grew up playing in the law library, back when there were such things, in my father's law firm. I would pull the books from the shelves, pretending that I was a great lawyer like my father, preparing to argue a landmark case. That was in the fifth grade. As a child, I thought my father was the greatest attorney. As an adult, I still believe that, but now I understand that it is not his skill at arguing a case before a jury which makes him great, but it is his approach to his practice and his treatment of his clients. Even after practicing for over forty years, he still approaches every case as if it is the most important case and every client as if he or she is the most important client. All of this is to say that as an attorney, I mimic the very best attributes that I learned from my father. I treat my clients with respect. I approach every case, no matter the size, no matter the issue, very seriously. I am sensitive to the fact that my clients have entrusted me with some of the most important aspects of their lives—children, homes, futures. Recently a judge informed my client that, as always, your attorney is well-prepared. That is one of the greatest compliments I could have. I am a planner. I planned on finishing college in three years. I planned on practicing law with my father, who as I stated above, is the greatest teacher and mentor, while I learned to be the kind of lawyer I am and while I raised my children. I planned on practicing law and establishing myself in the community. And, I planned on becoming a judge.

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In addition to being influenced in my career by my father, I was also influenced by the late Honorable Wyatt T. Saunders. I served as his very first law clerk when he took the bench in Circuit Court. My employment with Judge Saunders created in me a great respect for the behind-the-scenes in a courthouse. I understand the importance of keeping a docket and being ever mindful of the Court's time and, likewise, the attorneys' and litigants' time. I understand taking matters under advisement and filing the MUA reports. I created a system of keeping up with due dates for orders. I know the organizational pitfalls to avoid.

Perhaps the lesson that will serve me best as a judge, though, is that one garners respect when one gives respect. As a judge, I want the litigants and their representatives to leave the courtroom knowing they were treated respectfully and fairly by an ethical and knowledgeable judge. I believe my experience as a researcher, writer, student, advocate, Guardian *ad Litem*, mediator, and philanthropist lends itself to my being that judge.

(11) Commission Members' Comments:

The Commission commented that Ms. Crouch has an excellent reputation. They noted her well-rounded life experience and commented that it will serve her and the legal community well should she ascend to the bench.

(12) Conclusion:

The Commission found Ms. Crouch qualified and nominated her for election to Family Court, Eleventh Judicial Circuit, Seat 2.

**FitzLee Howard McEachin**  
**Family Court, Twelfth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. McEachin meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. McEachin was born in 1982. He is 35 years old and a resident of Florence, South Carolina. Mr. McEachin provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. McEachin.

Mr. McEachin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. McEachin reported that he has not made any campaign expenditures.

Mr. McEachin testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. McEachin testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. McEachin to be intelligent and knowledgeable.

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Mr. McEachin reported that he has taught the following law-related courses:

- (a) I taught Business Law at Florence Darlington Technical College from 2009 to 2016.
- (b) I taught Constitutional Law at Florence Darlington Technical College in 2015.
- (c) I taught Probation, Pardon and Parole Law at Florence Darlington Technical College in 2015.

Mr. McEachin reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. McEachin did not reveal evidence of any founded grievances or disqualifying criminal allegations made against him. The Commission's investigation of Mr. McEachin did not indicate any evidence of a troubled financial status. Mr. McEachin has handled his financial affairs responsibly.

The Commission also noted that Mr. McEachin was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. McEachin reported that he is not rated by any legal rating organization.

Mr. McEachin reported that he has not served in the military.

Mr. McEachin reported that he has never held public office.

(6) Physical Health:

Mr. McEachin appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Mr. McEachin appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. McEachin was admitted to the South Carolina Bar in 2007.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Clerk, Honorable Michael G. Nettles, South Carolina Circuit Court Judge (2007-2008)
- (b) Twelfth Judicial Circuit Solicitor's Office (2008 – present) – switched from full time to part-time in May 2011. As an assistant Solicitor, I have handled a wide range of cases ranging from property crimes and drug crimes, to murders and child-related criminal sexual conduct cases.
- (c) McEachin & McEachin, P.A. (2011- present) – My private practice focuses primarily in the areas of domestic relations litigation and civil litigation. I have been involved in the administrative and financial management of our two man firm since 2015, and I currently maintain and manage the firm's trust account.

Mr. McEachin reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 5%;
- (b) State: 95%;
- (c) Other: N/A.

Mr. McEachin reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 40%;
- (b) Criminal: 5% (Federal Criminal Defense only);
- (c) Domestic: 55%;
- (d) Other: I also prosecute cases on a part-time basis in Marion County.

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Mr. McEachin reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 50%;
- (b) Non-jury: 50%.

Mr. McEachin provided that he most often serves as sole counsel.

The following is Mr. McEachin's account of his five most significant litigated matters:

- (a) State v. Jimmy Turner, 2016-UP-411, cert. pending.  
This was a jury trial, and this case involved the rape of a six year old child by her great aunt's boyfriend who was fifty years old at the time of the crime. The jury returned a verdict of guilty, and the Defendant was sentenced to life in prison. The matter was appealed and overturned based on a case that came down after the conviction was obtained. The Petition for Certiorari is currently pending before the S.C. Supreme Court.
- (b) State v. Daniel Owens  
This was a jury trial, and this case involved the rape of two children, under the age of 11 by their uncle. The jury found the Defendant guilty and he was sentenced to 35 years in prison.
- (c) Johnston v. Johnston  
This was a complex Family Court case that involved issues relating to divorce, child custody and support, equitable division (including the division of a business). The divorce itself involved allegations of fault by both parties. All issues were contested. Ultimately, all issues were tried with the sole exception of the division of the marital business; that issue was arbitrated. The parties were back in Court for a modification of custody and child support matter which was resolved favorably for my client prior to trial.
- (d) Rogers v. Rogers  
This was a complex Family Court case where the issues before the Court were divorce, custody and support, and equitable distribution of property. This was one of the first family court cases that I tried. The Defendant had



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two businesses the values of which were at issue in the case. Ultimately, the parties were able to agree on some issues and all remaining issues were tried.

(e) United States v. Carlos Vega-Fuente

This was a federal criminal drug conspiracy trial in which three individuals were traveling together in a car from New York to Florida. The case involved several complex evidentiary issues ranging from expert witness testimony to suppression of evidence. The case was tried and my client received a favorable outcome.

Mr. McEachin reported he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. McEachin's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. McEachin to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament.

Mr. McEachin is married to Erin Olivia Tarte McEachin. He has one child.

Mr. McEachin reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) S.C. Bar, Young Lawyer's Division, Twelfth Circuit Representative, 2009-2011

Mr. McEachin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

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- (a) Assistant Scout Master, Troop 477, Florence, South Carolina
- (b) Florence Family YMCA Board of Directors, Vice President for Human Affairs, Florence, South Carolina
- (c) The School Foundation, 2014 Dancing with the Stars Participant, Florence, South Carolina
- (d) The Pee Dee Area Citadel Club, President, Vice-President, Secretary/Treasurer
- (e) The Revelers Dance Club, Florence, South Carolina, President, Vice-President, Secretary/Treasurer

Mr. McEachin further reported:

I was born and raised in Florence, South Carolina. I went to public school from first grade through twelfth grade. I participated in youth baseball at McLeod Park and youth soccer for the Florence Soccer Association. I received my Eagle Scout from First Presbyterian Church. I attended Palmetto Boys State. I have been a life-long member of St. John's Episcopal Church. I went to the Citadel and then to the Charleston School of Law. All of these experiences have helped to mold my temperament. My habit and custom in life has been to treat people with courtesy and respect, and that will not change if I am elected to this position.

(11) Commission Members' Comments:

The Commission commented that Mr. McEachin has a very calm demeanor and a good work ethic.

(12) Conclusion:

The Commission found Mr. McEachin qualified and nominated him for election to Family Court, Twelfth Judicial Circuit, Seat 2.

**Stuart Wesley Snow Sr.**  
**Family Court, Twelfth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Snow meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Snow was born in 1957. He is 60 years old and a resident of Florence, South Carolina. Mr. Snow provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984. He was also admitted to the Georgia Bar in 1982.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Snow.

Mr. Snow demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Snow testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Snow testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Snow to be intelligent and knowledgeable.

Mr. Snow reported that he has taught the following law-related courses:

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- (a) October 15, 2009, Family Law Issues, sponsored by NBI
- (b) February 16, 2011, Family Law Issues, sponsored by NBI
- (c) February 3, 2012, Advanced Family Law Seminar, sponsored by NBI
- (d) May 20, 2014, Family Law Issues, SC Bar Pro Bono Clinic

Mr. Snow reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Snow did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Snow did not indicate any evidence of a troubled financial status. Mr. Snow has handled his financial affairs responsibly.

The Commission also noted that Mr. Snow was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Snow reported that his rating by a legal rating organization, Martindale-Hubbell, is Distinguished.

Mr. Snow reported that he has not served in the military.

Mr. Snow reported that he has never held public office:

(6) Physical Health:

Mr. Snow appears to be physically capable of performing the duties of the office he seeks.

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(7) Mental Stability:

Mr. Snow appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Snow was admitted to the South Carolina Bar in 1984.

He gave the following account of his legal experience since graduation from law school:

(June 1982 – June 1984):

associate with Westmoreland, Hall, McGee, in Atlanta, GA, a general practice firm with a significant family law practice.

(June 1984 – present):

I moved to Florence and joined my father-in-law, Richard G. Dusenbury, in his general practice. In 1993, we incorporated our practice as Dusenbury & Snow, PA, as equal shareholders, and we continued our general practice. After Mr. Dusenbury's retirement at the end of 1993, I continued the law firm with a one other partner, as Dusenbury, Snow & McGee, from 1994 until 2013, when my partner was elected as a Family Court Judge. At that time, I took on another attorney, who continues to practice with me, as Dusenbury, Snow & Evans. I have handled all administrative and financial management, including management of trust accounts, since 1994.

Mr. Snow further reported regarding his experience with the Family Court practice area:

I have extensive experience in the Family Court. I have represented hundreds of private parties in divorce and other cases involving child custody, equitable division, alimony and related issues, as well as numerous adoptions. I have represented volunteer guardian ad litem in SCDSS abuse and neglect cases in both Florence and Marion County from 2003 to the present, appearing in hundreds of abuse and neglect hearings each year. I have been a certified Family Court Mediator since 2002, and have mediated more than 1,000 family court cases,

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the vast majority resulting in agreement. I served on the South Carolina Board of Law Examiners, drafting and grading law exam questions in the area of domestic relations and equity. I appear before Family Court Judges for temporary and final hearings in private cases several times per month.

Mr. Snow reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None in the past five years;
- (b) State: over the past five years, I have appeared in family court for more than 150 abuse and neglect cases each year. I appear in the family court for private cases several times per month. I appear in civil court several times per year.

Mr. Snow reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 14%;
- (b) Criminal: 1%;
- (c) Domestic: 70% (including family court mediation);
- (d) Other: 15% (including social security disability & workman's compensation).

Mr. Snow reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: Approximately 14% of my practice involves jury trial matters; in the past five years, all of my civil cases have settled prior to trial;
- (b) Non-jury: The remaining 86% of my practice involves non-jury matters.

Mr. Snow provided that he most often serves as sole counsel.

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The following is Mr. Snow's account of his five most significant litigated matters:

- (a) Hopkins v. South Carolina Dept. of Social Services, 313 S.C. 322, 437 S.E.2d 542 (S.C., 1993): this case is significant in that the Supreme Court affirmed the trial court's refusal to terminate the parental rights of my client, the biological father of a child born out of wedlock.
- (b) King v. Int'l Knife, 395 S.C. 437, 718 S.E.2d 227 (S.C. App., 2011): in this case, the Court of Appeals reversed the workers' compensation commission's conclusion that my client failed to provide timely notice of a repetitive trauma claim, holding that pain alone is insufficient to trigger notice, the notice requirement for repetitive trauma injuries is triggered only when the condition impacts the worker's job performance or health.
- (c) Cooper v. Laboratory Corp. of America Holdings, Inc., 150 F.3d 376 (C.A.4 (S.C.), 1998): this was a wrongful termination in which my client was fired for allegedly testing positive on a urine alcohol test. The drug testing lab hired a world-reknowned toxicologist to testify the test was valid. However, in cross-examining the expert by deposition, he eventually agreed that my client's result was erroneous.
- (d) Stephens v. South Atlantic Cannery, Inc., 848 F.2d 484 (C.A.4 (S.C.), 1988): early in my career, I was co-counsel on a race discrimination case under 42 USC §1941. Although our \$185,000 verdict was reversed by the 4<sup>th</sup> Circuit, we ultimately achieved a just result for our client.
- (e) Probably the most significant litigated matters to me are the hundreds of contested family court cases that I have mediated to a successful settlement, avoiding the time, expense, acrimony and uncertainty of trial, especially those cases which involved contested child custody issues.

The following is Mr. Snow's account of five civil appeals he has personally handled:

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- (a) Smith v. Independent Life and Acc. Ins. Co., 346 S.E.2d 22, 289 S.C. 262 (S.C., 1986)
- (b) Crafton v. Brown, 550 S.E.2d 904, 346 S.C. 347 (S.C. App., 2001)
- (c) Hopkins v. South Carolina Dept. of Social Services, 313 S.C. 322, 437 S.E.2d 542 (S.C., 1993)
- (d) King v. Int'l Knife, 395 S.C. 437, 718 S.E.2d 227 (S.C. App., 2011)
- (e) Cooper v. Laboratory Corp. of America Holdings, Inc., 150 F.3d 376 (C.A.4 (S.C.), 1998)

Mr. Snow reported he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Snow's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee reported that Mr. Snow is "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Mr. Snow is married to Susan Dusenbury Snow. He has two children (one deceased).

Mr. Snow reported that he was a member of the following Bar and professional associations:

- (a) Florence County Bar (President, 1999)
- (b) South Carolina Bar
- (c) South Carolina Association of Justice

Mr. Snow provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) First Presbyterian Church (Elder, 2013-2017)



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Mr. Snow further reported:

Ever since I was a child, I wanted to become a lawyer, because I wanted to help people in their time of need. After shouldering my client's legal burdens for several decades, I became a mediator, which further utilized my desire and ability to solve problems in a fair and equitable manner. I believe I have the appropriate experience and demeanor to become a family court judge – to treat the parties and counsel kindly and with respect, and to promptly render fair and just decisions.

(11) Commission Members' Comments:

The Commission noted the unanimously laudatory comments the Commission received about Mr. Snow, his over three decades as a greatly respected family lawyer, his two decades as an esteemed and highly sought-after family court mediator, and his excellent judicial temperament.

(12) Conclusion:

The Commission found Mr. Snow qualified and nominated him for election to Family Court, Twelfth Judicial Circuit, Seat 2.

**The Honorable Elizabeth Biggerstaff York  
Family Court, Twelfth Judicial Circuit, Seat 2**

**Commission's Findings:            QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge York meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge York was born in 1969. She is 48 years old and a resident of Florence, South Carolina. Judge York provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge York.

Judge York demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge York reported that she has not made any campaign expenditures.

Judge York testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge York testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge York to be intelligent and knowledgeable.

Judge York reported that she has taught the following law-related courses:

- (a) I created a PowerPoint and lectured for the SC Bar video CLE "Yikes, I've Gotten a DSS Appointment."
- (b) I have served on panel discussions for DSS in-house CLE programs
- (c) I created a PowerPoint and have given presentations to law enforcement on Title 63 of the SC Code.
- (d) I created a PowerPoint and have given a presentation to new DSS caseworkers on Title 63 of the SC Code.
- (e) Adjunct Professor, Business Law, Coker College.

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Judge reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge York did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Judge York did not indicate any evidence of a troubled financial status. Judge York has handled her financial affairs responsibly.

The Commission also noted that Judge York was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge York reported that her last rating by a legal rating organization, Martindale-Hubbell, is Distinguished BV.

Judge York reported that she has not served in the military.

Judge York reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge York appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge York appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge York was admitted to the South Carolina Bar in 1994.

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She gave the following account of her legal experience since graduation from law school:

- (a) From 1994 into 1995, I was a law clerk to the Honorable Don S. Rushing, a Circuit Court Judge. During six months of the year term, he was Chief Judge for Administrative Purposes (Criminal) in Charleston County.
- (b) From 1995 until 1996, I was Assistant Solicitor for the Fourth Judicial Circuit prosecuting cases in the General Sessions Courts of Chesterfield, Darlington, Dillon and Marlboro Counties.
- (c) From 1996 until 2004, I worked at the Law Firm of Jennings and Harris. I began as an associate and became partner after several years. The firm had a general trial practice. My personal practice included a focus on the Family Court, although I practiced in all trial courts. I was also a contract attorney for the South Carolina Department of Social Services handling abuse and neglect case for Chesterfield County. During that time, I was also an adjunct professor with Coker College, where I taught Business Law through their adult program. Additionally, I became a certified mediator for the Family Court in 2002. I assisted in supervising personnel and utilized the trust account.
- (d) From 2004 until 2006, I worked at the Law Office of Nancy Bailey, located in Florence South Carolina. This practice focused almost exclusively on Family Court matters. As Florence was an initial mandatory-mediation county, I conducted mediations, including pro bono mediations for the Family Court during this time. I also continued to work as a contract attorney for the South Carolina Department of Social Services handling abuse and neglect cases for Chesterfield County. I assisted in supervising personnel and utilized the trust account.
- (e) In 2006, I began working for the South Carolina Department of Social Services on a full-time basis handling their abuse and neglect cases for Darlington and Chesterfield counties and assisting other counties.

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- (f) In 2016, I opened the Law Office of Elizabeth York with a focus on Family Court matters. Additionally, I have a contract with SCDSS to handle abuse and neglect cases in three regions of South Carolina. I am part-time Municipal Judge for the City of Hartsville. I supervise personnel and have access to all accounts, including trust accounts.

Judge York reported the frequency of her court appearances prior to her service on the bench as follows:

- (a) Federal: 0%
- (b) State: 100%
- (c) Other:

Judge York reported the percentage of her practice involving civil, criminal, and domestic matters prior to her service on the bench as follows:

- (a) Civil:
- (b) Criminal:
- (c) Domestic: 25%
- (d) Other: abuse and neglect in the Family Court 75%

Judge York reported the percentage of her practice in trial court prior to her service on the bench as follows:

- (a) Jury:
- (b) Non-jury: 100%

Judge York provided that prior to her service on the bench she served as co-counsel.

The following is Judge York's account of her five most significant litigated matters:

- (a) SCDSS v. J.E., Case Number 96-DR-13-778  
This was an abuse and neglect case in which the defendant was a foster mother who severely beat a foster child in her care, killing the child. The defendant mother had other foster children and an adopted child in her care. The deceased child was one of ten siblings in foster care. I not only handled the Family Court abuse

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and neglect side of the case, I also actively participated in the criminal trial of Ms. E. (97-GS-13-77, 98-GS-13-10) and a civil trial against SCDSS and a school principal (97-CP-13-145, 98-CP-13-03). This case occurred as the child abuse code was changing nationwide. It involved the new code as well as the issues of severe abuse, mandatory reporting of abuse and neglect, and foster care licensing.

- (b) SCDSS, In the Interests of Baby Doe, Case Numbers 14-DR-13-645 and 15-DR-13-0628

Chesterfield County was thrust into the national news when a newborn was abandoned at the Health Department. The child was determined to be approximately three days old at the time she was left in a restroom at the health department. SCDSS had to obtain a birth certificate for the child whose parents were never located. Additionally, I had to weigh the interests of the privacy of the infant as DSS received nationwide requests to adopt the child. This balancing required considering the rights of the unknown parents, while expediting permanency for the child, who has since been adopted.

- (c) SCDSS v. LJ, SJM, OG, Case Number 15-DR-16-667

This is the most recent case among many involving three children. The agency's involvement with this family began in 2006 and has continued off and on until today. Two of the children are twins and all of the children have delays and have exhibited behavioral issues. The children have spent the majority of their lives in foster care, but now seem secure in a possible stable, long term, hopefully adoptive placement(s). The reason that this case is listed is because it involved the importance of the correct use of expert witnesses. Numerous psychological evaluations have been used, as well as medical experts in child abuse. Further, I tried a termination of parental rights action in this matter for three days wherein the Court allowed the children to return to a relative placement alternative. This case is significant because it emphasizes, at least to me, the need for permanency for the children weighed against

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the efforts to place children with relatives and/or a return home.

(d) State v. Grandison, Case Number 01-GS-241,242

A week long armed robbery trial. My client was convicted of armed robbery. The jury determined that my client was the driver of the get-away-car. This case involved video surveillance and its admission which was fairly new at the time as well the cases involving the “hand of one is the hand of all.” Mr. Grandison was a college student who grew up in Delaware and was attending college in Virginia. He was in South Carolina with “friends” from college, one of who was from this State. The first two friends apprehended gave statements and the admissibility of those statements and the weight given was an issue. Additionally, I filed several Motions to try to have the State try my client separately from the gunman.

(e) SCDSS, In the Interests of JC, Case Number 09-DR-13-378

This case involved severe abuse and neglect of three siblings. The abuse included locking the children out of the family home during the day in severe heat. One sibling was placed into a dark storage building for days with no electricity or water and forced to wear a shock collar. A sibling of this child was asked to shock the other child and to empty the bucket that the child used for a restroom. All siblings had to empty the bucket that the children used as a restroom while working in the yard. The case involved media attention, a corollary trial, and required expediting of the case to assist these children. Personally, I will never forget preparing these children for trial. The perpetrators no longer have parental rights to the child. Two of the siblings have been adopted. The sibling who was asked to perform the shocking of the other siblings has been opposed to adoption and has requested to remain in a placement in an area where had been placed initially. He is an honors student at a high school in South Carolina.

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The following is Judge York's account of five civil appeals she has personally handled:

- (a) SCDSS, Respondent, v. FV, JV and TD, of whom FV and JV are Appellants. In the Interests of three minors.  
Case Number 2011-UP-467

This appeal from the Family Court of Darlington County involved Appellants FV and JV's challenging the Court's finding of abuse and/or neglect, the Treatment Plan ordered, and the placement of their name onto the Central Registry of Child Abuse and Neglect. The Court of Appeals upheld the findings of abuse and/or neglect, found the issue presented on the Treatment Plan was moot as argued by SCDSS, and reversed placement of the names of FV and JV onto the Central Registry of Abuse and Neglect.

- (b) SCDSS, Respondent, v. GMP, AKA, ZP, MP, and John Doe, In the Interest of a minor child under eighteen years, Case Number 20012-UP-470.

MP appealed the termination of his parental rights. The Court of Appeals reviewed his case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 2d 381 (1987), and upheld the termination of his parental rights.

- (c) SCDSS, Respondent, v. ZP, MP, of whom EP is the Appellant, In the Interests of one minor child under the age of eighteen, Case Number 2010-UP-240.

ZP appealed the Family Court's Order from a Permanency Planning hearing alleging that the evidence did not support the finding that the reunification was no longer a viable plan for the child and contending that the child's guardian ad litem did not perform her duties as mandated. The Court of Appeals upheld the decision of the Family Court.

- (d) SCDSS, Respondent, v. SG, LG, GB, and John Doe, of whom SG is the Appellant. In the interests of five children under the age of eighteen, Case Number 2009-UP-164

SG appealed the termination of his parental rights. The Court of Appeals reviewed this case pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 2d 381 (1987), and upheld the termination of his parental rights.



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- (e) SCDSS v. BL, TH, Case Number 20015-002525  
This is a pending appeal pursuant to Ex Parte Cauthen, 291 S.C. 465, 354 S.E. 2d 381 (1987), of an Order from a judicial review hearing in the Family Court.

Judge York reported she has not personally handled any criminal appeals.

Judge York reported that she has held the following judicial office:

I was appointed as a Municipal Judge for the City of Hartsville on July 1, 2016, and I presently serve in that capacity.

Judge York provided the following list of her most significant orders or opinions:

The cases over which I preside in the Municipal Court do not involve or require written orders.

Judge York reported the following regarding her employment while serving as a judge:

By agreement with the South Carolina Department of Social Services (SCDSS), and with the consent of both SCDSS and the City of Hartsville, I represented DSS in abuse and neglect cases on a full-time basis from July 1, 2016 until August 19, 2016. Since this date, I am in private practice in the Law Office of Elizabeth York which focuses on family law. I represent SCDSS on a contract basis.

Judge York further reported the following regarding unsuccessful candidacies:

Yes. Unsuccessful candidacy for Family Court, At-Large Seat 8, in 2016. I was found qualified but was not one of the three candidates who was nominated.

- (9) Judicial Temperament:

The Commission believes that Judge York's temperament has been, and would continue to be, excellent.

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(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge York to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge York is divorced. She has two children.

Judge York reported that she was a member of the following Bar and professional associations:

- (a) Darlington County Bar Association  
Former President, 2016
- (b) South Carolina Bar Association  
Nominating Committee, multiple terms  
Board of Governors, 2010-2013  
House of Delegates, multiple terms
- (c) Young Lawyers Division of the South Carolina Bar  
Circuit Representative, multiple terms  
Co-Chair, Community Law Week
- (d) Law Related Education, South Carolina Bar  
Middle School Mock Trial Coach  
Middle School Mock Trial Judge
- (3) Florence County Bar

Judge York provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Central United Methodist Church, Florence, South Carolina  
Finance Committee Member  
Education and Spiritual Growth Team Member  
Greeter, The Well Member
- (b) United States Tennis Association  
Team Captain, Pee Dee Region
- (c) Florence Tennis Association
- (d) All Saints’ Episcopal Day School, parent guild

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Judge York further reported:

Having been involved in Family Court as an attorney and a litigant gives me a fair perspective into the difficulties and stress of the Family Court.

(11) Commission Members' Comments:

The Commission noted that Judge York has a reputation for being a passionate and thoughtful attorney as well as a dedicated public servant.

(12) Conclusion:

The Commission found Judge York qualified and nominated her for election to Family Court, Twelfth Judicial Circuit, Seat 2.

**ADMINISTRATIVE LAW COURT  
QUALIFIED AND NOMINATED**

**The Honorable Shirley Canty Robinson  
Administrative Law Court, Seat 5**

**Commission's Findings: QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Robinson meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Robinson was born in 1951. She is 66 years old and a resident of Columbia, South Carolina. Judge Robinson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Robinson.

Judge Robinson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations

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important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Robinson reported that she has not made any campaign expenditures.

Judge Robinson testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Robinson testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Robinson to be intelligent and knowledgeable.

Judge Robinson reported that she has taught the following law-related course:

- (a) Spring 2016 - spoke to students participating in USC Law School's Judicial Observation and Experience (JOE) Program on what is the Administrative Law Court

Judge Robinson reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Robinson did not reveal evidence of any disqualifying grievances or disqualifying criminal allegations made against her.

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The Commission's investigation of Judge Robinson did not indicate any evidence of a troubled financial status. Judge Robinson has handled her financial affairs responsibly.

The Commission also noted that Judge Robinson was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Robinson reported that she is not rated by any legal rating organization.

Judge Robinson reported that she has not served in the military.

Judge Robinson reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Robinson appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Robinson appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Robinson was admitted to the South Carolina Bar in 1991.

She gave the following account of her legal experience since graduation from law school:

(a) 1st year Associate

Law Firm of Edwards and Associates

May 1991 – October 1991

Primarily co-counsel on Personal Injury, Domestic and Workers Comp cases.

(b) Assistant Solicitor

8th Circuit Solicitor's Office

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October 1991 – June 1992

Prosecuted juveniles and DSS abuse and neglect cases.

(c) Executive Director

SC Legislative Black Caucus

June 1992 – December 1994

Conducted research, wrote speeches, managed office and staff, and ran student intern program.

(d) Associate

Law Offices of Newman & Sabb, PA (name changed to Law Offices of Ronnie A. Sabb following Judge Newman's election to the Circuit Court)

January 1995 – November 2002

Primarily represented debtors in the US Bankruptcy Court, and to a lesser degree, represented clients in Family Court, Probate Court and personal injury cases.

(e) Disciplinary Hearing Advisor

SC Department of Labor, Licensing & Regulation

December 2002 – May 2009

Legal advisor to Boards in the Division of Professional and Occupational Licensing during contested proceedings involving disciplinary matters.

(f) Administrative Law Judge, Seat 5

SC Administrative Law Court

May 2009 -- present

Judge Robinson reported that she has held the following judicial office:

Yes. Currently serving on the Administrative Law Court, Seat 5. I was initially elected by the General Assembly in May 2009, re-elected May 2013 and have served continuously since that date.

Judge Robinson provided the following list of her most significant orders or opinions:

- (a) Charleston County Assessor v. LMP Properties, Inc., Docket No. 09-ALJ-17-0533-A-CC. (Decision issued September 20, 2013). Appeal citation: Charleston Cty. V. LMP Properties, Inc., 403 S.C. 194, 743 S.E.2d 88 (Ct. App. 2013).

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- (b) Mary L. Dinkins Higher Learning Academy v. SC Public Charter School District, Docket No. 12-ALJ-30-0281-AP. (Decision issued March 1, 2013). Appeal citation: Mary L. Dinkins Higher Learning Academy v. SC Public Charter School District, Op. No. 15-UP-338 (S.C. Ct. App. Filed July 8, 2015).
- (c) SC Department of Motor Vehicles v. Russo Dumpster, Inc., Docket No. 13-ALJ-21-0193-AP. (Decision issued March 24, 2014). This case is significant because the ALC rarely review cases involving IFTA which is an interstate agreement on collecting and distributing fuel use taxes paid by motor carriers. Appeal citation: S.C. Dep't of Motor Vehicles v. Russo Dumpster, Inc., Case No. 2014-001170 (S.C. Ct. App. Filed Dec. 22, 2015).
- (d) Dish DBS Corporation, f/k/a EchoStar, DBS Corp., and Affiliates v. SC Department of Revenue, Docket No. 14-ALJ-17-0285-CC (Order Denying Cross Motions for Summary Judgment issued February 10 2013).
- (e) Dish DBS Corporation, f/k/a EchoStar, DBS Corp., and Affiliates v. SC Department of Revenue, Docket No. 14-ALJ-17-0285-CC. (Final Decision issued July 11, 2016). Notice of Appeal filed in the SC Court of Appeals on August 8, 2016.

Judge Robinson has reported no other employment while serving as a judge.

Judge Robinson further reported the following regarding unsuccessful candidacies:

Yes. I was an unsuccessful candidate for Administrative Law Court, Seat 2, January 2005 and Seat 5, May 2006, I was qualified and nominated in each instance. I ran for Administrative Law Court, Seat 4, in 2009, but withdrew prior to the election.

(9) Judicial Temperament:

The Commission believes that Judge Robinson's temperament has been, and would continue to be, excellent.

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(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Robinson to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented, “Judge Robinson is a great Administrative Law Court Judge. She has all of the necessary qualities to excel at her job.”

Judge Robinson is divorced. She has one child. In addition, Judge Robinson obtained legal guardianship of a second child in 2013.

Judge Robinson reported that she was a member of the following Bar and professional associations:

- (a) SC Bar
- (b) SC Women’s Lawyers Association
- (c) SC Black Lawyers Association
- (d) Columbia Lawyers Association

Judge Robinson provided that she was a member of the following civic, charitable, educational, social, or fraternal organization:

- (a) 1988 recipient AmJur, Contracts

Judge Robinson further reported:

I’ve served as a judge on the Administrative Law Court for 8 years. At the beginning of my service, I made a commitment that I would be the type of judge I liked appearing before when I was in private practice. Those were the judges that no matter the outcome of your case, you walked away feeling that the decision was just and based upon the law, and that you and your client were treated respectfully. I believe that I’ve lived up to this commitment during my 8 years of service on the ALC, and I will continue to serve with a commitment to preserving the prestige and integrity of this Court.



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(11) Commission Members' Comments:

The Commission appreciates Judge Robinson's service on the Administrative Law Court, and noted her calm demeanor.

(12) Conclusion:

The Commission found Judge Robinson qualified and nominated her for re-election to Administrative Law Court, Seat 5.

**QUALIFIED, BUT NOT NOMINATED**

**Samuel LaNue Floyd**

**Circuit Court, Third Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED, BUT NOT  
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Floyd meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Floyd was born in 1969. He is 48 years old and a resident of Kingstree, South Carolina. Mr. Floyd provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Floyd.

Mr. Floyd demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Floyd reported that he has not made any campaign expenditures.

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Mr. Floyd testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Floyd testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Floyd to be intelligent and knowledgeable.

Mr. Floyd reported that he has taught the following law-related courses:

I taught Business Law from 2005 to 2007 at Williamsburg Technical College in Kingstree, SC.

Mr. Floyd reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Floyd did not reveal evidence of any founded grievances or disqualifying criminal allegations made against him. The Commission's investigation of Mr. Floyd did not indicate any evidence of a troubled financial status. Mr. Floyd has handled his financial affairs responsibly.

The Commission also noted that Mr. Floyd was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Mr. Floyd reported that he is not rated by any legal rating organization.

Mr. Floyd reported that he has not served in the military.

Mr. Floyd reported that he has held the following public office:

I was elected to Williamsburg County Council in November, 2010 and served as Council Member for District Six.

(6) Physical Health:

Mr. Floyd appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Floyd appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Floyd was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:

- (a) I served as Clerk for the Honorable M. D. Shuler, 1999;
- (b) I worked for Williamsburg County from 2001 to 2002 as Magistrate;
- (c) I worked at Jenkinson, Jarrett & Kellahan, P.A. law firm as an Associate, beginning April, 2002 and ending in 2007. I was not responsible for the administrative and financial management of the firm. I handled civil and criminal cases in the Court of Common Pleas, General Sessions, and Magistrate and Municipal Courts, and handled Family Court cases as well as real estate cases involving partitions, foreclosures, and loan closings;
- (d) I have engaged in private practice for my own firm, Samuel L. Floyd, LLC, from January, 2007 to the present. My practice includes civil and criminal cases in the Court of Common Pleas, General Sessions, and

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Magistrate and Municipal courts, and Family Court litigation (plaintiff and defendant), and real estate cases involving partitions, foreclosures, and loan closings. I am responsible for the administrative and financial management of my practice, including the management of trust accounts.

Mr. Floyd reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: Weekly;
- (c) Other: N/A.

Mr. Floyd reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 45%;
- (b) Criminal: 35%;
- (c) Domestic: 10%;
- (d) Other: 10%.

Mr. Floyd reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 10%;
- (b) Non-jury: 10%.

Mr. Floyd provided that he most often serves as sole counsel.

The following is Mr. Floyd's account of his five most significant litigated matters:

- (a) State vs. Marty Baggett, Case # 2010-GS-45-269 and 2010-GS-45-270.

Case was tried in Williamsburg County General Sessions Court. I was court appointed to defend Mr. Baggett who was charged with Felony DUI and Reckless Homicide. He was convicted in Circuit Court on 7-22-2011. At the conclusion of testimony, I made a motion for a directed verdict which the Trial Court denied. A motion to appeal was filed by me but

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perfected by the Office of the Indigent Defense based on denial of the directed verdict motion. The Appellate Court reversed the Trial Court. The Supreme Court reversed the Appellate Court.

- (b) State vs. Lou Ann Robinson, Case # 2007GS4500152.  
Case was tried in Williamsburg County General Sessions Court. I served as co-counsel with W. E. Jenkinson, III to represent the Defendant. Defendant was charged with murder and possession of a weapon during a violent crime. She was convicted on the lesser included charge of involuntary manslaughter thereby significantly reducing her sentence.
- (c) Jason Bynum vs. South Carolina Department of Corrections, Robert H Blease, DDS and Robert H. Blease, DDS, P.A., Case # 2003CP1400482.  
Case was tried in Clarendon County Circuit Court. Mr. Bynum was my client. I associated J. Ed Bell for trial purposes. The Plaintiff was an incarcerated inmate who suffered a personal injury claim as a result of mistreatment for a tooth infection. A verdict of \$825,000 was rendered in Plaintiff's favor.
- (d) Janie Rabon vs. Derrick Scott Patrick and Clark's Transport Co., LLC, Case # 2012CP2100840.  
I associated Ronnie Sabb and Kimberly Barr to assist at trial. We obtained a favorable jury verdict for the Plaintiff for damages when the Defendants claimed she was negligent.
- (e) State vs. Robert Stack. Case number not available as case was expunged.  
This was a trial in the Williamsburg County Magistrate Court. I represented the Defendant who was charged with Criminal Domestic Violence. The case was tried three times, but the Defendant was finally found not guilty, and he was able to save his job.

Mr. Floyd reported that he has not personally handled any civil or criminal appeals.

Mr. Floyd further reported the following regarding an unsuccessful candidacy:

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I was an unsuccessful candidate for the SC Senate race, Seat #32 Special Election in 2014.

(9) Judicial Temperament:

The Commission believes that Mr. Floyd's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Floyd to be "Qualified" in the evaluative criteria of constitutional requirements, professional and academic ability, physical health, mental stability, and experience; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, character, reputation, and judicial temperament.

Mr. Floyd is married to Tammy Elaine Davis. He does not have any children.

Mr. Floyd reported that he was a member of the following Bar and professional associations:

- (a) SC Bar Association, None
- (b) Williamsburg County Bar Association, 2005, Secretary/Treasurer

Mr. Floyd provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Rotary Club
- (b) Williamsburg Regional Hospital Foundation Board

Mr. Floyd further reported:

I was fortunate to be raised in a good Christian home. From the time I could speak, my parents both insisted and demanded that I be courteous, polite and respectful to all people. When I was a teenager, my father required that I work on our family tobacco farm each summer. From this I learned to appreciate hard work as well as the importance of communicating and working daily with people from all walks of life.

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My college experience was where I began interacting with people other than ones from my hometown. By joining a fraternity and serving in the student body Senate, I began to appreciate the value of what my parents and community had installed in me.

Since graduating law school, I have participated in numerous volunteer efforts in my home town of Kingstree. I have been active in the political arena and have always strived to exercise professionalism when facing the most difficult or adverse situations. I believe my parents and community installed a humble and hard working attitude in me that is commonly found in small towns across this state.

With the understanding that learning is a lifelong process, I would like to use my experience and these values to ensure a fair, equitable and meaningful remedy in any matter that may present itself before me.

(11) Commission Members' Comments:

The Commission commented that Mr. Floyd has a reputation of being both a very honest and fair attorney.

(12) Conclusion:

The Commission found Mr. Floyd qualified, but not nominated for election to Circuit Court, Third Judicial Circuit, Seat 2.

**Amy V. Cofield**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Cofield meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Cofield was born in 1963. She is 54 years old and a resident of Lexington, South Carolina. Ms. Cofield provided in her application that she has been a resident of South Carolina

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for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Cofield.

Ms. Cofield demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Cofield reported that she has not made any campaign expenditures.

Ms. Cofield testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Cofield testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Cofield to be intelligent and knowledgeable.

Ms. Cofield reported that she has taught the following law-related courses:

- (a) I have been a CLE Instructor – "Return To Work Issues in Workers' Compensation in South Carolina"; and
- (b) I have held numerous Seminars to local churches, for the South Carolina Bar, and individual groups on Estate Planning Issues.



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Ms. Cofield reported that she has published the following:

- (a) Article in Lexington Woman Magazine, “Last Will and Testament”, edited by Thomas C. Cofield;
- (b) Respondent’s Brief to the South Carolina Supreme Court – Hopper v. Terry Hunt Construction, 383 SC 310, 680 SE2d 1 (2009); and
- (c) Petitioner’s Brief to the South Carolina Supreme Court - Barton v. Higgs, 381 SC 367, 674 SE2d 145 (2009).

(4) Character:

The Commission’s investigation of Ms. Cofield did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission’s investigation of Ms. Cofield did not indicate any evidence of a troubled financial status. Ms. Cofield has handled her financial affairs responsibly.

The Commission also noted that Ms. Cofield was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Cofield reported that she is not rated by any legal rating organization.

Ms. Cofield reported that she has not served in the military.

Ms. Cofield reported that she has never held public office.

(6) Physical Health:

Ms. Cofield appears to be physically capable of performing the duties of the office she seeks.

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- (7) Mental Stability:  
Ms. Cofield appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:  
Ms. Cofield was admitted to the South Carolina Bar in 1991.
- She gave the following account of her legal experience since graduation from law school:
- (a) 1991 – 1994 – I joined my father’s practice in Anderson, South Carolina (Cofield Law Firm) until his passing in 1994. I practiced in the area of Personal Injury Defense and Subrogation work for insurance carriers. I also began my practice in the areas of Workers’ Compensation Defense and Real Estate.
  - (b) 1994 – 2000 – After the death of my father/law partner I continued my solo practice in Anderson, South Carolina as “Cofield Law Firm”. My insurance defense work morphed into Plaintiff’s Personal Injury and Subrogation Claims. My Workers’ Compensation Defense work continued. My real estate practice grew and I also began to do Foreclosures for several area banks and the City of Anderson as well as some basic Probate Law. During this time I also handled some Social Security cases (that usually resulted from my Workers’ Compensation clients) as well as some Domestic Relations (some divorces and guardianships).
  - (c) 2000 – 2001 – Cofield Law Firm merged with the Columbia, South Carolina Law Firm of Huff & Cauthen to become Huff, Cauthen, and Cofield-Derrick. We had an office in Columbia, South Carolina and I continued to manage my office in Anderson as well. My practice was limited to Workers’ Compensation Defense and Real Estate.
  - (d) 2001 – Present – My brother, Thomas C. Cofield, and I reformed “Cofield Law Firm” in Lexington, South Carolina. My practice has consisted of a variety of work. I have continued the Workers’ Compensation Defense (primarily for the South Carolina State Accident Fund, the

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South Carolina Uninsured Employers Fund and Uninsured Employers) as well as the representation of Claimant's, Real Estate and Real Estate Litigation (Closings, Mechanic Liens, Foreclosures and Foreclosure Defense, Homeowner's Association Formations and Collections, Land Disputes and Evictions), Probate Law and Probate Litigation (Will Disputes, Accounting Actions, Conservatorships and Guardianships), as well as some Business Work (Partnerships, LLC's, Mechanic's Liens, Collections and Litigation). In addition, I also work with individuals in creating their Estate Plan consisting of Wills, Trusts, Durable Financial Powers of Attorney and Health Care Powers of Attorney. I have also become a Certified Mediator and have mediated cases for Circuit Court, Probate and Workers' Compensation.

Ms. Cofield further reported regarding her legal experience with various practice areas:

In my 26 years of private practice I have had the unique opportunity to represent both Plaintiffs and Defendants. I have not been restrained to one area of law or type of client.

I have appeared in the following Tribunals/Courts: Social Security Administration, SC Employment Security Commission, SC Workers' Compensation Commission, Magistrates Court, Probate Court, Equity Court, Family Court, Circuit Court, SC Court of Appeals, and the SC Supreme Court where I have several reported and unreported cases.

In Circuit Court I have specifically appeared in the following types of cases:

- Personal Injury/Property Damage /Insurance Defense to include Car/Truck accidents, slip and fall, premises liability, Wrongful Death/Survival Actions, Medical Malpractice
- Wrongful Death/Survival Action
- Personal Injury -Plaintiff and Defense Subrogation to include Car/Truck accidents, slip and fall
- Minor Settlements
- Breach of Contract Actions

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- Collection Actions to include Debt Collection Actions and Foreign Judgment Proceedings
- Mechanics Liens (Plaintiff and Defendant) and Foreclosure of Mechanics Liens
- Probate Court Appeals
- Will Contests/Estate Disputes Breach of Fiduciary Duty
- Real Estate Litigation
- Title defects -Quiet Title Actions Easement disputes
- Foreclosure- Plaintiff Foreclosure- Defense Contract Disputes
- Home Owner Associations, formations, violations and disputes
- Lease Disputes
- Gun License Reinstatements
- Workers' Compensation Appeals (prior to 2007)

Specifically, in the past five years I have actually appeared before a Circuit Court Judge in the following types of cases: Easement dispute/Interference of Contract action, Appeal from Probate Court, Quiet Title Actions, Gun License Reinstatements and Foreclosure/Counterclaim for Negligent Misrepresentation and violation of the SC Unfair Trade Practices Act.

I have not specifically practiced in the Criminal Court. I have represented an Appellant in a PCR matter and have also appeared as a Victim of Crime. I do feel that my work history demonstrates my ability to learn and put to practice many areas of law and follow proper court procedures. My appearances before ten different courts/tribunals is a strong indicator of my ability to serve as Circuit Court Judge in both Civil and Criminal matters. My unique experience in representing both Plaintiffs and Defendants also provides a valuable asset to the judiciary.

Ms. Cofield reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0;
- (b) State: see below;

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(c) Other: see below.

In the past five years I have appeared in hearings before a Workers' Compensation Commissioner several times a month. I have had several cases appealed to the Court of Appeals and 4 that I have argued at the Supreme Court. In this area of practice I represent Claimants, Defendants and Uninsured Employers.

I have also appeared in Probate Court approximately 7-8 times all as Plaintiff. One of these cases is currently on appeal to the Circuit Court. I have handled Accounting Actions, Will Contest cases, Guardian/Conservatorship actions, and Estate Disputes.

I have appeared in Family Court on several DSS cases where I represented Defendants and also appeared as a Guardian. Years prior I have handled some divorce matters.

I have handled several cases before the Master-In-Equity regarding Quiet Title Actions as a result of Foreclosures or Covenants and Restrictions on property as well as two cases I handled as defense of Foreclosure actions.

In my early career I handled some jury trials as I represented a couple of insurance carriers. These were primarily auto accidents. I also handled several personal injury cases for the Plaintiff. Several of these were tried in the Magistrate's Court. Although I have participated in many actions brought in the Circuit Court, most of these settled prior to trial.

Ms. Cofield reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- |     |           |      |
|-----|-----------|------|
| (a) | civil:    | 30%  |
| (b) | criminal: | 0%   |
| (c) | domestic: | 1%   |
| (d) | other:    | 69%. |

Ms. Cofield reported the percentage of her practice in trial court during the past five years as follows:

- |     |           |      |
|-----|-----------|------|
| (a) | jury:     | 10%  |
| (b) | non-jury: | 90%. |

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Ms. Cofield provided that she most often serves as sole counsel.

The following is Ms. Cofield's account of her five most significant litigated matters:

- (a) Moore v. City of Easley, 372 S.E.2d 626 (1996)  
I represented the South Carolina State Accident Fund in this Workers' Compensation matter. This case established that angina following a heart attack is not a compensable injury in South Carolina Workers' Compensation claims unless there is a causal relationship between the angina and the Claimant's inability to work.
- (b) Barton v. Higgs, 381 S.C. 367, 674 S.E.2d 145 (2009)  
In this matter I represented the South Carolina Uninsured Employers' Fund. In interpreting South Carolina Code Section 42-1-451 as to whether or not an employer or statutory employer could pass liability to the South Carolina Uninsured Employer's Fund, the South Carolina Supreme Court held that a Certificate of Insurance presented by an employer to an upstream statutory employer must be signed. This was one of the first South Carolina Supreme Court decisions to challenge the sufficiency of a Certificate of Insurance.
- (c) Hopper v. Terry Hunt Construction, 383 S.C. 310, 680 S.E.2d 1 (2009)  
Again, in this matter, I represented the South Carolina Uninsured Employers' Fund where the South Carolina Supreme Court decided to set forth additional requirements for an acceptable Certificate of Insurance necessary for an employer or statutory employer to pass liability to the South Carolina Uninsured Employers' Fund.
- (d) Pilgrim v. Eaton, 391 S.C. 38, 703 S.E.2d 241 (2010)  
In this precedential case, I represented the South Carolina Uninsured Employers' Fund where the South Carolina Supreme Court ruled on the issue as to whether or not two employers were jointly and severally liable for the Claimant's injuries and damages after one owner purportedly sold his interest to the other but continued

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to maintain the building permit. The South Carolina Supreme Court ruled that the seller of the business remained as a statutory employer, and thus, was jointly and severally liable for the case. A second issue on the determination of the Claimant's average weekly wage was remanded to the South Carolina Workers' Compensation Commission.

(e) The Estate of DeRoin

As with a majority of cases, the significance of the matter may not lie with a third party, but certainly remains significant to my client and me. In this Probate Estate Matter, I represented a young adopted woman (the Plaintiff) who had a sister (the Defendant) insert new pages in their father's Last Will and Testament in order to prevent my client, the Plaintiff, from inheriting under her father's Will. Further, the Defendant also secured a Deed from her father of a piece of property at the beach just days prior to his death. The case became quite complex in the handling of discovery, use of emails, depositions, and other evidence that was necessary to prove the malfeasance. The matter was also initiated in the Lexington County Probate Court, then was removed to the Lexington County Circuit Court and then remanded back to the Lexington County Probate Court. To make matters more difficult a third sibling was also an heir, but was incarcerated after the commission of a couple of murders."

The following is Ms. Cofield's account of five civil appeals she has personally handled:

- (a) Rochester d/b/a Rochester Cab Company v. Arthur G Roberts Appeal from Oconee County Circuit Court  
Court of Appeals Unpublished Opinion No.:  
2008-UP-323 Filed June 27, 2008
- (b) Tower v. SC Department of Corrections Appeal from  
Richland County Circuit court  
Court of Appeals Unpublished Opinion No. :  
2005-UP-599 Filed November 28, 2005

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- (c) Pfeil v. Larry Rowell, Jeff Barnhart, d/b/a Rowell and Barnhart Construction Appeal from York County Circuit Court  
Supreme Court Opinion No. : 2009-MO-060 Filed November 9, 2009
- (d) On Time Transportation, Inc. v. SC Workers' Compensation Uninsured Employers' Fund  
Appeal from Spartanburg County Circuit court  
Court of Appeals Unpublished Opinion No.: 201 1-UP-581  
Filed December 20, 2011
- (e) Sanchez v. Cold Creek Nurseries  
Appeal from Aiken County Circuit Court  
Court of Appeals Unpublished Opinion No.: 2011-UP-458 Filed October 13, 2011

Ms. Cofield reported that she has not personally handled any criminal appeals.

Ms. Cofield further reported the following regarding an unsuccessful candidacy:

Yes, in 2014 I was a candidate for South Carolina State Superintendent of Education.

(9) Judicial Temperament:

The Commission believes that Ms. Cofield's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Cofield to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Unqualified" in the remaining evaluative criteria of experience. The Committee noted Ms. Cofield's excellent temperament, experience, and knowledge of the law, particularly in the field of workers' compensation. In summary, the Committee stated, "Ms. Cofield has practiced extensively in the field of workers' compensation, but she has practically no experience in the Circuit Court, which makes her



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unqualified for this position.”

Ms. Cofield is married to Homer James Terrapin Jr. She has two children.

Ms. Cofield reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association - Member
- (b) Lexington County Bar - Member
- (c) SCWCEA – SC Workers’ Compensation Education Association - Member

Ms. Cofield provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Lexington County Chamber of Commerce - Member
- (b) Mount Horeb United Methodist Church - Member
- (c) Katrina’s Kids – Board of Directors, 2015-2016
- (d) Lexington County Dixie Youth Baseball – Board Secretary, 2012-2014
- (e) University of South Carolina School of Law Student Mentor – 2015 – 2016
- (f) South Carolina State Moot Court Judge

Ms. Cofield further reported:

In 1987, after teaching school for three years my Dad encouraged me to attend law school. Although I was a young, skeptical woman entering a field just beginning to be accepting of women, and I was worried that I did not take on the usual legal persona, my father’s advice has remained etched in me. He said, “You don’t have to be anything but yourself. Be Amy.” Because of my Christian faith, I strive to be fair and honest and treat others with respect. Because of my heritage, I personally strive to be strong, knowledgeable, accepting of others, and committed to excel in all that I do.

In 1994, after less than three full years of practice, my father/law partner passed away leaving me as a solo practitioner. I was forced to quickly take on not only the legal work but the work of running a business as well. In the next few years I nearly tripled the amount of work and business income. I was

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in a position of “sink or swim” so I swam....hard. I pride myself now on the dedication and hard work I gave to learning new areas of law. I took extra classes and had very close mentors assist me. To this day I thrive on challenges of the law. I do not want to ever stop learning or be complacent in what I do. This explains why, over the years, I have purposefully engaged in many different areas of practice. There are some that I have yet to tackle, but I am committed to doing that with the same vigor I have tackled my career for 26 years.

(11) Commission Members’ Comments:

The Commission commented that Ms. Cofield has a great deal of administrative experience.

(12) Conclusion:

The Commission found Ms. Cofield qualified, but not nominated for Circuit Court, Eleventh Judicial Circuit, Seat 2.

**Donna Elder**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

**Commission’s Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission’s investigation, Ms. Elder meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Elder was born in 1966. She is 51 years old and a resident of Lexington, South Carolina. Ms. Elder provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:

The Commission’s investigation did not reveal any evidence of unethical conduct by Ms. Elder.

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Ms. Elder demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Elder reported that she has made \$78.92 in campaign expenditures for postage, note cards, and a name tag.

Ms. Elder testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Elder testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Elder to be intelligent and knowledgeable.

Ms. Elder reported that she has taught the following law-related courses:

- (a) I have taught at Limestone College, Block Program, classes in Business Law, American Government, State and Local Government and Law;
- (b) I have made several presentations at the annual Law Enforcement Conference in the areas of search and seizure, drafting warrants and Constitutional law;
- (c) I have made presentations for the SCHP in the areas of Constitutional Law and legal updates;
- (d) I have made presentations for the S.C. Bar, Hot Tips for Domestic Practitioners in the area of juvenile law;
- (e) I have lectured at Horry Georgetown Technical School for their adult education short courses in the area of Basic 101 law;

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- (f) I have made presentations for DEA in the area of civil forfeiture;
- (g) I made yearly legal update presentations for local law enforcement agencies for a period of 14 years;
- (h) I was a certified instructor for juvenile officers in the area of juvenile law;
- (i) I have made presentations at the IOMGIA (International Outlaw Motorcycle Gang Investigators Association) annual conference in the area of gang prosecution and case development.

Ms. Elder reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Elder did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Elder did not indicate any evidence of a troubled financial status. Ms. Elder has handled her financial affairs responsibly.

The Commission also noted that Ms. Elder was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Elder reported that she is not rated by any legal rating organization.

Ms. Elder reported that she has not served in the military.

Ms. Elder reported that she has held the following public office:

- (a) 1994-2001, South Carolina Juvenile Parole Board. All required reports were timely filed.

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- (6) Physical Health:  
Ms. Elder appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:  
Ms. Elder appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:  
Ms. Elder was admitted to the South Carolina Bar in 1991.

She gave the following account of her legal experience since graduation from law school:

- (a) 1991-1992 Associate with Ken Holland, PA-We focused on personal injury and workers compensation cases. I prepared pleadings, interviewed clients, prepared discovery, assisted with deposition and trial preparation. Assisted on death penalty representation.
- (b) 1992-2001 Donna Elder, Attorney-I handled all general litigation matters in Family Court, Civil and Criminal Court. I was also General Counsel for the Cherokee County School District. I managed all administrative and financial needs of the office including trust accounts.
- (c) 1993-1994 Cherokee County Magistrate-I reviewed requests and issued arrest and search warrants, conducted criminal and civil trials. I also assisted in the management of the office staff and assisted with the development of the budget.
- (d) 1994-1995 Member of South Carolina Juvenile Parole Board-We conducted parole review hearings for juvenile offenders. I also was a liaison between the agency and victim advocacy groups.
- (e) 1995-2001 Chairman/Vice Chairman of South Carolina Juvenile Parole Board-I chaired parole review hearings for juvenile offenders. I also assisted in the management of the office to include the staff and the budgetary process.

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- (f) 2001-2003 Assistant Solicitor for the Fifteenth Judicial Circuit-I prosecuted juvenile offenders and managed a case load in excess of 700 petitions, I also prosecuted during this period of time general sessions offenders and managed a case load in excess of 500 warrants. I was the lead trial attorney in numerous Family Court and General Sessions trial cases.
- (g) 2003-2014 Senior Assistant Solicitor for the Fifteenth Judicial Circuit-I prosecuted general session offenses, the bulk of which were violent crimes. I supervised a team of general session prosecutors, directing case management, shaping professional development and training a diverse group of attorneys. I guided team members regularly on issues of case development, legal theories, evidentiary and ethical issues. I managed a personal case load in excess of 400 active cases and a team case load in excess of 1600 active cases. I had an average of 4 criminal trials per year. I developed and executed a detention facility program resulting in a comprehensive reduction of case backlog and I served on a joint statewide committee for drug sentencing reclassification.
- (h) 2006-2012 Senior Assistant Solicitor, Drug Forfeitures, for the Fifteenth Judicial Circuit-I created a circuit wide program for effectively and uniformly filing civil cases for drug forfeitures. I served as attorney for the plaintiff in these matters handling all stages of the civil litigation to include trial. I had an average of 5 civil trials per year, most non-jury. I maintained the financial records and reports for the civil forfeitures utilizing a computer program I assisted in developing attached to our case management system.
- (i) 2014-2015 Statewide Prosecutor, South Carolina Department of Revenue-I was the sole prosecutor for DOR working with the investigators and directing case management and investigation. I traveled weekly to different regions of the State to appear in Court on behalf of the Department.
- (j) 2015-Present South Carolina Senate, Research Director-I consult directly with Senators on pending

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legislation to include advising as to the legality and constitutionality of bills. I research and draft constitutional and statutory changes in existing law. I am a liaison between members of the Senate and the media/lobbyist.

Ms. Elder reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: Weekly up until 2015;

Ms. Elder reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;(Between 2007-2012, 20%)
- (b) Criminal: 99%;(Between 2012-2015)
- (c) Domestic: 1%;(Between 2012-2015)
- (d) Other: 100%. (Between 2015-2017)

Ms. Elder reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 85%;
- (b) Non-jury: 15%.

Ms. Elder provided that she most often serves as sole counsel.

The following is Ms. Elder's account of her five most significant litigated matters:

- (a) State v. Marcus Dwain Wright, 416 S.C. 353, 785 S.E. 2d 479 (Ct. App. 2016). I handled this matter at trial as sole prosecutor. This was one of the most complex cases I tried in criminal court as it involved over 200 pieces of evidence that had to be introduced, the issues of self-defense, a lesser included offense charge, a search warrant issue, an exigent warrantless search issue, the plain view doctrine, multiple crime scenes, phone tower dumps, witness tampering, ongoing death threats and an attempt to reopen for testimony request after defense rested. Defendant was charged with

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murder, trafficking drugs and PWID (both arising from time of arrest not murder itself). Defendant was convicted and received a life sentence with consecutive 15 and 25 year sentences.

- (b) State v. Richard Anderson, 386 S.C. 120, 687 S.E. 2d 35 (2009). I represented the State in this matter at trial as the sole prosecutor. This case involved the authentication of a ten print card after an AFIS hit. The guiding case up to this point had been State v. Rich, 293 SC 172, 359 S.E. 2d 281 (1987) which had been decided prior to the S.C. Rules of Evidence. The Court used this case as an example of what to do and to clarify and comport the authentication requirement to the existing rules of evidence.
- (c) J. Gregory Hembree on behalf of Horry County v. Michael Albin, 404 S.C. 241, 743 S.E. 2d 864 (Ct. App. 2013). I represented Horry County in this civil case involving a forfeiture. There was very little case law at the time regarding the interpretation of the civil forfeiture statute. I successfully argued at trial that each item in the forfeiture statute provided a distinct and separate method for seizing property. The Court of Appeals, I did not represent the County on appeal, determined that not to be the case and reversed in part and affirmed in part.
- (d) State v. Benedict Shogaolu. This was an extensive public corruption case with forensic accounting, numerous witness and a massive amount of public sentiment both ways. Mr. Shogaolu was the mass transit director and was convicted in state court and then subsequently pled to charges involving the misappropriation of taxpayer money for vacations, personal meals, personal furnishings, unauthorized pay raises and bonuses and used public funds to make inappropriate political donations.
- (e) State v. Dale Fowler. This was a cold case that was solved utilizing forensic technology that was not available at the time of the incident. Mr. Fowler was ultimately convicted as an adult of killing his mother through the use of DNA that was not available at the



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time of her death. A ring that had been in the possession of a friend of the defendants since shortly after his mother's death, provided the link that lead to the charge. Mr. Fowler was well into his 30's at the time of his conviction, however the offense had occurred a number of years prior, when he would have been a juvenile. Based on the law at the time of the death and crime, Mr. Fowler had to be initially charged as a juvenile, then I had to go through the waiver procedures to have him brought forward to General Sessions. He subsequently pled to a manslaughter. When this crime originally occurred in the early 80's, the solicitor at that time, had charged and obtained a death warrant on an uninvolved handy man in the area. Those charges were subsequently dropped. This case was particularly significant to me as we were not only able to identify the guilty party, but we were also able to clear the name of the individual previously charged.

The following is Ms. Elder's account of two civil appeals she has personally handled:

- (a) DSS v. Gerald Hamlett, 330 S.C. 321, 498 S.E. 2d 888 (Ct. App. 1998)
- (b) Fire Baptized Holiness Church of God of the Americas v. Greater Fuller Tabernacle Fire Baptized Holiness Church, 323 S.C. 418, 475 S.E. 2d 767 (Ct. App. 1996)

Ms. Elder reported she has not personally handled any criminal appeals.

Ms. Elder further reported the following regarding unsuccessful candidacies:

- (a) I was an unsuccessful candidate for the House of Representatives in 1996
- (b) I was an unsuccessful candidate for the Sixteenth Circuit Family Court position in 2000

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(9) Judicial Temperament:

Ms. Elder appears to be qualified in the area of judicial temperament

(10) Miscellaneous:

The Midlands Citizens Committee reported that Ms. Elder is “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The committee stated “Ms. Elder has considerable criminal law experience. She has some civil law experience, but it was some time ago. It is concerning that she has been sued by a client.” The Committee found that based on the evaluative criteria, Ms. Elder is a qualified candidate, with a few concerns.

Ms. Elder is divorced. She has no children.

Ms. Elder reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, House of Delegates, 2009-2014
- (b) SCWLA

Ms. Elder provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) South Carolina Bar Professional Responsibility Advisory Committee
- (b) Horry County Bar Association
- (c) Coastal Women Lawyers
- (d) NDAA
- (e) Leadership Grand Strand, Board of Regents
- (f) Learning for Leadership Graduate
- (g) 2013 Fifteenth Circuit Solicitor of the Year
- (i) Business and Professional Women, business woman of the year
- (j) Award of Appreciation, S.C. Sheriff’s Association

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Ms. Elder further reported:

I have always tried to do what was right and just for my clients, victims and those I prosecuted. I have had the pleasure of working with and being mentored by some great attorneys throughout my 25 year plus career, they have taught me that respect, ethical behavior, patience and preparedness are absolutely necessary. I strive each day to incorporate those lessons into everything I do. I will continue to do so as a member of the Judiciary.

(11) Commission Members' Comments:

The Commission commented that Ms. Elder has a broad range of experience and is a fierce advocate for her clients.

(12) Conclusion:

The Commission found Ms. Elder qualified, but not nominated for election to Circuit Court, Eleventh Judicial Circuit, Seat 2.

**David Shawn Graham**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Graham meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Graham was born in 1967. He is 51 years old and a resident of Lexington, South Carolina. Mr. Graham provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Graham.

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Mr. Graham demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Graham reported that he has not made any campaign expenditures.

Mr. Graham testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Graham testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Graham to be intelligent and knowledgeable.

Mr. Graham reported that he has taught the following law-related courses:

- (a) I have made a presentation at the South Carolina Solicitor's Conference on Bond Estreatments.
- (b) I have made a presentation sponsored by the South Carolina Prosecution Coordination Commission on "Preparing for Mitigation in Capital Cases."

Mr. Graham reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Graham did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation

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of Mr. Graham did not indicate any evidence of a troubled financial status. Mr. Graham has handled his financial affairs responsibly.

The Commission also noted that Mr. Graham was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Graham reported that he is not rated by any legal rating organization.

Mr. Graham reported that he has not served in the military.

Mr. Graham reported that he has never held public office.

(6) Physical Health:

Mr. Graham appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Graham appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Graham was admitted to the South Carolina Bar in 1996.

He gave the following account of his legal experience since graduation from law school:

- (a) Barnwell, Whaley, Patterson & Helms; Associate;  
Insurance defense practice  
September 1996 – January 1997
- (b) Fourteenth Judicial Circuit Solicitor's Office;  
Assistant Solicitor; prosecuting criminal cases in  
General Sessions Court  
January 1997 – August 1998

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- (c) Eleventh Judicial Circuit Solicitor's Office; Assistant Solicitor; prosecuting criminal cases in General Sessions Court  
August 1998 – April 2001
- (d) Eleventh Judicial Circuit Solicitor's Office; Senior Assistant Solicitor; prosecuting more serious criminal cases in General Sessions Court; and mentoring younger attorneys and helping develop their judgment and trial skills  
April 2001 – December 2005
- (e) Eleventh Judicial Circuit Solicitor's Office; Deputy Solicitor; prosecuting the most serious and complex criminal cases in General Sessions Court; mentoring younger attorneys and helping develop their judgment and trial skills; some administrative responsibility; reviewing active SLED investigations; and advising and consulting with law enforcement  
January 2006 - present

Mr. Graham further reported regarding his experience with the Circuit Court practice area:

Criminal – In the past five years as a Deputy Solicitor for the Eleventh Judicial Circuit Solicitor's Office, in addition to bond hearings; motion hearings; guilty pleas; and status conferences; I have tried fifteen (15) jury trials. Fourteen (14) of those were Murder trials and the other trial was an Armed Robbery with a Failure to Stop for a Blue Light Resulting in Death.

Civil – As a full time prosecuting attorney, I am unable to practice Civil law. As an experienced trial attorney, I am extremely well versed in the Rules of Evidence that applies equally to both Criminal and Civil matters. I worked briefly for a Civil firm primarily focusing on Insurance defense at the beginning of my legal career. I also stay abreast of the law by reading the advance sheets. I would compensate for my lack of experience by focusing my reading and continuing legal education requirements in Civil areas of law. In addition, I would consult with more experienced judges as needed.

I have had well over one hundred appearances before a Circuit Court Judge within the past five years, including: bond

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hearings; motion hearings; guilty pleas; status conferences; and jury trials.

Mr. Graham reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%;
- (b) State: 100%;
- (c) Other: N/A.

Mr. Graham reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 100%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Mr. Graham reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 75%;
- (b) Non-jury: 25%.

Mr. Graham provided that he most often serves as lead counsel.

The following is Mr. Graham's account of his five most significant litigated matters:

- (a) State v. Mercer, 381 S.C. 149, 627 S.E.2d 556 (2009).  
This was a death penalty case. Kevin Mercer was convicted of murdering Sergeant First Class Tracy Davis and stealing his Lincoln Navigator. Mercer was found guilty of murder; armed robbery; and possession of a weapon during the commission of a violent crime. He was sentenced to death. The South Carolina Supreme Court affirmed Mercer's convictions and sentence of death. The Supreme Court affirmed the trial court's decision to exclude the testimony from Mercer's Co-defendant's attorney as to the charges the co-defendant faced.
- (b) State v. Finklea, 388 S.C. 379, 697 S.E.2d 543 (2010).

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This was a death penalty case. Ron O. Finklea was convicted of murdering Walter Sykes, a security guard at the Selectron plant in Lexington County. Finklea was found guilty of murder and was sentenced to death. The South Carolina Supreme Court affirmed Finklea's conviction and sentence of death. At trial, Finklea claimed amnesia of the events and thereby asserted that he was not competent to stand trial. The trial court found Finklea competent to stand trial and the South Carolina Supreme Court agreed.

- (c) State v. Butler, 407 S.C. 376, 755 S.E.2d 457 (2014).

Beulah Butler was convicted of voluntary manslaughter in the death of her boyfriend, Tarquinius Leonard Russel. The South Carolina Supreme Court affirmed the conviction. The Supreme Court was asked to determine the proper standard on a motion for a directed verdict in a case involving self-defense. At trial and on appeal, Butler's attorneys argued that the proper standard in self-defense case required the State to disprove self-defense beyond a reasonable doubt. The South Carolina Supreme Court affirmed the decision and found that the trial court had properly denied the motion for a directed verdict. The court concluded that Butler's injuries were not consistent with her testimony; that there was sufficient evidence to create a jury issue, and that viewing the evidence in the light most favorable to the State the motion for directed verdict was properly denied.

- (d) State v. Lynch, 412 S.C. 156, 771 S.E.2d 346 (Ct.App. 2015).

This was a death penalty case. Kenneth Andrew Lynch was convicted of murdering Portia Washington and her granddaughter Angelica Livingston. Their bodies were never found. In a bench trial, Lynch was found guilty of two counts of murder and grand larceny of Washington's car. Lynch was sentenced to life in prison for the murder and ten (10) years for the theft. At trial, the defense argued that the State had failed to present substantial circumstantial evidence that Lynch killed the victims; was present at the scene of the crime;



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and had stolen Washington's car. The South Carolina Court of Appeals disagreed and affirmed the convictions. Testimony showed that Washington would have never loaned her car to anyone; that Lynch was the last person seen with Washington; that Lynch admitted to seeing Washington the day before the murder occurred; and that blood belonging to Livingston found in the house was indicative of an assault. The court also found that there was substantial evidence of flight in Lynch's cross country attempt to flee. The Court of Appeals additionally affirmed the trial court's jury charge on circumstantial evidence and its rulings on search and seizure issues.

- (e) State v. Brockmeyer, 406 S.C. 324, 751 S.E.2d 645 (2013).

Brockmeyer was convicted of murder and Possession of a weapon during the commission of a violent crime in the shooting death of Nicholas Rae. The South Carolina Supreme Court affirmed the conviction. The Supreme Court held that the log maintained by SLED as to chain of custody of evidence was non-testimonial in nature and that the custodian of the record's testimony did not implicate the defendant's right of confrontation under Crawford. The Supreme Court opined that the State had adequately proven the chain of custody for the items recovered by police investigators.

Mr. Graham reported he has not personally handled any civil or criminal appeals.

Mr. Graham further reported the following regarding an unsuccessful candidacy:  
Unsuccessful candidate for Lexington County Master-in-Equity; found qualified to serve; 2005.

- (9) Judicial Temperament:

The Commission believes that Mr. Graham appears to be qualified in the area of judicial temperament.

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(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Graham to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, and reputation, and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, mental stability, experience, and judicial temperament. The Committee stated in summary, “Mr. Graham is a fine prosecutor, but we have some real concerns about his performance as a Circuit Court Judge.” Specifically, the Committee commented that, “Mr. Graham has been an exemplary prosecutor. Based on our research, though, there is some concern that he is so much a prosecutor that he does not respect the defense side of the system or its practitioners. There are also some mild concerns about his temperament. Also, he has almost no experience in civil law.”

Mr. Graham is divorced. He has two children.

Mr. Graham reported that he was a member of the following Bar and professional association:

(a) South Carolina Bar

Mr. Graham provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:

(a) Mt Horeb United Methodist Church - Lexington

Mr. Graham further reported:

I have been a prosecuting attorney for the past twenty years. A prosecutor represents the people and not an individual. A prosecutor is to seek justice and not win at any cost. In every case, I have handled, I have always done what I thought was right, fair, and just. I have always treated victims, witnesses, opposing attorneys and defendants with respect. I have had to manage my docket. I have dismissed cases when there has been a lack of evidence to prosecute. I have dismissed cases against innocent persons when they were falsely accused. I have sent first time offenders to Pre-Trial Intervention (PTI) because they deserved a second chance. I have reduced charges when the

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facts haven't supported the charge. I have negotiated cases and recommended defendants receive probation because it was appropriate given the facts and circumstances. I have negotiated pleas that sent people to prison when that is what was deserved. I have tried the case when the facts and the law have convinced me of the defendant's guilt and they refused to accept responsibility or reach a plea agreement. In my career as a prosecutor, I have had the discretion, authority, and responsibility to do justice.

(11) Commission Members' Comments:

The Commission commented that Mr. Graham has presented himself as a conscientious, thoughtful, and intelligent candidate. They noted he has a wealth of trial experience and has been a dedicated public servant for almost his entire career.

(12) Conclusion:

The Commission found Mr. Graham qualified, but not nominated to serve as a Circuit Court judge.

**Andrew (Andy) Burke Moorman Sr.  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Moorman meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Moorman was born in 1975. He is 42 years old and a resident of Greer, South Carolina. Mr. Moorman provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001. He was also admitted to the Kentucky Bar in 2002.

(2) Ethical Fitness:

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The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Moorman.

Mr. Moorman demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Moorman reported that he has made \$36.53 in campaign expenditures for postage and \$198.95 for stationary.

Mr. Moorman testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Moorman testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Moorman to be intelligent and knowledgeable.

Mr. Moorman reported that he has taught the following law-related courses:

- (a) Mock Trial Coach, Furman University, 2003-2005- During my time as a coach at Furman University, I gave numerous lectures on the Rules of Evidence, torts, and substantive criminal law.
- (b) Thirteenth Judicial Circuit Solicitor's Office Retreat, 2004 (approximately)- A presentation on out-of-court identifications and the application of the factors contained in Neil v. Biggers to these identifications.
- (c) Thirteenth Judicial Circuit Solicitor's Office Retreat, 2006 and 2007- A presentation on the law as applied to

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guilty pleas with a focus on multiple concepts, including but not limited to the differences courts recognized between “negotiated sentences” and “recommendations,” as well as what constituted a valid waiver of a defendant’s right of presentment of an indictment to the grand jury.

- (d) “It’s All a Game: Top Trial Lawyers Tackle Evidence,” 2010 (A CLE sponsored by the SC Bar)- A presentation on the authentication of evidence and the differences in how courts have interpreted S.C.R.E. 901 and F.R.E. 901, especially as it relates to the concept of the chain of custody.
- (e) Adjunct Professor, Clemson University, Masters of Public Administration Program, 2011-2016- I taught the Administrative Law class for this program to graduate students.
- (f) U.S. Attorney’s Office, “Lunch and Learn,” 2012 (approximately)- A presentation on best practices for the production of discovery in criminal cases.
- (g) South Carolina Solicitors’ Association Annual Conference, 2013- A presentation entitled “Anatomy of a Traffic Stop,” which I co-presented with Assistant U.S. Attorney Lance Crick. Specifically, the presentation suggested a mode of analysis to be used for Fourth Amendment issues and focused on some common Fourth Amendment issues that often arise in the context of traffic stops.
- (h) South Carolina Solicitors’ Association Annual Conference, 2013- A presentation on the challenges associated with the authentication of Facebook and other social media evidence, which I co-presented with Jonathan VanHouten.
- (i) U.S. Attorney’s Office Retreat, 2014- A presentation on the drafting of search warrant affidavits with an emphasis on what should and should not be included in these affidavits as well as a discussion on how to provide the issuing judge with what that judge needs to be able to make credibility determinations of witnesses on which the affidavit relies to establish probable cause.

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- (j) U.S. Attorney's Office Retreat, 2014- Participated on a panel of other Assistant U.S. Attorneys for the purpose of discussing obligations prosecutors have associated with the production of discovery.
- (k) Criminal Interdiction Seminar, National Criminal Enforcement Association, 2014- A presentation similar to the presentation referenced in (g). I was the sole presenter.
- (l) "It's All a Game: Top Trial Lawyers Tackle Evidence," 2015 (A CLE sponsored by the SC Bar)- A presentation on the process I used to authenticate various exhibits I have introduced in various federal criminal trials I have had as an Assistant U.S. Attorney. The presentation primarily focused on the application of F.R.E. 901 and how to prove that a piece of evidence is what the lawyer claims it to be.
- (m) South Carolina Solicitors' Association Annual Conference, 2015- A presentation similar to the presentation referenced in (l).
- (n) United States Probation Office Annual Guidelines Seminar in Greenville, 2015- A presentation on the importance of civility in the practice of law and recommendations for maintaining and improving civility between lawyers who participate in our adversarial system of justice.
- (o) Greenville County Bar CLE, 2016- Participated on a panel with Associate Justice of the South Carolina Supreme Court John C. Few in a plenary session to discuss concepts associated with the importance of civility to the practice of law. The presentation by the panel was similar to the presentation on civility I did for the United States Probation Office, discussed more fully in (n).
- (p) Greenville County Bar CLE, 2016- A presentation on the evidentiary challenges associated with body camera videos which I co-presented with Assistant Solicitor Mark Moyer.
- (q) "It's All a Game: Top Trial Lawyers Tackle Evidence," 2016 (A CLE sponsored by the SC Bar)- A presentation on body camera videos similar in nature

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to the presentation referenced in (p). I was the sole presenter.

- (r) Federal Bar Association's Annual Event: Introduction to Federal Practice, 2016- A presentation on the practice of criminal law in federal district court, and a discussion of a few differences between practicing in federal district court and state general sessions court.
- (s) Greenville County Bar CLE, 2017- A presentation on how F.R.E. 613 and S.C.R.E. 613 are interpreted differently and on the process by which one introduces extrinsic evidence of an inconsistent statement.
- (t) "It's All a Game: Top Trial Lawyers Tackle Evidence," 2017 (A CLE sponsored by the SC Bar)- A presentation on Rule 613 similar in nature to the presentation referenced in (s).
- (u) Over the years, I have given numerous presentations to various other groups, including but not limited to, members of the Greenville County Sheriff's Office, the Simpsonville Police Department, the Mauldin Police Department, the Federal Bureau of Investigation, the Bureau of Alcohol Tobacco, Firearms, and Explosives, the Drug Enforcement Administration, and other law enforcement agencies on concepts associated with the Fourth Amendment, the Government's obligations to provide discovery in criminal cases, and other legal issues.
- (v) On numerous occasions, I also have been a guest lecturer in evidence classes taught at the University of South Carolina School of Law and the Charleston School of Law.

Mr. Moorman reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Moorman did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Moorman did not indicate any evidence of a troubled

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financial status. Mr. Moorman has handled his financial affairs responsibly.

The Commission also noted that Mr. Moorman was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Moorman reported that his rating by a legal rating organization, Martindale-Hubbell, is 4.1.

Mr. Moorman reported that he has not served in the military.

Mr. Moorman reported that he has never held public office.

(6) Physical Health:

Mr. Moorman appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Moorman appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Moorman was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Clerk, the Honorable John C. Few, Judge of the Circuit Court, Thirteenth Judicial Circuit, 2001-02- I began my legal career working in the circuit court, and my first employment as a lawyer could not have been more valuable to me. Judge Few invested in my development as a lawyer, challenging me to think more clearly about legal issues and to write more succinctly. Most importantly, Judge Few taught me that the law



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directly impacts people's lives. I saw this firsthand almost on a daily basis in the circuit court as I sat with Judge Few on the bench as he tried cases in General Sessions Court and the Court of Common Pleas, and as he accepted guilty pleas and sentenced criminal defendants.

- (b) Assistant Solicitor, Thirteenth Judicial Circuit Solicitor's Office, 2002-07- As an assistant solicitor, I was assigned a myriad of different types of cases including violent crime, drugs, property crimes, and public corruption cases. My time at the Solicitor's Office was possibly the most important period of my career: I learned how to try a case. During this period, I tried murder cases, armed robbery cases, drug cases, and numerous other types of cases. I also represented the office in one or two appeals.
- (c) Associate, Bannister & Wyatt, LLC, 2007-09- I represented the firm's clients in Magistrate Court, Family Court, General Sessions Court, Common Pleas Court, before the South Carolina Court of Appeals, and in U.S. District Court. I also was assigned to represent a defendant whom the State was seeking to commit as a sexually violent predator. The case was tried in the Court of Common Pleas, and the parties engaged in discovery prior to trial, utilizing discovery devices made available by the South Carolina Rules of Civil Procedure. Finally, I often was appointed by Federal Magistrates to represent criminal defendants in U.S. District Court. I was not responsible for the administration or financial management of the firm.
- (d) Part-time Assistant Public Defender, Thirteenth Judicial Circuit, 2007-09- I represented individuals charged with crimes in General Sessions Court, and I tried cases. I also learned that there is something special about being an advocate for an individual.
- (e) Assistant U.S. Attorney, 2009-present- I have represented the United States of America in criminal cases in U.S. District Court, and I have tried numerous cases in U.S. District Court. I also have had the privilege of representing the United States on appeals in cases before the U.S. Court of Appeals for the Fourth Circuit. In

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addition to prosecuting cases, I have been tasked with leading the office's Organized Crime and Drug Enforcement Task Force (OCDEF) program. I am currently the Deputy Criminal Chief of the Narcotics Unit. In this capacity, I supervise eight assistant U.S. attorneys who prosecute drug cases around the state.

Mr. Moorman reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 100% (appearing on a weekly basis, often multiple times in one day)
- (b) State: 0%

Mr. Moorman reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) civil: 5% (collateral attacks on convictions in criminal cases)
- (b) criminal: 95%
- (c) domestic: 0%
- (d) other: 0%

Mr. Moorman reported the percentage of his practice in trial court during the past five years as follows:

- (a) jury: 5%
- (b) non-jury: 95%

With the exception of collateral attacks on convictions (5%), most every case I have handled for the past eight years has been one that was susceptible of being tried to a jury. Most of these cases resulted in guilty pleas (possibly construed as being settled prior to trial). I have actually tried approximately 5% of the defendants I have prosecuted since becoming an Assistant U.S. Attorney in 2009.

Mr. Moorman provided that he most often serves as lead counsel.

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The following is Mr. Moorman's account of his five most significant litigated matters:

- (a) State v. Brandon Turner (Greenville County General Sessions Court, Indictment Nos. 2003-GS-23-1192 and 1193, Guilty Verdict returned on August 11, 2005)-

I represented the State in Turner's trial for Armed Robbery and Assault and Battery of a High and Aggravated Nature. The victim was a pizza delivery woman who had been diagnosed with paranoid schizophrenia as a child. She delivered a pizza to a trailer in Greenville County one afternoon. After knocking on the door and receiving no answer, she walked to the rear of the trailer, where Turner confronted her with a firearm. He made her lie on the ground, held the firearm to her head, and demanded her money. The victim was terrified and gave all the money she had to him. Turner then fled. I had the privilege of meeting with the victim numerous times prior to trial to prepare, and I was so impressed with her. She had worked so hard throughout her life to be productive despite her mental illness. At the time of the robbery, I believe she had two jobs. (She had a paper route in addition to delivering pizzas.) Some people in the office thought I was ill-advised to prosecute a case wherein the sole witness to the crime suffered from paranoid schizophrenia. But when I talked with her, I believed her, and I believed in her. As a young lawyer, it forced me to take a risk in the courtroom to do what was right. I think this case is significant because judges in this State take an oath, in part, to "seek justice, and justice alone." This case illustrates how I have continued to seek justice as a state and federal prosecutor for 13 years.

\*\* Turner appealed, and his conviction and sentence were affirmed. The published opinion can be found at State v. Turner, 373 S.C. 121, 644 S.E.2d 693 (2007). I played no part in the appeal.

- (b) State v. Landis Moragne (Greenville County General Sessions Court, Indictment No. 2004-GS-23-6129, Guilty Verdict returned on January 11, 2006)-

I represented the State in Moragne's trial for murder. The State's evidence at trial demonstrated that two teenage

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brothers worked together to sell drugs in Greenville County. The victim was one of the brothers' drug customers. On the night of the murder, one of the brothers travelled to the victim's residence and provided the victim with the drugs. However, the victim refused to pay. The brother then left, picked up his other brother and Moragne (who was older than the brothers), and returned to the victim's residence with a firearm. When the three men returned, the victim exited the residence, and the men argued in the front yard. During the argument, Moragne shot the victim twice: the first shot caused the victim to fall to his knees, and Moragne shot the victim the second time while the victim was on his knees, killing him. This case is significant for a few reasons. First, murder cases are among the most serious if not the most serious cases that are tried in criminal court. Second, this case presented me with various challenges I had to overcome as the sole trial lawyer representing the State: I had to call numerous different types of witnesses (police officers, the drug-dealing brothers, forensic technician(s), etc.); the exhibits I introduced during the State's case-in-chief were varied and included firearms, ammunition, videos, and photographs; and I had to try the case in a potentially emotional atmosphere, with family members and/or friends of both the victim and Moragne attending the trial. I think an experience like this as a practicing lawyer in the Circuit Court provides one with a resource on which to draw if one were asked to preside over a trial of this nature in the Circuit Court.

- (c) Ex parte Hearst-Argyle Television, Inc., 369 S.C. 69, 631 S.E.2d 86 (2006)-

Christopher Williams entered a Bi-Lo grocery store on East North Street in Greenville with a shotgun looking for his girlfriend. He found her and shot her multiple times, killing her. The State tried him for capital murder. Prior to trial, Williams filed Motions to Suppress evidence, and the presiding judge decided to close the courtroom to the press during the hearing on Williams' Motions. Ultimately, the presiding judge denied the motions; a jury convicted Williams; and he was sentenced to death.

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Members of the media who were excluded from the hearing on Williams' Motions appealed the judge's decision to close the courtroom. I was asked to represent the State on the appeal before the South Carolina Supreme Court. The parties submitted briefs, and participated in oral arguments before the Supreme Court. I mention this case as significant because it was the first time I appeared before an appellate court and argued before an appellate court. I also believe it is significant because I think trial judges should have knowledge of the appellate process, and this experience provided me with much of this knowledge. Finally, I believe it is significant because the primary issue involved in the case, balancing the media's First Amendment right to access to courtrooms with the litigants' right to a fair proceeding, is an issue that may be implicated in any case, either criminal or civil, that is of public importance and is litigated in a courtroom in South Carolina.

- (d) United States v. Martinez-Turcio, et al, 494 Fed. Appx. 354 (4<sup>th</sup> Cir. 2012) (unpublished)-

I prosecuted nine members of a drug trafficking organization that operated in Virginia, Greenville, South Carolina, Louisiana, and Houston, Texas. Members of the organization would travel to Houston, Texas, to be supplied with hundreds of pounds of marijuana. After buying the marijuana in Houston, these members would travel from Houston to Greenville, South Carolina, and other destinations for the purposes of distributing this marijuana. During the course of the conspiracy, evidence at trial indicated that members of the organization had distributed in excess of one ton, or two thousand pounds, of marijuana in multiple states, including South Carolina. The investigation culminated in December of 2009 with the arrest of nine members of the organization and the seizure of approximately 150 pounds of marijuana, multiple firearms, U.S. Currency, and false immigration documents from a stash house the organization utilized in Greenville, South Carolina. Ultimately, six of the nine defendants elected to go to trial, and the jury convicted all of these defendants after approximately four days of trial.

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Each of these defendants appealed his conviction and sentence; each defendant was represented by separate counsel; and the consolidated opening brief that these defendants (appellants) filed was 114 pages. I represented the United States on appeal; I responded, in the United States' 101-page response brief, to each of the seventeen issues that the appellants raised; and the Fourth Circuit Court of Appeals affirmed each of the defendant's convictions and sentences. This case is significant for a few reasons. During the investigation, I had to authorize and assist in the drafting of numerous requests for electronic surveillance. The prosecution involved federal and local law enforcement agencies from numerous jurisdictions from across the Southeast. The motion practice leading up to trial was very demanding, and the trial was hotly contested. Finally, I was tasked with responding to the arguments of six lawyers on appeal. In sum, this case serves as one of the best examples of my ability to stay the course to achieve a goal and to research and write effectively. I believe both these skills are important to have as a circuit judge.

(e) United States v. Eric Scott, et al. (U.S. District Court, Case No. 8:15-129)-

Eric Scott was a leader of a drug conspiracy that began in 2003 and continued until 2016. My participation in the investigation began in 2013, and federal agents arrested the majority of the members of this conspiracy in February and March of 2015. Scott and other coconspirators distributed millions of dollars worth of cocaine, crack cocaine, and marijuana in Anderson and Greenville Counties over a thirteen-year period. I authorized the use of numerous investigative techniques; and I obtained approval from both the Department of Justice and a district judge to intercept wire and electronic communications that occurred over the telephone of a coconspirator. During the prosecution, I supervised the dissemination of in excess of twenty thousand items to defense counsel in discovery. I both filed and responded to numerous motions associated with discovery issues, suppression issues, evidentiary issues, and other trial

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issues. (The number of docket entries in this case currently exceeds 1,400.) Many of these motions were litigated in hearings before the district judge. I was lead counsel at the trial of Scott and another co-defendant, Antonio Crawley. The United States' potential witness list contained more than ninety witnesses (although it called far less). The trial lasted approximately nine days, and the United States marked and/or introduced more than 200 exhibits. The United States called witnesses from multiple federal, state, and local law enforcement agencies from multiple states, and it called coconspirators who testified about Scott's and Crawley's activities in the conspiracy over thirteen years. At the conclusion of the nine days, the jury convicted both Mr. Scott and Mr. Crawley of the most serious charges, and both are subject to mandatory life imprisonment as a result of their convictions. I was ultimately responsible for everything that happened in the prosecution and in the trial of the case. I called the most witnesses of any of the lawyers who participated in the trial, and I conducted the direct examinations of these witnesses. I cross-examined Mr. Scott, and I represented the United States in closing arguments. I have represented and will likely continue to represent the United States in all sentencing hearings involving the defendants in this case. I believe this case is important because it is among the most complex cases in which I have ever participated. We have great lawyers in this State who bring serious, complex cases, and circuit judges need to have the capability to preside over these cases. I believe this case demonstrates that I have that capability.

The following is Mr. Moorman's account of the civil appeal he has personally handled:

- (a) Randy Hensley v. Kimberly Joette Owens- 2008-CP-23-6672 (appeal to circuit court from magistrate court.). I also represented Ms. Owens before the S.C. Court of Appeals in a companion family court case, and the parties participated in oral argument before the Court.

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The following is Mr. Moorman's account of five criminal appeals he has personally handled:

- (a) United States v. Acosta-Corralco, 444 Fed. Appx. 633 (4<sup>th</sup> Cir. 2011) (unpublished)
- (b) United States v. Dendy- 446 Fed. Appx. 620 (4<sup>th</sup> Cir. 2011) (unpublished)
- (c) United States v. Calderon, 554 Fed. Appx. 143 (4<sup>th</sup> Cir. 2014) (unpublished)
- (d) United States v. Lipscombe- 571 Fed. Appx. 198 (4<sup>th</sup> Cir. 2014) (unpublished)
- (e) United States v. Guerra-Telon- 594 Fed. Appx. 149 (4<sup>th</sup> Cir. 2015) (unpublished)

(9) Judicial Temperament:

The Commission believes that Mr. Moorman's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. Moorman to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament."

Mr. Moorman is married to Jayne Griffin Moorman. He has two children.

Mr. Moorman reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar- Member, Practice and Procedure Committee, 2005-06; Circuit Representative for the Thirteenth Judicial Circuit, House of Delegates, 2008-10.
- (b) Greenville County Bar- I have been a member of the Greenville County Bar on and off since becoming a lawyer.
- (c) Kentucky Bar- I have never held any office.



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Mr. Moorman provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Member, Rotary Club of Greenville
- (b) Vice President, Prince of Peace Catholic School, Parent Teacher Organization
- (c) Den Leader, Cub Scouts, Den 5, Pack 259
- (d) Chairperson, Handbook Committee, Prince of Peace Catholic School
- (e) Parishioner, Prince of Peace Catholic School
- (f) Parishioner, St. Mary Magdalene Catholic Church

Mr. Moorman further reported:

I have been so blessed to have been given an opportunity to be a lawyer in Greenville. In the past 16 years, I have tried cases in Magistrate Court, in Family Court, in General Sessions Court, in the Court of Common Pleas, and in U.S. District Court. I have had the privilege of representing individuals, the State of South Carolina, and the United States of America. No matter who my client has been, whether I represented a single mother of two who worked as a waitress or the United States of America, I have continued to observe one reality over and over. Litigants in courts of this State are treated equally and get a fair shot. I seek this office because I believe trial judges, especially circuit judges, are uniquely positioned to ensure that this reality perseveres. If elected, I would do my best every day to make good on the oath of the office, "to seek justice." In so doing, I would strive to treat everybody equally, and to make sure that every litigant got a fair shot. I am grateful to be considered for this office.

(11) Commission Members' Comments:

The Commission commented that Mr. Moorman has an excellent reputation as a prosecutor and complimented him for his work on Operation Silver Sunset.

(12) Conclusion:

The Commission found Mr. Moorman qualified, but not nominated for election to Circuit Court, Thirteenth Judicial Circuit, Seat 4.

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**James Michael Morton**  
**Circuit Court, Sixteenth Judicial Circuit, Seat 1**

**Commission's Findings:            QUALIFIED, BUT NOT  
   NOMINATED**

The Commission found James Michael Morton qualified and nominated on November 15, 2017. On December 5, 2017, the Commission reconvened and upon a motion that noted his attendance at two political gatherings, his public support of three political candidates, and citation of Canons 2 and 5 of the Code of Judicial Conduct, the majority of the Commission voted to reconsider the vote on Mr. Morton's nomination for the Circuit Court, Sixteenth Judicial Circuit, Seat 1. Upon reconsideration, the majority voted to nominate Lisa G. Collins.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Morton meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Morton was born in 1954. He is 63 years old and a resident of Rock Hill, South Carolina. Mr. Morton provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

(2) Ethical Fitness:

The Commission's investigation did not reveal evidence of disqualifying unethical conduct by Mr. Morton.

Mr. Morton demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Morton reported that he has not made any campaign expenditures in support of his application for judicial office.

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Mr. Morton testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Morton testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Morton to be intelligent and knowledgeable.

Mr. Morton reported that he has taught the following law-related courses:

- (a) Panelist, Criminal Law CLE, SC Bar Association Offices
- (b) Lectured at various classes at University of South Carolina School of Law regarding wrongful convictions
- (c) Panelist, Criminal Law CLE, University of South Carolina School of Law
- (d) Lectured at psychology class regarding false confessions, Williams College, Williamstown, Mass.

Mr. Morton reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Morton did not reveal evidence of any founded grievances or disqualifying criminal allegations made against him. The Commission's investigation of Mr. Morton did not indicate any evidence of a troubled financial status. Mr. Morton has handled his financial affairs responsibly.

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The Commission also noted that Mr. Morton was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Morton reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Morton reported that he has not served in the military.

Mr. Morton reported that he has never held public office.

(6) Physical Health:

Mr. Morton appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Morton appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Morton was admitted to the South Carolina Bar in 1985.

He gave the following account of his legal experience since graduation from law school:

- (a) 1985-1987, Richland County Public Defender's Office
- (b) 1987-1991, Fifth Circuit Solicitor's Office
- (c) 1991-2001, private practice
- (d) 2001-present, Morton and Gettys, LLC

Mr. Morton further reported regarding his experience with the Circuit Court practice area:

My career over 32 years has primarily consisted of criminal law. I served as an assistant public defender for 1.5 years, and have prosecuted and defended thousands of cases. I have prosecuted at least a dozen murder cases and hundreds of

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felonies and have defended an equal number of murder cases, including two death penalty cases (one of them twice). I have handled two death penalty PCRs, and was hired (while in private practice) to prosecute two murder cases and a felony DUI in different circuits in State Court. In Federal Court, I have tried three cases, and handled numerous felony and misdemeanors. I have served as plaintiff's attorney in numerous types of civil matters, including various types of personal injury, including wrongful death. I have handled cases involving Unfair Trade Practices, nuisance, conversion, habeas corpus, workers compensation and complaints against police. I have been plaintiff and defendant in numerous post-conviction relief cases, including as plaintiff's attorney in two death penalty PCRs.

I would research all statutes and most relevant issues involving as many areas/issues as possible. I would also consult others for advice.

Mr. Morton reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: Approximately five appearances;
- (b) State: One or two appearances per month;
- (c) Other: N/A.

Mr. Morton reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 1%;
- (b) Criminal: 99%;
- (c) Domestic: N/A%;
- (d) Other: N/A%.

Mr. Morton reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 100%;
- (b) Non-jury: 0%.

Mr. Morton provided that he most often serves as sole counsel or lead counsel.

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The following is Mr. Morton's account of his five most significant litigated matters:

- (a) State v. Bobby Lee Holmes – 604 S.E. 2d.19 (2004).  
This death penalty conviction was reversed by the US Supreme Court (9-0) and set a precedent as to how judges are to evaluate third party guilt testimony and evidence.
- (b) State v. Jerry Evans – 316 S.C. 303 (1994).  
Was trial counsel, and argued before SC Supreme Court. This was a vehicle hit and run murder and felony DUI charge involving the deaths of two children in Richland County. The use of hypnotically enhanced testimony was affirmed by the SC Supreme Court.
- (c) State v. Murray Adkins – 353 S.C. 12.  
Contract murder execution in Lancaster County. Appeal on jury charge that “failure” of defendant to testify language was violation of a defendant's Sixth Amendment right. Appeal was denied.
- (d) State v. Billy Wayne Cope – 405 S.C. 317 (2013).  
Defendant and co-defendant were charged with the murder and rape of defendant's 12-year-old daughter. The conviction for conspiracy was reversed, and later reinstated by SC Court of Appeals. Afterwards, it was affirmed by SC Supreme Court. Issues of Rule 404(b) evidence of other crimes, false confessions, and evidence of conspiracy.
- (e) State v. Edward Cronell – (Unable to find site)  
I was hired, while in private practice, to prosecute murder of 22-year-old school teacher during a nighttime home invasion by a real estate agent. He was convicted and his conviction was affirmed. The SC Supreme Court ruled that search warrants for obtaining bodily fluids (DNA) was legal.

The following is Mr. Morton's account of two civil appeals he has personally handled:

- (a) Death Penalty PCR, Richard Moore v. S.C. (04-CP-42-2715)  
Numerous issues including res gestae evidence.

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- (b) Death Penalty PCR, Kenneth Simmons v. S.C. (03-CP-18-1192)  
Death Penalty set aside by Circuit Court Judge because defendant ruled mentally ill and thus ineligible for death per Atkins v. Virginia. (536 U.S. 304) (2002).

The following is Mr. Morton's account of two criminal appeals he has personally handled:

- (a) State v. Jerry Evans 316 S.C.303, (1994).  
(b) State v. Billy Wayne Cope 405 S.C. 317 (August 28, 2013).

Mr. Morton further reported the following regarding an unsuccessful candidacy:

Yes, candidate for Sixteenth Circuit Court Judge, Seat 2, 2014.

(9) Judicial Temperament:

The Commission believes that Mr. Morton's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. Morton to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Morton is married to Mary Frances Moses. He has two children.

Mr. Morton reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, Member  
(b) York County Bar Association, Member  
(c) South Carolina Association of Criminal Defense Lawyers, Member

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Mr. Morton provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) ACLU, State of South Carolina, current Board Member
- (b) York Free Medical Clinic, current Board Member
- (c) MUSC, Board of Visitors, former Board Member

Mr. Morton further reported:

I was born and raised in Rock Hill, South Carolina, and attended Rock Hill public schools. My mother was from Fountain Inn, South Carolina and graduated from Winthrop College. My father grew up in Rock Hill, served as a bombardier and was shot down during World War II receiving a Purple Heart. After the war he graduated from the University of South Carolina, and afterwards received his Masters in Journalism from Columbia University in New York City. My mother grew up on a farm, and my father was raised in the mill village during the Depression. They both taught me the value of hard work. Another lesson learned from them was to always try to walk in another man's shoes, and only then can you pass judgment.

I began working summers at 14 years of age and throughout high school as an electrician's assistant. I worked every summer during college at Bowater Carolina Corporation, swinging shifts in a pulp mill.

At Rock Hill High School, where I graduated in 1972, I was the starting quarterback on the football team, and starting pitcher on the baseball team. I graduated from the University of South Carolina with a B.A. in political science in 1976. After college I had the fortunate experience of working for the US Senate from the beginning of 1978 until I started law school in 1982. I worked in the Senate Chamber with much time on the floor of the US Senate. I watched senators legislate and debate, often heatedly, and then walk off the floor together arm in arm. It taught me the lesson to always, no matter how passionately you believe in a cause or an issue, remain professional, never personal.



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(11) Commission Members' Comments:

The Commission commented that Mr. Morton presented as confident and well-rounded with a wealth of experience. He is well thought of in the community and has a reputation for being intelligent, hard-working, and dedicated. However, Mr. Morton's failure to comport his actions to that required by the Canons of Judicial Conduct in regards to the prohibition of political activity while a candidate for judicial office created serious concerns to the membership.

(12) Conclusion:

The Commission found Mr. Morton qualified, but did not nominate him for election to the Circuit Court.

**Meredith L. Coker**  
**Circuit Court, At-Large, Seat 9**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Coker meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Coker was born in 1973. She is 44 years old and a resident of Charleston, South Carolina. Ms. Coker provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003. She was also admitted to the Virginia Bar in 1998.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Coker.

Ms. Coker demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte

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communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Coker reported that she has not made any campaign expenditures.

Ms. Coker testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Coker testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Coker to be intelligent and knowledgeable.

Ms. Coker reported that she has taught the following law-related courses:

- (a) I was an Adjunct Professor at the College of Charleston from 2007 through 2011. I taught Advanced Mock Trial, offered by the department of Political Science. Selected students prepared a single case each year, provided by the American Mock Trial Association, for purposes of competing in several mock trial tournaments throughout the Southeast.
- (b) I was an instructor for the Washington DC Metro Police Academy, teaching court procedure to officer trainees and using and used a mock trial scenario in order to prepare them as future witnesses in criminal matters.
- (c) I drafted the written materials, compiled examples, and lectured at the 2007 CLE program, "Real Estate Transactions Made Painless and Efficient."

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Ms. Coker reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Coker did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Coker did not indicate any evidence of a troubled financial status. Ms. Coker has handled her financial affairs responsibly.

The Commission also noted that Ms. Coker was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Coker reported that she is not rated by any legal rating organization.

Ms. Coker reported that she has not served in the military.

Ms. Coker reported that she has never held public office.

(6) Physical Health:

Ms. Coker appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Coker appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Coker was admitted to the South Carolina Bar in 2003.

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She gave the following account of her legal experience since graduation from law school:

- (a) Judicial Clerk for the Honorable J.M.H. Willis, Jr., Court of Appeals of Virginia, 1998-2000. I reviewed and analyzed cases assigned to the relevant judicial panel for purposes of drafting bench briefs and conferring with the Judge, drafted opinions and edited opinions drafted by others for content and merit.
- (b) Associate, The Falk Law Firm, 2000-03. I returned to this boutique law firm after having been its summer associate for two summers during law school. Clients included international manufacturers, government contractors, owners associations for sports leagues, and small and large corporations. Due to the size of the firm, I was immediately given a tremendous amount of responsibility and access to complex litigation matters, international antitrust matters, Winstar plaintiff committee meetings, collective bargaining, government contract disputes, and NLRB matters. I also researched and prepared presentations to the National Institute of Justice relating to the constitutionality of a variety of matters.
- (c) Associate, Finkel and Altman, LLC, 2003-06. My practice focused on commercial litigation and complex civil litigation including trust litigation and government takings.
- (d) Member, Coker Law Firm, LLC, now known as Altman & Coker, LLC, 2006-present. I have acted as managing member of my firm, in charge of all financial operations to include IOLTA accounts. I have a diverse practice that includes commercial litigation, property rights litigation, and other civil matters. My practice also includes significant transactional work, including corporate formation and commercial and residential real estate.

Ms. Coker reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 5-10 times per year;

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- (b) State: 5-20 times per year.
- (c) Other:

Ms. Coker reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 65%;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: 35% (includes transactional corporate and real property matters).

Ms. Coker reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 50%;
- (b) Non-jury: 50%.

Ms. Coker provided that she most often serves as lead counsel and co-counsel.

The following is Ms. Coker's account of her five most significant litigated matters:

- (a) Walbeck, et al., v. I'on Company, LLC, et al., CA No. 2010-CP-10-10490.

We were able to resolve claims against our clients the evening before opening statements due to the intense efforts of the parties, legal counsel, and the presiding judge. Prior to such resolution, however, this matter was complex due not only to the legal issues but also to the disparate roles of various defendants, insurance counsel, private counsel, property owners, and lender. I never ceased to be impressed by the sheer preparedness and legal acumen of all of the attorneys involved with this matter and our ability to work together while in direct conflict with one another throughout the pendency of the matter.

- (b) Fuisz v. Biovail Technologies, Ltd., No. Civ.A. 18004 (Court of Chancery of Delaware).

I was associated with this case after plaintiff retained The Falk Law Firm, LLC, to substitute as counsel for Manatt,

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Phelps & Phillips, LLP. The case arose from the acquisition of a pharmaceutical company by a large multinational company, and spawned additional lawsuits relating to non-competition agreements and intellectual property rights. I was responsible for all pre-trial discovery review and analysis, to include extensive document review in Virginia and Delaware, and all motions practice in a related matter brought in the Fairfax (Virginia) Circuit Court. The total amount of claimed damages by all parties was in excess of half a billion dollars. We were nevertheless able to satisfactorily resolve all claims against all parties.

- (c) CresCom Bank v. Terry, No. 2:12-cv-00063-PMD.

I represented plaintiff creditor in District Court and at the Fourth Circuit Court of Appeals. The matter was intensely contested due to the size of the outstanding debt and the sheer complexity of the defendant guarantor's corporate holdings. Service on the individual defendant even proved difficult and costly. Through perseverance and extensive research, as well as the ability to deduce certain relationships, we were able to personally serve the individual, defend successfully numerous motions filed by defendants related to both substantive and procedural matters, and prevail on our motion for summary judgment. Plaintiff substantially prevailed at the Fourth Circuit Court of Appeals and we were able to obtain judgment against the debtor and guarantors.

- (d) Cambridge Lakes Condominium Homeowners Association, Inc., et al., v. Bostic Brothers Construction, Inc., et al. CA No. 2008-CP-10-03506.

This case arose from alleged construction defects in a condominium project converted from apartments. The sheer number of defendants added to the complexity of the matter. Discovery in the matter was extensive, as was motions and pleadings practice. We were able to keep litigation defense costs reasonable for our clients, however, by focusing on the issues relating to our position. We were able to resolve all claims against our clients efficiently and satisfactorily.

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- (e) Hammond v. The Pacific Mutual Life Insurance Company, No. Civ.A. 01-386-A (E.D. Va.). This matter arose after the death of Marjorie Hammond and was brought by her Personal Representatives alleging breach by the life insurance company for failure to pay life insurance benefits. This matter is significant to me as Professor Stephen A. Saltzburg was associated with our firm representing the plaintiffs. While I primarily drafted all pleadings and motions, Professor Saltzburg was chief counsel at trial. While I had worked on other jury trials prior, I had the distinct honor of learning from no less than a master of evidence, procedure, argument, and litigation. In granting partial summary judgment to the plaintiffs, the District Court was able to narrow the contested issues of fact to one: whether a portion of the policy was attached at either issuance or delivery, and as such whether it was part of the contract. Plaintiffs prevailed in the trial court, and I was fortunate enough to witness Professor Saltzburg's argument at the Fourth Circuit Court of Appeals, which was successful. Our brief in the matter is attached in response to No. 12(a).

The following is Ms. Coker's account of five civil appeals she has personally handled:

- (a) CresCom Bank v. Terry, Appeal No. 13-2467, United States Court of Appeals, Fourth Circuit. Decided May 21, 2015. Unreported decision may be found at 610 Fed.Appx. 221; 2015 WL 2405232.
- (b) Daniel Island Riverside Developers, LLC, et al., v. Weather Shield Manufacturing, Inc., et al., South Carolina Court of Appeals. This appeal has been heard and is pending decision by the Court.
- (c) Anchorage Plantation Homeowners Association v. Walpole, South Carolina Court of Appeals. This matter is pending.
- (d) Hammond v. The Pacific Mutual Life Insurance Company, United States Court of Appeals, Fourth Circuit. Decided January 23, 2003. Unreported decision may be found at 56 Fed.Appx. 118 (slip op.); 2003 WL 152823.

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- (e) Deep Keel, LLC, v. Atlantic Private Equity Group, LLC, et al., South Carolina Court of Appeals. Decided June 17, 2015. Published opinion at 413 S.C. 58, 773 S.E.2d 607.

Ms. Coker reported that she has not personally handled any criminal appeals.

- (9) Judicial Temperament:

The Commission believes that Ms. Coker's temperament would be excellent.

- (10) Miscellaneous:

The Low Country Citizens Committee on Judicial Qualifications found Ms. Coker to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Ms. Coker is married to P. Cooper Coker IV. She has one child.

Ms. Coker reported that she was a member of the following Bar and professional associations:

- (a) Virginia Bar (I currently hold Associate Member status).
- (b) South Carolina Bar. I am a past member of the Practices and Procedures Committee (2005-06).
- (c) Charleston County Bar
- (d) American Land Title Association
- (e) Palmetto Land Title Association

Ms. Coker provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Member, Grace Cathedral Church
- (b) United States Equestrian Federation
- (c) United States Hunter Jumper Association



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- (d) For the past five years my primary volunteer efforts have focused toward contributing my time to my daughter's schools, church groups, and activities.

Ms. Coker further reported:

I believe my most favorable attributes I can present for this position are my temperament and my ability to distill large amounts of information quickly and efficiently. I have worked with and known people from all social and economic backgrounds, and I believe I treat people with respect and decency no matter that background. I do not shirk from responsibility and am as comfortable working on our farm as I am in court. Judgeship is a tremendous honor, a valuable service to the community, and considerable responsibility. My diverse experiences in my legal career and in my life have prepared me to be an effective judge and I would be grateful for the opportunity to serve.

- (11) Commission Members' Comments:

The Commission noted that Ms. Coker has an impressive breadth of civil experience.

- (12) Conclusion:

The Commission found Ms. Coker qualified, but not nominated for election to Circuit Court, At-Large, Seat 9.

**The Honorable Marvin H. Dukes III  
Circuit Court, At-Large, Seat 9**

**Commission's Findings: QUALIFIED, BUT NOT  
NOMINATED**

- (1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Dukes meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Dukes was born in 1961. He is 56 years old and a resident of Beaufort, South Carolina. Judge Dukes provided in his application that he has been a resident of South Carolina

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for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Dukes.

Judge Dukes demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Dukes reported that he has made \$456.60 in campaign expenditures for:

Printing (Murr's Printing) - \$311.60

Postage Stamps - \$60.00

Mailing List (Starboard Communications) - \$85.00

Judge Dukes testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Dukes testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Dukes to be intelligent and knowledgeable.

Judge Dukes reported that he has taught the following law-related courses:

- (a) I have taught domestic litigation and other subjects at the Technical College of the Lowcountry.

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- (b) I have spoken to visiting student groups about the Judiciary and the branches of government.
- (c) I have participated in the Judicial Observation and Experience program, which is a law school mentoring program.
- (d) I have spoken and/or participated in panels at a number of CLEs:

Judge Dukes reported he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Dukes did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Judge Dukes did not indicate any evidence of a troubled financial status. Judge Dukes has handled his financial affairs responsibly.

The Commission also noted that Judge Dukes was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Dukes reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Dukes reported that he has not served in the military.

Judge Dukes reported that he has held the following public office:

- (a) I was an appointed member of the Beaufort County Planning Commission from 1995 until 1999.
- (b) I was an elected member of Beaufort County Council from 1999 until 2002. During my tenure on council I served as Vice-Chairman of the Council (1999-2002) and was Chairman of the Planning and School District Liaison

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committees. I also served as a member of a number of other committees including the finance committee.

- (c) In 2005, I served as the appointed Chairman of the City of Beaufort Waterway Commission.
- (d) I believe that I timely filed all reports.

(6) Physical Health:

Judge Dukes appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Dukes appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Dukes was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

Upon graduation and admission to the bar in 1987, I was employed by the firm of Dowling, Sanders, Dukes, Williams and Svalina in Beaufort, SC. This firm changed in name and character a number of times over the years, finally dissolving in about the year 2000 (The name at that time was Dukes, Williams and Infinger), after which the remaining partners (including myself) opened individual P.A's and LLCs.

In my twenty years of practice prior to becoming Master, I worked in a primarily civil and domestic general practice with some criminal and contract work. In my early years of practice, I handled all of the criminal appointments for all of the attorneys in our small firm. Later, I transitioned into a primarily civil and domestic practice. During my career, I have handled a wide variety of cases, many with complex issues. My career experience includes virtually all aspects of litigation from mediation through the appellate level. During approximately 8-10 years of my practice, I operated as a sole practitioner and handled personally all aspects of administration, financial management and trust accounts.

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In 2007, I was appointment Master-in Equity and Special Circuit Judge for Beaufort County. In my 10 years as Master, I have handled thousands of cases, from simple collection actions to extremely complex business disputes.

Judge Dukes further reported regarding his experience with the Circuit Court practice area:

I have served as Full-time Master-in-Equity for Beaufort County since June of 2007. During my time as Master, I have also served, pursuant to Supreme Court Order, as a Special Circuit Court Judge. In addition to the broad experience that I have gained through my service as Master, my appointment as Special Circuit Judge has allowed me to hear countless jury-trial motions, non-jury cases, Magistrate's criminal appeals, General Sessions pleas and other matters. Historically, the Beaufort County Master-in-Equity has functioned as an in-house non-jury circuit judge for those matters permitted. In my 10 years of service I have continued that tradition.

In a typical month, I will hear dozens of contested motions from both the jury and non-jury docket, contested non-jury cases, magistrates' appeals, and traditional equity cases. As the commission is aware, the primary difference in a jury and non-jury trial is that the non-jury judge has an additional duty as finder of fact.

I have extensive experience in all aspects of the work of a Circuit Court Judge, except for criminal jury trials. In my law practice, prior to my appointment as Master-in-Equity, I tried many such cases, and do not believe that the transition to Circuit Judge would be difficult.

Judge Dukes reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: None
- (b) State: Two to three days per week

Judge Dukes reported the percentage of his practice involving civil, criminal, and domestic matters prior to his service on the bench as follows:

- (a) Civil: 20%;

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- (b) Criminal: 5%;
- (c) Domestic: 70%;
- (d) Other: 5%.

Judge Dukes reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Judge Dukes provided that prior to his service on the bench he most often served as sole counsel.

The following is Judge Dukes' account of his five most significant litigated matters:

- (a) Taylor, Cotton & Ridley, Inc. v. Okatie Hotel Group, LLC, 372 S.C. 89, 641 S.E.2d 459 (S.C.App. 2007)

This was a very complex case involving a substantial mechanics lien, with several novel issues of set-off and cross-claim involving liquidated damages claims, materials shortages, interest disputes and a mold issue. The case originated in the year 2000, but due to the extensive testimony, the number of motions and finally the appeal, did not finally conclude until after the Appellate Court's ruling cited above. I was sole trial counsel. I assisted in the appeal.

- (b) KJL v. LER, et al. (99-DR-07- 750)

This was an very unusual Family Court case in which I was hired by the State of Ohio department of Insurance to preserve a multi-million dollar claim of the department in the disputed marital holdings of the Family Court litigants. The case involved a mix of Family Court and civil issues including Statute of Elizabeth claims.

- (c) TMR v PMR (04-DR-07- 659)

This was a divorce case in which the parties had been employed in the entertainment industry. It had a number of interesting valuation issues.

- (d) JO v WBO (2005-DR-07-699)

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This was a physician divorce case involving health issues which allegedly rendered the supporting spouse unable to assist in ongoing support.

- (e) PAH v. LEH (94-DR-07-0211)

This was a complex equitable division case involving co-mingling of non-marital assets and property in the US Virgin Islands. Ultimately it was successfully appealed (327 S.C. 360, 489 S.E.2d 212)

The following is Judge's account of four civil appeals he has personally handled:

- (a) Miller v. Miller 92-DR-07-2005
- (b) Warner Advertising v. The Cabral Company 92-CP-07-1520
- (c) Upchurch Timber v. SouthEast Timberlands 92-CP-07-272
- (d) SC Federal Savings Bank v. Atlantic Land Title, et al 91-CP-07-853, 442 S.E.2d 630, 314 S.C. 292 (S.C. App., 1994)

Judge Dukes reported that he has not personally handled any criminal appeals.

Judge Dukes reported that he has held the following judicial offices:

I have served as Beaufort County Master-in-Equity from June 2007 to present. Additionally, during my tenure as Master and pursuant to Order of the Chief Justice, I have served since June 2007 as Special Circuit Judge for Beaufort County.

Judge Dukes provided the following list of his most significant orders or opinions:

- (a) Town of Hilton Head Island v. Kigre, Inc. 408 S.C. 647, 760 S.E.2d 103 (S.C., 2014)

This case involved a Constitutional challenge to the application of Hilton Head's business license fee to sales of Kigre's military laser products sold outside Hilton Head.

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- (b) Estate of Tenney v. South Carolina Dept. of Health and Environmental Control, 393 S.C. 100, 712 S.E.2d 395 (S.C., 2011)  
This was a “title to marshlands” case in which the Supreme Court, in affirming my Order, overturned the Coburg precedent on title to marshlands.
- (c) Beaufort County School Dist. v. United Nat. Ins. Co., 392 S.C. 506, 709 S.E.2d 85 (S.C.App. 2011) This was a complicated insurance policy interpretation case.
- (d) Wachovia Bank, N.A. v. Coffey, Wachovia Bank, N.A. v. Coffey, 404 S.C. 421, 746 S.E.2d 35 (S.C., 2013)  
This was a heavily-cited case involving the equitable defense of clean hands in a mortgage foreclosure where no attorney was used for the closing.
- (e) King v. James, 388 S.C. 16, 694 S.E.2d 35 (S.C.App. 2010) This was a tax sale case where the statute of limitations was tolled as a result of lack of notice.

Judge Dukes reported no other employment while serving as a judge.

Judge Dukes further reported the following regarding unsuccessful candidacies:

- (a) In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench.
- (b) In 2002, I was defeated in a primary race for SC House seat 124.
- (c) In 2013, I was an unsuccessful candidate for an At-Large Circuit Judge seat.

(9) Judicial Temperament:

The Commission believes that Judge Dukes’ temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Dukes to be “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and “Qualified” in the remaining evaluative



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criteria of constitutional qualifications, physical health, and mental stability.

Judge Dukes is married to Laura Campbell Dukes. He has one child.

Judge Dukes reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Master-in-Equity Association (president 2012)

Judge Dukes provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Beaufort Yacht and Sailing Club
- (b) Jean Ribaut Society (debutante society)

Judge Dukes further reported:

I am the oldest of four brothers. Our parents emphasized the value of hard work, fairness, honesty and the golden rule. I practiced law for twenty years with the philosophy that following the core values our parents taught to us can never be wrong. In my legal career, I did my best to solve problems and seek fair and just outcomes of disputes.

I have run a successful small law firm and I know the burden and the satisfaction of small business ownership, including making payroll and regulatory compliance. I have developed and redeveloped properties and understand and appreciate the difficulties and rewards of such endeavors.

I have served in public office as a County Council vice-chairman, a position that included serving on a number of committees on almost every government related subject.

I have sued and been sued and understand personally the value of a fair and just judicial system.

As Master-in-Equity I have done my best to live by the core values that have served me well in the past. I believe that due process is a combination of those values. Because I believe that a settlement between litigants is always better than a ruling from a 3rd party, I have always encouraged mediation wherever possible.

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During my service as Master, I have seen the fallout from the greatest foreclosure crisis this nation has experienced. Many of the decisions that I have made have been difficult, but they have not been made without careful consideration, due process and the exhaustion of all efforts to avoid forfeiture. In every case, I do my best to ensure that litigants and lawyers alike are treated with respect and fairness.

I believe that our entire judicial system rests on the people's understanding and confidence that win or lose; they were given a fair chance. As a Master-in-Equity it has been my goal to always guarantee that fair chance. Further, as Master, I have served in the role of president of the Master's association and have been instrumental in the modification of Court rules regarding foreclosures.

I believe that 20 years of practicing law, 10 years of hearing cases as Master, and a lifetime of experience in property and business have given me the experience, temperament and demeanor to advance to the Circuit Court Bench.

Finally, my greatest achievement and enjoyment has been that of a husband and father. I work every day to pass on to my daughter the core values that have guided me.

(11) Commission Members' Comments:

The Commission commented that Judge Dukes has a wealth of experience and appreciates his service as a Master-In-Equity for over ten years.

(12) Conclusion:

The Commission found Judge Dukes qualified, but not nominated for Circuit Court, At-Large, Seat 9.

**Joey Randell Floyd  
Circuit Court, At-Large, Seat 9**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Floyd meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Floyd was born in 1975. He is 42 years old and a resident of Columbia, South Carolina. Mr. Floyd provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Floyd.

Mr. Floyd demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Floyd reported that he has not made any campaign expenditures.

Mr. Floyd testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Floyd testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Floyd to be intelligent and knowledgeable.

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Mr. Floyd reported that he has taught the following law-related courses:

I have been a speaker for at least two continuing legal education programs:

- (a) 2008 Master In Equity Bench/Bar CLE (October 2008) on the topic of Supplemental Proceedings and collecting on Judgments.
- (b) 2012 Current Topics for Construction Practitioners (September 2012) on the topic of Payment Bond claims

(4) Character:

The Commission's investigation of Mr. Floyd did not reveal evidence of any founded grievances or criminal allegations made against him. The Commission's investigation of Mr. Floyd did not indicate any evidence of a troubled financial status. Mr. Floyd has handled his financial affairs responsibly.

The Commission also noted that Mr. Floyd was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Floyd reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Mr. Floyd reported that he has not served in the military.

Mr. Floyd reported that he has never held public office.

(6) Physical Health:

Mr. Floyd appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Floyd appears to be mentally capable of performing the duties of the office he seeks.

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(8) Experience:

Mr. Floyd was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:

Bruner Powell Wall & Mullins, LLC (2001 – Present)

- Associate, 2001 – 2006
- Member, 2007 – Present Date

My practice has been primarily a civil litigation practice, dating back to 2001. I have been involved in all sorts of litigation ranging from the simplest of issues to some of the most complicated/complex litigation. I have handled a number of legal malpractice matters which can be some of the most complex litigation because of the “case within the case” scenario presented in every legal malpractice action. Each legal malpractice action comes to us with its own unique issues. I have been involved in legal malpractice actions involving issues related to personal injury, worker’s compensation, probate, employment and real estate matters. I have exclusively represented the Defendant(s) in the legal malpractice actions, which has been exceptionally rewarding due to the fact that my “client” in legal malpractice actions are attorneys. I have also had the opportunity to represent appraisers in appraisal malpractice actions, which has been interesting over the past several years as the real estate market has had its own set of issues.

General litigation and business litigation matters are also rewarding to me because my clients and I have come to a mutual respect for one another. More specifically, I respect my client’s business decisions on certain matters and my clients respect my legal advice, even though they do not always follow all parts of my advice.

Another area of my practice would be collection matters, which has been rewarding to me in that most of my creditor clients have well-intentioned customers that seem to find themselves on hard times. I have enjoyed putting deals/repayment plans together that satisfy my client and my client’s customer that could lead to the rebuilding of a relationship between creditor and debtor.

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Generally speaking, the more complex litigation tends to have more complex procedural histories, including second and third amended complaints, along with fourth party complaints, cross claims and counterclaims.

I have been a Member (Partner) at Bruner Powell for 10 years. Over that time period, I have been involved in various capacities with the leadership team, including hiring law clerks, hiring administrative staff and assisting the managing partners with various tasks in connection with law firm activities.

Mr. Floyd further reported regarding his experience with the Circuit Court practice area:

While I have limited experience in criminal matters, I am confident that I have the ability to rapidly learn the criminal system based on the fact that I have studied and learned numerous legal principles over the course of nearly sixteen years of law practice. I have also participated in the South Attorney General's Pro Bono Program to become a Special Prosecutor. I have completed the educational requirements and requested assignment. My initial plan would be to sit with several different circuit court judges to soak up as much knowledge as possible over several weeks of criminal cases. I also plan to take advantage of as many continuing legal education courses as possible to broaden my spectrum of knowledge in criminal matters. I would use all tools available to me as a circuit court judge to continuously educate myself on civil and criminal matters. Over the years, I have found that a good mentor can go a long ways towards learning how to solve a particular problem. I began practicing in Bankruptcy Court several years ago and I was able to rapidly learn various Bankruptcy Rules, forms and general procedures of the Bankruptcy Court.

I have handled numerous civil matters for Plaintiffs and Defendants in Magistrate's Court, Circuit Court and Federal Court. I have handled the simplest of matters in Magistrate's Court to matters in Federal Court with a fair degree of complexity. Over the years, I have been involved with a number of procedural battles, including motions to dismiss, personal jurisdiction, amendments, joinder, third party complaints, fourth party complaints, summary judgment, discovery disputes and

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post judgment collection matters. I have also been involved in cases with numerous attorneys, which can be challenging given the number of people involved in scheduling matters.

Mr. Floyd reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: I have handled and/or been involved in a number of federal court cases over the past five years. I would estimate that I have been involved in 5 – 10 federal court matters during the past five years. The federal court matters that I have been involved with over the past five years have primarily been disposed of by way of a summary judgment motion (where I/my firm represented the party moving for summary judgment), referred to arbitration or settled. As a result of the electronic case filing and electronic case management, a number of federal court cases that I have been involved in have been disposed of and/or resolved through electronic filings. I am currently handling a pending matter in federal court. I would estimate that the Federal Court portion of my practice would be approximately 20% of my current practice;
- (b) State: have handled numerous state court cases over the past five years and routinely appear in Circuit Court for motion hearings and roster meetings. I also frequently appear in the Equity Courts of South Carolina as a part of my collection practice.;
- (c) Other: None.

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Mr. Floyd reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 90%;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: 10%.

Mr. Floyd reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 75%;
- (b) Non-jury: 25%.

Mr. Floyd provided that he most often serves as lead counsel.

The following is Mr. Floyd's account of his five most significant litigated matters:

- (a) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. This case is a reported case, 361 S.C. 476, 605 S.E.2d 563. I, along with Hank Wall in my firm, represented the Defendants in this particular action against a Plaintiff's claim of, among other causes of action, inverse condemnation. This case provided the Court of Appeals with an opportunity to expand and clarify various issues relating to inverse condemnation. When this case was tried the first time (October 2002), the case law on inverse condemnation was far from clear. This is also the only trial that I have been involved in where the same case was tried twice as a result of the appeal.
- (b) Fortson v. Randy Skinner, Greenville County C/A No.: 08-CP-23-1124 and U.S. District Court C/A No.: 6:08-cv-01107. I represented Randy Skinner, a South Carolina attorney and United States Bankruptcy Trustee, in an action filed by Major Fortson. Fortson claimed that Randy Skinner, while carrying out his duties as the United States Bankruptcy Trustee, failed to properly carry out his duties. The State Court action and the Federal Court action were ultimately dismissed



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on the basis of the Barton Doctrine. The Barton Doctrine basically states that before filing an action against a United States Trustee, a litigant must obtain permission from a United States District Court Judge. The Barton Doctrine provides a layer of insulation against frivolous filings by litigants who can be disgruntled debtors or creditors in the United States Bankruptcy Courts.

- (c) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This case began as a simple collection matter that had the potential to be an important case concerning the “diligent creditor rule.” To some extent, the existing case law in South Carolina is not clear on how “lazy” creditors should be treated when an aggressive creditor finds certain personal property of a common debtor. While there is some authority that tends to suggest that the Courts should only reward the efforts of the diligent creditor, the case law is not absolute and this particular case had the potential to be a leading case as a result of my efforts in supplemental proceedings when I located over \$50,000.00 in a bank account that the debtors claimed was for the benefit of all creditors. Unfortunately, one of the debtors filed for bankruptcy and the appeal was ultimately dismissed by the Court of Appeals on the basis that the appeal became moot.
- (d) First Citizens Bank and Trust Company, Inc. v. Ted Smith, et.al., C/A No.: 2014-CP-23-4097. This case involved a statute of limitations question. In particular, what is the statute of limitations for breach of contract involving a promissory note secured by a mortgage. I represented the Plaintiff and prevailed at the trial court level and on the appellate level.
- (e) Carews v. RBC Centura Bank, et.al. C/A No.: 2010-CP-32-442. I represented the appraiser in this civil action. The Plaintiffs in this civil action were borrowers who were building a million dollar home and, during construction, their builder encountered financial problems so severe that it/he was unable to finish the home. The borrowers alleged that the appraiser was

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negligent in making her inspections during the construction of the home. The trial court recently granted the appraiser summary judgment on the basis that the appraiser did not owe any duties to the borrowers.

The following is Mr. Floyd's account of three civil appeals he has personally handled:

- (a) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. The case is reported at 361 S.C. 476, 605 S.E.2d 563.
- (b) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This appeal was not ruled upon by the Court of Appeals and was dismissed as moot as a result of the Defendant's/Debtor's bankruptcy filing.
- (c) First Citizens Bank and Trust Company, Inc. v. Ted Smith, et.al., C/A No.: 2014-CP-23-4097. The decision of the Court of Appeals was an unpublished opinion, 2016-UP-471.
- (d) I have assisted other attorneys in my firm on various civil appellate matters.

Mr. Floyd reported he has not personally handled any criminal appeals.

Mr. Floyd further reported the following regarding unsuccessful candidacies:

- (a) I submitted an application for a United States Magistrate position in Florence, South Carolina in, I believe, late 2009 or early 2010. I was not selected for the position.
- (b) I was a candidate for the Fifth Judicial Circuit Court Judge, Seat 3 in the fall of 2011. I was found Qualified, but Not Nominated by the Judicial Merit Selection Commission.
- (c) I was a candidate for Circuit Court Judge, At Large Seat 10 in the fall of 2012. I was found Qualified, but Not Nominated by the Judicial Merit Selection Commission.

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- (d) I was a Candidate for Circuit Court Judge, At Large Seat 10 in the fall of 2015. I withdrew my name as a candidate.

(9) Judicial Temperament:

The Commission believes that Mr. Floyd's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Floyd to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. The Committee commented, "Mr. Floyd possessed superior intellect and temperament and has considerable trial experience. We are concerned with his lack of criminal law experience and his relative youth." In summary, the Committee stated, "Mr. Floyd is qualified for this position, but his lack of criminal law experience and relative youth are concerns."

Mr. Floyd is married to Ellie Cavanaugh. He has two children.

Mr. Floyd reported that he was a member of the following Bar and professional associations:

- (a) American Bar Association
- (b) Richland County Bar Association

Mr. Floyd provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Washington Street United Methodist Church Childcare Development Center, Current Board Member, Former Board Member (2007-2009) and Former Chairman of the Board (2009).
- (b) Washington Street United Methodist Church, Missions Committee, Former Member of the Committee.

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- (c) South Carolina United Football Club, coach and Assistant Coach (2016 - present).

Mr. Floyd further reported:

Growing up in Turbeville, South Carolina provided me with a different perspective on life. I grew up in, and around, a farming community/lifestyle. Today, I have the privilege of serving as an attorney and interacting with professionals. To a certain extent, I have been able to draw on the benefits of both walks of life and I believe I have the ability to connect with a diverse group of people. Additionally, after appearing in Court on numerous occasions over the course of my law practice, I believe that I understand the traits and characteristics that make a good Judge.

- (11) Commission Members' Comments:

The Commission commented that Mr. Floyd is an accomplished attorney with impressive and lengthy civil litigation experience. They noted his background and his excellent judicial temperament.

- (12) Conclusion:

The Commission found Mr. Floyd qualified, but not nominated for election to Circuit Court, At-Large, Seat 9.

**Jenny A. Horne  
Circuit Court, At-Large, Seat 9**

**Commission's Findings: QUALIFIED, BUT NOT  
NOMINATED**

- (1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Horne meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Horne was born in 1972. She is 45 years old and a resident of Summerville, South Carolina. Ms. Horne provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed

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attorney in South Carolina since 1997. She was also admitted to the North Carolina Bar in 1997.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Horne.

Ms. Horne demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Horne reported that she has not made any campaign expenditures.

Ms. Horne testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Horne testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Horne to be intelligent and knowledgeable.

Ms. Horne reported that she has taught the following law-related course:

- (a) I have taught a one hour professional ethics class for the South Carolina Women Lawyers Association in 2002.

Ms. Horne reported that she has published the following article:

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- (a) Jenny Anderson Horne, Counties & Municipalities Given Broad Power to Raise Revenue, 48 S.C. Law Rev. 175-192 (1997).

(4) Character:

The Commission's investigation of Ms. Horne did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Horne did not indicate any evidence of a troubled financial status. Ms. Horne has handled her financial affairs responsibly.

The Commission also noted that Ms. Horne was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Horne reported that she is not rated by any legal rating organization.

Ms. Horne reported that she has not served in the military.

Ms. Horne reported that she has held the following public office:

- (a) Elected to the South Carolina House of Representatives, District 94, 2008-2016

(6) Physical Health:

Ms. Horne appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Horne appears to be mentally capable of performing the duties of the office she seeks.

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(8) Experience:

Ms. Horne was admitted to the South Carolina Bar in 1997.

She gave the following account of her legal experience since graduation from law school:

- (a) 1997-1998 associate, Ellzey & Brooks (labor and employment litigation);
- (b) 1998-2000 law clerk to the Honorable Margaret B. Seymour, USDC;
- (c) 2000-2001 associate, Willoughby & Hoefer, PA (general litigation);
- (d) 2001-2003 associate, Nexsen, Pruet, Jacobs, Pollard, & Robinson, LLC (insurance defense & general litigation);
- (e) 2003-2005 associate, Parker, Poe, Adams, & Bernstein, LLP (insurance defense & general litigation);
- (f) 2005-2008 attorney, Lafond Law Firm, LLC (general litigation);
- (g) 2008 to present, partner, Jenny Horne Law Firm, LLC (general litigation in all State and Federal Courts, real estate law). As a sole practitioner, I manage the firm's IOLTA and real estate trust accounts.

Ms. Horne further reported regarding her experience with the Circuit Court practice area:

While clerking for US District Judge Margaret B. Seymour, I gained valuable exposure to the criminal justice system. I assisted the court in reviewing pre-sentencing reports, preparing for guilty pleas, researching evidentiary issues and drafting jury charges for such criminal trials as bank robbery, forgery, and drug trafficking. While I have never served as either a prosecutor or a public defender, I am free from any prosecution/defense bias. I know that I can be a fair and impartial judge to both the State and to criminal defendants appearing before me in general sessions.

For the majority of my twenty-year legal career, I have handled civil cases. For the first ten years of my career, I

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primarily engaged in insurance defense. For four and half years, I had the privilege of representing attorneys in legal malpractice cases covering a broad range of practice areas. Since opening my own practice in 2008, I have primarily represented plaintiffs in civil matters. I appear in Family Court, Circuit Court, and Federal Court on a regular basis in a variety of civil cases including breach of contract cases, employment cases, and divorce and custody cases. I have been appointed in the First Judicial Circuit to hear matters as a Special Referee. Having represented both plaintiffs and defendants in civil matters, I understand the demands on attorneys representing their respective clients in civil litigation. With my diverse experience in litigating civil cases over the years, I will be able to effectively handle discovery disputes, hear and assess dispositive motions, and adjudicate motions in limine in a conscientious, impartial, and fair manner.

Ms. Horne reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: a few times a year;
- (b) State: approximately 12 times a year;
- (c) Other: N/A.

Ms. Horne reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 50%;
- (b) Criminal: 0%;
- (c) Domestic: 25%;
- (d) Other: Real Estate 25%.

Ms. Horne reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 50%;
- (b) Non-jury: 50%.

Ms. Horne provided that she most often serves as sole counsel.



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The following is Ms. Horne's account of her five most significant litigated matters:

- (a) Sterling Precision Machining v. Business Services of Summerville, 2014-CP-18-2059. (Circuit Court) I represented the Plaintiff in a negligent hiring and supervision case whereby my client suffered damage from the theft of his bookkeeper's employee. I tried the case in Dorchester County for two days in December 2016. I obtained a Plaintiff's verdict in the amount of \$90,000.
- (b) Edward Lee Elmore v. State of South Carolina, et al., 2013-CP-40-3754. (Circuit Court)  
I represented Edward Lee Elmore in a civil case against various state agencies for wrongful conviction. Mr. Elmore was sentenced to death in 1982 for a crime he did not commit. After serving thirty years in prison (28 years on death row) the Fourth Circuit Court of Appeals in a lengthy decision granted him a Writ of Habeas Corpus. After several years of litigation, Mr. Elmore received a settlement for his unlawful conviction.
- (c) Smith v. DSS, 2013-DR-40-3754 (Family Court)  
I represented the Smith family in adopting a child in foster care. The case was contested by DSS and after nine months of litigation, DSS settled and allowed the Smiths to adopt the foster child.
- (d) Repasky v. Pfizer, Inc. 2:12-cv-03331-RMG-BHH (Federal Court)  
I represented a female Pfizer employee who was the victim of sexual harassment and discrimination in the workplace. I settled the case after Pfizer's Motion for Summary Judgment was denied by Judge Richard Gergel.
- (e) Beaman v. Charleston County Airport Authority, 2015-CP-10-387 (Circuit Court)  
I am currently defending the Charleston County Aviation Authority in several wrongful termination cases in state court.

The following is Ms. Horne's account of two civil appeals she has personally handled:

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- (a) Pennsylvania National Mutual Casualty Insurance Co. v. Lewis et al 15-1575 (Fourth Circuit) I was counsel for Appellee, Mr. Lewis in an appeal of Judge Duffy's Order finding coverage in a boating accident case. I argued my client's case before the Fourth Circuit. The Fourth Circuit affirmed Judge Duffy's Order in an unpublished opinion dated May 27, 2016.
- (b) Potts v. Yager, 2015-1472 (SC Court of Appeals)(pending)  
I represented the Defendant in a two day bench trial in Dorchester County resulting in a defense verdict. The Plaintiff has appealed Judge Mullen's Order to the South Carolina Court of Appeals. All briefing has taken place, and oral argument will be scheduled this fall.

Ms. Horne reported she has not personally handled any criminal appeals.

Ms. Horne further reported the following regarding unsuccessful candidacies:

I ran unsuccessfully in 2007 for House District 94, and I ran unsuccessfully for US Congress in the First Congressional District in 2016.

(9) Judicial Temperament:

The Commission believes that Ms. Horne's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Horne to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability.

Ms. Horne is married to Marc Franklin Horne. She has two children.

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Ms. Horne reported that she was a member of the following Bar and professional associations:

- (a) Federal Bar Association;
- (b) South Carolina Bar;
- (c) North Carolina Bar;
- (d) SC Women Lawyer's Association, Past President, 2009;
- (e) SC Association for Justice.

Ms. Horne provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Liberty Fellowship, Class of 2011;
- (b) Rodel Fellowship, Aspen Global Leadership Group 2015-2017;
- (c) South Carolina Campaign to Prevent Teen Pregnancy, Board Member 2015-2017;
- (d) Trident Literacy Steering Committee, 2016-2017;
- (e) Trident United Way, Public Policy Committee, 2016-2017.

Ms. Horne further reported:

The greatest honor of my life would be to serve on the Circuit Court of South Carolina. I have had the privilege of serving the people of South Carolina for eight years, during which time I learned to be patient and to listen to members of the public as they expressed their opinions and views on pending legislation. Early in my legal career, I was fortunate to clerk for one of the finest jurists in South Carolina, Judge Margaret B. Seymour. She is the standard by which I will measure my work as a Circuit Court Judge. I will endeavor to model her calm demeanor, fair and well-reasoned rulings, her commitment to the administration of justice and the rule of law, and last but certainly not least, her professional courtesy to all who appear before her.

(11) Commission Members' Comments:

The Commission commented that Ms. Horne has been a dedicated and well respected public servant while serving in

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the legislature as well as an accomplished attorney. The Commission noted that she has a wealth of legal experience and a proven work ethic.

(12) Conclusion:

The Commission found Ms. Horne qualified, but not nominated for election to Circuit Court, At-Large, Seat 9.

**Robert L. Reibold**  
**Circuit Court, At-Large, Seat 9**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Reibold meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Reibold was born in 1970. He is 47 years old and a resident of Columbia, South Carolina. Mr. Reibold provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Reibold.

Mr. Reibold demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Reibold reported that he has not made any campaign expenditures.

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Mr. Reibold testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Reibold testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Reibold to be intelligent and knowledgeable.

Mr. Reibold reported that he has taught the following law-related courses:

- (a) A presentation as a speaker at the Automobile Torts CLE in the Fall of 2000; and
- (b) A presentation as a speaker at the Masters in Equity CLE in October of 2010.

Mr. Reibold reported that he has published the following:

- (a) *The Unfair Trade Practices Act – Is It Time for a Change?* (South Carolina Lawyer, May 2013) (Author);
- (b) *South Carolina Equity: A Practitioner's Guide* (S.C. Bar CLE 2010) (Co-Author);
- (c) *Hidden Danger of Using Private Detectives* (South Carolina Lawyer, July 2005) (Author);
- (d) *Cutting the Fishing Trip Short: Protecting an Adjuster's Claim File* (South Carolina Lawyer, July/August 2000) (Author); and
- (e) *The Big Catch: An Adjuster's Claim File* (South Carolina Lawyer, July/August 2005) (Author).

(4) Character:

The Commission's investigation of Mr. Reibold did not reveal evidence of any founded grievances or criminal

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allegations made against him. The Commission's investigation of Mr. Reibold did not indicate any evidence of a troubled financial status. Mr. Reibold has handled his financial affairs responsibly.

The Commission also noted that Mr. Reibold was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Reibold reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Reibold reported that he has not served in the military.

Mr. Reibold reported that he has never held public office.

(6) Physical Health:

Mr. Reibold appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Reibold appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Reibold was admitted to the South Carolina Bar in 1995.

He gave the following account of his legal experience since graduation from law school:

- (a) 1996, law clerk to the Honorable J. Ernest Kinard, Jr., Judge of the Circuit Court
- (b) 1996-2000, associate at Swagart & Walker, P.A.
- (c) 2000-2002, Swagart, Walker & Reibold, P.A.
- (d) 2002-2005, Swagart, Walker, Martin & Reibold, P.A.

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- (e) 2005-2008, Walker, Martin & Reibold, LLC
- (f) 2008 to the present, Walker & Reibold, LLC

Mr. Reibold reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: n/a
- (b) State: n/a
- (c) Other: n/a

Mr. Reibold reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 97%;
- (b) Criminal: 1%;
- (c) Domestic: n/a;
- (d) Other: 2%.

Mr. Reibold reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 97%;
- (b) Non-jury: 3%.

Mr. Reibold provided that he most often serves as sole counsel.

The following is Mr. Reibold's account of his five most significant litigated matters:

- (a) Michael Ritz v. Taylor Toyota.  
In this matter, my partner and I represented a Toyota dealership accused of charging documentation or procurement fees in violation of South Carolina law. Plaintiff represented a group or class of thousands of customers attempting to recover allegedly improper fees. The case took almost six years to reach trial, and was tried to a jury in Aiken County. Plaintiff sought a total judgment of approximately \$25,000,000. After a three day trial, the jury returned a verdict in favor of the defense.
- (b) Roberts v. LaConey, 375 S.C. 97, 650 S.E.2d 474 (2007).

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I sought permission to file an amicus brief in this case which was filed in the South Carolina Supreme Court's original jurisdiction. The case was decided in favor of the parties represented by my firm, and helped define what constitutes the unauthorized practice of law in the State of South Carolina;

- (c) Brown v. Stewart, 348 S.C. 33, 557 S.E.2d 626 (Ct.App. 2001).

Among other things, this case involved the question of when a corporate shareholder may maintain a breach of fiduciary action against corporate board members or directors. I assisted in the trial of this case and argued the appeal, which helped to clarify an uncertain area of law in South Carolina.

- (d) Fournil v. Turbeville Insurance Agency.

In this matter, I represented a small start-up company. The founder of the company had split off from a larger insurance agency, which became involved in litigation with my client. If the larger company's claims had been successful, the suit would crushed the new business. My clients were facing an adversary with much greater resources. To me this case is significant because its successful resolution was literally a question of the survival of my client.

- (e) Butler v. Ford Motor Company, et al., 724 F.Supp.2d 575 (D.S.C. 2010).

In this case, I represented a small tire company from Georgia who had been improperly sued in South Carolina. The case is significant to me because I was able to have the case relocated to a proper forum, and prevent what appeared to be forum shopping.

The following is Mr. Reibold's account of five civil appeals he has personally handled:

- (a) Brown v. Stewart, et al., November 19, 2001 (reported at 348 S.C. 33, 557 S.E.2d 676 (Ct.App. 2001) (brief and argument);
- (b) Hall v. Fedor, March 25, 2002 (reported at 349 S.C. 169, 561 S.E.2d 654 (Ct.App. 2002) (on brief);



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- (c) OptimumPath, LLC v. Belkin, et al, patent appeal before the United States Court of Appeals for the Federal Circuit, May 7, 2012 (brief and oral argument);
- (d) Sign N Ryde v. Larry King Chevrolet, S.C. Court of Appeals, December 9, 2011 (brief and oral argument);
- (e) Diane Henderson v. Summerville Ford-Mercury, S.C. Supreme Court, September 11, 2013 (reported at 405 S.C. 440, 748 S.E.2d 221 (2013) (brief and oral argument).

Mr. Reibold reported that he has not personally handled any criminal appeals.

Mr. Reibold further reported the following regarding unsuccessful candidacies:

I have run for circuit court in 2011, 2012, 2014, 2015, and 2016.

(9) Judicial Temperament:

The Commission believes that Mr. Reibold's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Reibold to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, experience, and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Committee stated that Mr. Reibold meets many of the criteria for the position of Circuit judge. The Committee is somewhat concerned about the paucity of his experience in the criminal law arena. Their summary was "[q]ualified with some question on criminal law experience."

Mr. Reibold is married to Shealy Boland Reibold. He has one child.

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Mr. Reibold reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association,  
*Member, House of Delegates* 2008 to 2014  
*Member, Practice and Procedure Committee*; and
- (b) Richland County Bar Association

Mr. Reibold provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Member, Board of Directors, Keep the Midlands Beautiful  
Honored as Board Member of the Year for South Carolina  
Keep America Beautiful Affiliates in 2005
- (b) Appointed Member, City of Columbia Tree and Appearance Commission, 2007 to 2013;
- (c) Advisory Board Member, Salvation Army Command of the Midlands, 2013 to the present.

Mr. Reibold further reported:

I have been involved in community affairs for some time. Over the past 15 years, I have worked as a volunteer at public events, raised money for the American Cancer Society, and served as a board member for local non-profit organizations. I am also a member of the 2002 Leadership Columbia class. I was appointed by Columbia City Council to the Columbia Tree and Appearance Commission. I am an advisory board member for the Salvation Army of the Midlands. These activities demonstrate my commitment to public service.

I have also been active in promoting the legal profession. I have been twice elected to the House of Delegates for the South Carolina Bar Association. I am a member for the Practice and Procedure Committee of the South Carolina Bar Association. I have also authored a number of articles and co-authored a legal text published by the South Carolina Bar Association.

Service as a Circuit Court Judge is a natural outgrowth of this commitment service and the legal profession.

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(11) Commission Members' Comments:

The Commission commented that Mr. Reibold has vast experience and a strong work ethic.

(12) Conclusion:

The Commission found Mr. Reibold qualified, but not nominated for election to Circuit Court, At-Large, Seat 9.

**Benjamin Chad Simpson  
Circuit Court, At-Large, Seat 9**

**Commission's Findings:        QUALIFIED, BUT NOT  
   NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Simpson meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Simpson was born in 1975. He is 42 years old and a resident of Charleston, South Carolina. Mr. Simpson provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Simpson.

Mr. Simpson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Simpson reported that he has not made any campaign expenditures.

Mr. Simpson testified he has not:

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- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Simpson testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Simpson to be intelligent and knowledgeable.

Mr. Simpson reported that he has taught the following law-related courses:

College Courses Taught:

- (a) I was an adjunct professor of Civil Business Law at Trident Technical College during the fall semester 2006, fall semester 2009, summer term 2011, and summer term 2012. The course was an accredited semester-length undergraduate level course covering the most commonly applied principles of civil law, including basic Constitutional law, Torts, Product Liability, Intellectual Property, Contract Law, et al.
- (b) I was an adjunct professor of Evidence Law at Trident Technical College during the fall semester 2007 and fall semester 2010. The course was an accredited semester-length undergraduate level course exploring recurring evidentiary issues in the trial setting, such as the Fourth Amendment and the exclusionary rule, confessions and the Fifth Amendment, and hearsay and its exceptions.
- (c) I was an adjunct professor of Criminal Law at Trident Technical College for the spring semester 2010, fall semester 2011, fall semester 2012, spring semester 2012, and spring Semester 2013. The course was an accredited semester-length undergraduate level course covering basic concepts of American criminal jurisprudence, including common types of statutory

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crimes, their elements, and frequently asserted defenses.

- (d) I was an adjunct professor of Judicial Process (at Trident Technical College) during the spring semester of 2008. The course was an introductory survey course covering a broad view of the American Judicial Branch, including its function, structure, and basic procedures.
- (e) I was an adjunct professor of Family & Juvenile Delinquency Law (also at Trident Technical College) during the summer term of 2009. The course was an introductory course into common topics, themes, and procedures of the family court, with a focus on juvenile delinquency.

### CLE's / Lectures / Speaking Engagements:

- (a) I gave a CLE presentation, Current Developments in Narcotics Prosecution, for the South Carolina Bar – CLE Division, at the University of South Carolina School of Law, in June 2009, in Columbia, South Carolina.
- (b) I gave a presentation to local judges of the Ninth Judicial Circuit and members of the Ninth Judicial Circuit's Public Defenders' Office entitled Common Issues in the Trials of Internet Crimes Against Children, in May 2010, in Charleston, South Carolina.
- (c) I gave a CLE presentation, Current Issues from the Prosecutor's Prospective, for the Charleston County Bar – Young Lawyers Division, on February 24th, 2011, in Charleston, South Carolina.
- (d) I was a panel speaker for a CLE presentation, F.O.I.A. for Government Attorneys: Panel Discussion led by South Carolina Supreme Court Justice Costa Pleicones, hosted by the South Carolina Commission on Prosecution Coordination on December 14th, 2012, in Columbia, South Carolina.
- (e) I was a presenter of a CLE presentation, Common Search Warrant Issues, during the Solicitor's Office for the Ninth Judicial Circuit Continuing Education Program, August 20th, 2013, in Charleston, South Carolina.

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- (f) I was a panel speaker during Victims' Rights Week, at the Annual Conference for Crime Victims' Advocates and Families, on April 22nd, 2015, in Columbia, South Carolina.
- (g) I was a co-instructor during training for the Charleston Police Department on the topic of Common Search Warrant Issues (w/ Ninth Circuit Solicitor Scarlett Wilson), on July 23rd and August 13th, 2015, in Charleston, South Carolina.
- (h) I was an instructor for the College of Charleston's Public Safety Department training on the topic of Search and Seizure Issues in the Campus Setting, in August 2015, in Charleston, South Carolina.

Mr. Simpson reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Simpson did not reveal evidence of any disqualifying grievances or criminal allegations made against him. The Commission's investigation of Mr. Simpson did not indicate any evidence of a troubled financial status. Mr. Simpson has handled his financial affairs responsibly.

The Commission also noted that Mr. Simpson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Simpson reported that he is not rated by any legal rating organization.

Mr. Simpson reported that he has not served in the military.

Mr. Simpson reported that he has never held public office.

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(6) Physical Health:

Mr. Simpson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Simpson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Simpson was admitted to the South Carolina Bar in 2003.

He gave the following account of his legal experience since graduation from law school:

- (a) October 2003 – June 2004, The South Carolina Court of Appeals, Staff Attorney. Assisted appellate court judges in case analysis and research; drafted pre-hearing reports which were often utilized as initial working drafts for subsequent written opinions.
- (b) June 2004 – August 2006, The South Carolina Court of Appeals, Law Clerk to the Honorable H. Bruce Williams. Assisted the Honorable H. Bruce Williams in case research, legal analysis, and opinion drafting; some administrative duties.
- (c) August 2006 – May 2013, Trident Technical College, Adjunct Professor of Legal Studies. While employed full time as a prosecuting attorney (see below), maintained additional part-time employment as professor of undergraduate legal studies in subjects such as civil law, substantive criminal law, evidence, and judicial process (average of one class per semester or summer term).
- (d) August 2006 – August 2010, Solicitor's Office for the Ninth Judicial Circuit, Assistant Solicitor. Prosecuted hundreds of criminal cases, obtaining several guilty verdicts in high-profile trials for major offenses, such as criminal sexual conduct and murder. Subspecialty in the prosecution of sexual exploitation of minor cases as the Ninth Judicial Circuit Solicitor's Office

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representative on the I.C.A.C. Taskforce (Internet Crimes Against Children).

- (e) August 2010 – March 2015, Solicitor’s Office for the Ninth Judicial Circuit, Managing Assistant Solicitor [Trial Team Leader]. While continuing to prosecute my personal case load, largely consisting of major felonies and frequently high-profile cases, also managed a trial team of 8 to 10 trial attorneys. Responsibilities as team leader included the management of trial dockets for General Sessions Court terms, case assignments within the team, and attorney training and mentorship.
- (f) March 2015 – Present, Solicitor’s Office for the Ninth Judicial Circuit, Managing Assistant Solicitor [Career Criminal Prosecution Team]. Inaugural member of selective prosecution team focusing on high profile major cases and career offenders, with an emphasis toward litigation and trial work.

Mr. Simpson further reported regarding his experience with the Circuit Court practice area:

Since joining the Solicitor’s Office for the Ninth Judicial Circuit nearly eleven years ago, my career has developed with a distinct focus on trial work, particularly in major felony prosecutions. It would be difficult to list all the cases I have handled in over the past five years, but the following examples stand out in my mind:

South Carolina v. Dylann Storm Roof (2015-GS-10-4115 to 4125, et al.) From that horrible morning of June 18, 2015, when the defendant was still at large, to his guilty plea on April 10th of this year, I was involved, working with Solicitor Wilson and Deputy Solicitor Durant, as a member of the State prosecution team in the case against Dylann S. Roof. Issues involved search & seizure (See, writing samples attached), mental competency, the interplay between federal and state sovereigns, et al.

South Carolina v. Michael Slager (2015-GS-10-03466) I was a member of the four-person trial team in one of the country’s most notorious police shooting cases during a trial lasting over five weeks in the fall and winter of 2016. During the trial, I handled most of our legal responses, in writing and



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on the record, to over seventy-five defense motions filed, as well as the questioning of several witnesses, including defense experts.

South Carolina v. Terrell A. Smith (2014-GS-10-05999, 6000, 6001, 6002) I was counsel on a multi-day murder and burglary trial involving the brutal stabbing death of a teenager in his bedroom which was sadly discovered by the victim's father. Issues included identification and self-defense. Following trial in September 2016, the State obtained a guilty verdict on the murder charge.

South Carolina v. Valentino Hayward (2014-GS-10-03322, 23) I was lead counsel in a murder trial lasted over a week and resulted in a guilty verdict in November 2015. The legal issues were numerous, including identity, phone records, uncooperative witnesses, etc.

South Carolina v. Dalton Ellis Clark (2015-GS-10-03596) I was lead counsel in a homicide trial which presented at its core the difficult legal issue of criminal liability when a single "sucker punch" from behind causes the death of another. Following a week-long trial in April of 2016, the State obtained a guilty verdict for the crime charged.

South Carolina v. Robert Kronsberg (2013-GS-10-02456) I was lead counsel in a murder case which proceeded to trial in 2014 involving the brutal stabbing death of a young woman at the hands of her boyfriend. Issues involved the admissibility of a confession recorded while the defendant was receiving medication (See, writing samples attached) and whether the killing was mitigated by heat of passion. The defendant was found guilty of murder.

South Carolina v. David Meggett (2009-GS-10-04829, 30) While outside of the five-year window, I remain very proud of my work on the Criminal Sexual Conduct / Burglary case prosecuted against David Meggett. The defendant was an ex-NFL star who many believed had become a serial rapist, but his resources allowed him to repeatedly avoid justice over several years and incidents. I was lead counsel on a case offering many justifiable paths to easy plea bargains, but myself and co-counsel took the more difficult and uncertain, but necessary, path to a trial conviction and thirty-year sentence.

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The professional and criminal careers of the defendant are well covered in a well written profile here:

<https://www.sbnation.com/longform/2014/1/21/5320000/david-meggett-criminal-history-profile>

While my legal experience unquestionably weighs toward criminal practice, it is not devoid of meaningful experience in civil law. First, my career began with three years of service to the South Carolina Court of Appeals, where the vast majority of cases I worked on were civil in nature. Furthermore, these cases, being the subject of appeal, often involved the most complicated, vexing, and contentious of issues. While it is standard for an attorney to spend a single year in such a clerkship, I spent three, due largely to the enjoyably challenging nature of the work.

Second, as outlined above, I spent almost seven years (while serving as a full-time prosecutor) as an undergraduate professor of legal studies, including four semesters as an instructor of the introductory course to civil law. Other courses, such as Judicial Process, similarly included review of vast areas of civil law, such as civil procedure, contract law, and commercial law case studies. Nearly every course taught included a Constitutional law section, covering numerous landmark civil cases and concepts.

Third, many of my subspecialties and duties while serving as a solicitor have given me further civil law experience. I have for most of my time here been in charge of all magistrate court appeals (to the circuit court) handled by our office (which are civil hearings). I have for about eight years been the Solicitor's Office for the Ninth Judicial Circuit's F.O.I.A. and civil subpoena attorney, a role which nearly weekly calls for my engagement with lengthy civil statutes and has, on several occasions, led to my appearance on behalf of my office in civil court.

Lastly, I have always considered myself a student of law and I like to keep abreast of United States and South Carolina Supreme Court developments in both criminal and civil practice areas. While typically a quick learner, I have never been embarrassed to ask advice from peers, and would readily engage fellow judges, lawyers, and written materials if I sensed a

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shortcoming in any area of legal knowledge, substantive or procedural.

In the past five years, I would describe the frequency of my appearances before a Circuit Court Judge as nearly constant. I appear before the Circuit Court at some point during nearly every term of Charleston General Sessions Court, as well as occasional appearances in Charleston Common Pleas Court.

Mr. Simpson reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: none (several times in the last three years, but only as an observer of concomitant state / federal prosecutions).
- (b) State: weekly, often several times daily;

Mr. Simpson reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 5%;
- (b) Criminal: 90%;
- (c) Domestic: 0%;
- (d) Other: 5% (Criminal prosecution can occasionally carry over into other areas such as juvenile law, probate commitment hearings, etc.).

Mr. Simpson reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 10%;
- (b) Non-jury: 90%.

Mr. Simpson provided that he most often serves as lead counsel.

The following is Mr.'s account of his five most significant litigated matters:

- (a) State v. Michael Slager (2015-GS-10-03466).  
I was a member of the four-person prosecution team (including Solicitor Scarlett Wilson and Deputy Solicitors Durant and Alfaro) in a police shooting

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homicide trial that lasted over five weeks and received national and international attention. I predominantly handled legal matters, such as arguing motions, and also handled the questioning of several witnesses, including key government witnesses in the case in chief and the cross examination of defense experts.

- (b) State v. Jeffrey Herrmann (2009-GS-10-09048).

Ali Sarhan, a legal immigrant from Iraq, was missing for almost ten years until his body was found in the trunk of a submerged vehicle at the bottom a low country creek and identified by serial numbers found on a false leg still attached to his skeletal remains. After investigation by the Mount Pleasant Police Department, I was lead counsel in his killer's murder trial, which resulted in conviction for murder over a decade after the crime was committed.

- (c) State v. Dalton Ellis Clark (2015-GS-10-03596).

Clinton Seymour, an incredibly bright and promising young man, was the designated driver for his friends on a weekend night out on King Street. After a silly confrontation with another group of young men, he was punched from behind at the base of his skull by a person he likely never saw, causing brain trauma that would ultimately prove fatal. The facts presented a complicated prosecution, but I was lead counsel in the challenging trial that ultimately achieved justice for Clint and his family. I have bonded with many victims' families through the years, but this trial will always be significant to me for the relationship I developed with Clint's family, who now spend a significant amount of their time and resources toward a charity dedicated to his memory:

[http://www.postandcourier.com/staff/gene\\_sapakoff/clint-seymour-play-ball-fund-turns-tragedy-to-baseball-triumph/article\\_95884efd-a34e-5456-b755-632c0de6acbe.html](http://www.postandcourier.com/staff/gene_sapakoff/clint-seymour-play-ball-fund-turns-tragedy-to-baseball-triumph/article_95884efd-a34e-5456-b755-632c0de6acbe.html)

- (d) State v. David Meggett (2009-GS-10-04829, 30)

I was lead counsel in a case against a former NFL star who may have avoided justice on several previous

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occasions. See, Question 15. We proceeded to trial and obtained guilty verdicts as charged.

- (e) South Carolina v. Robert Wright (2010-GS-10-06153)  
I was lead counsel in both an initial mistrial (hung jury) and successful retrial in a case involving a defendant with a history of domestic violence who fatally assaulted his mother's ex-boyfriend in front of his young nephews. Significant because defendant was convicted of murder on retrial and a grieving family, with persistence, received justice, albeit delayed.

Mr. Simpson reported that he has not personally handled any civil appeals.

Mr. Simpson reported that he has not personally handled any criminal appeals.

- (9) Judicial Temperament:

The Commission believes that Mr. Simpson's temperament would be excellent.

- (10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Mr. Simpson to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament.

Mr. Simpson is married to Leah Browder Simpson. He has two children.

Mr. Simpson reported that he was a member of the following Bar and professional associations:

- (a) The Charleston County Bar Association.  
(b) Member: Internet Crimes Against Children Taskforce (until the South Carolina Attorney General's Office took over all of those prosecutions around 2012).

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Mr. Simpson provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations.

Mr. Simpson further reported:

I look forward to meeting with the commission and discussing my qualifications further. As I hope these materials reflect, I believe my professional and personal life and experiences prove me to be a suitable candidate for a Circuit Court seat. I hope my career thus far conveys to this committee a dedication to public service that goes well beyond the typical short stay as a bridge to more lucrative careers. I do not come from wealth, nor do I aspire to obtain it. It has always been the academic challenges, the egalitarian majesty, the intellectual rigor, and the striving morality of the law that has drawn me to its practice. Perhaps it has been a shortcoming to my earning potential, but I have always been far more interested in untangling vexing legal issues in furtherance discovering the just, moral, and legally correct answer, rather than merely advocating for the answer that best suits an individualistic interest of the moment. It is this passion for truth that led me to the appellate court system after law school and, from there, to prosecution for the Ninth Judicial Circuit's Solicitor's Office. I hope it further leads to a lengthy judicial career and the opportunity to make a state that I love proud of my service.

(11) Commission Members' Comments:

The Commission commented that Mr. Simpson has an outstanding reputation as a prosecutor and complimented him on the highly positive BallotBox survey responses.

(12) Conclusion:

The Commission found Mr. Simpson qualified, but not nominated for election to Circuit Court, At-Large, Seat 9.

**Sara Heather Savitz Weiss  
Circuit Court, At-Large, Seat 9**

**Commission's Findings: QUALIFIED, BUT NOT  
NOMINATED**

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(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Weiss meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Weiss was born in 1975. She is 42 years old and a resident of Columbia, South Carolina. Ms. Weiss provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Weiss.

Ms. Weiss demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Weiss reported that she has made \$217.89 in campaign expenditures for photo prints, envelopes, stationary, and labels.

Ms. Weiss testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Weiss testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Weiss to be intelligent and knowledgeable.

Ms. Weiss reported that she has taught the following law-related courses:

- (a) 3/14/2017 Lectured on the human trafficking laws and prosecuting human trafficking cases at Francis Marion University for law enforcement.
- (b) 1/17/2017 Lectured on human trafficking laws and the prosecution of human trafficking cases at Pee Dee Area Health Education Center in Florence for nurse practitioners.
- (c) 10/26/2016 Spoke to the South Carolina Law Enforcement Victim Advocate Conference about violent crime prosecution and how victim assistance can be crucial to the ultimate successful resolution to the case.
- (d) 8/16/2016 Spoke and served as an organizer and facilitator at the Human Trafficking Statewide Summit for Circuit and Family Court judges and other stakeholders invited to participate from throughout South Carolina.
- (e) 4/14/2016 Spoke to the Family Court Judges meeting discussing the human trafficking laws and raising awareness as to human trafficking in South Carolina.
- (f) 3/2/2016 Spoke to the Safe Schools Summit on the human trafficking laws in South Carolina and raising awareness as to human trafficking in South Carolina.
- (g) 2/18/2016 Spoke at the Shed a Light Conference in Aiken regarding the human trafficking laws and what we are seeing in South Carolina and prosecution
- (h) 2/17/2016 Spoke to River Bluff High School students on human trafficking raising awareness and discussing the laws.
- (i) 10/23/2015 Presented on domestic violence laws at the Department of Juvenile Justice
- (j) 8/20/2015 Training for Lexington County on human trafficking and raising awareness of trafficking in South Carolina.



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- (k) 8/17/2015 Taped two hours of domestic violence training on the law and questions concerning the application of the new law for the Criminal Justice Academy for law enforcement training throughout the state.
- (l) 11/5/2014 Presented to the insurance industry representatives about the insurance fraud laws and need for updates and the current state of insurance fraud in South Carolina.
- (m) 9/11/2014 Spoke at the Jail Administrators Conference on the lessons learned regarding inmate supervision and jail administration from the trial of Sheriff Sam Parker.
- (n) 10/5/2012 Presented in Spartanburg at a Domestic Violence Conference on domestic violence prosecution of law enforcement officers.
- (o) 11/16/2011 Served on a panel at the Prescription Drug Summit to represent the concerns and trends in cases in state court.
- (p) 11/9/2011 Presented to the South Carolina Criminal Justice Training Conference on insurance fraud laws, investigations and prosecution and presented with the Attorney General on Courtroom Preparation and Presentation Skills.
- (q) 11/7/2011 Spoke to the South Carolina Insurance Fraud Investigators Conference in Charleston regarding investigation and prosecution of insurance fraud cases and answer questions or concerns.
- (r) 5/11/2011 Lectured to the South Carolina Insurance Fraud Investigators at Colonial Life regarding the insurance fraud laws and their relationship to insurance fraud investigations.
- (s) 3/17/2011 Lectured to the South Carolina Insurance Fraud Investigators at the Fire Academy on insurance fraud laws and prosecution.

Ms. Weiss reported that she has not published any books or articles.

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(4) Character:

The Commission's investigation of Ms. Weiss did not reveal evidence of any founded grievances or criminal allegations made against her. The Commission's investigation of Ms. Weiss did not indicate any evidence of a troubled financial status. Ms. Weiss has handled her financial affairs responsibly.

The Commission also noted that Ms. Weiss was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Weiss reported that her rating by a legal rating organization, Martindale-Hubbell, is 5.0 out of 5, AV Preeminent (Peer Review Rating).

Ms. Weiss reported that she has not served in the military.

Ms. Weiss reported that she has never held public office.

(6) Physical Health:

Ms. Weiss appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Weiss appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Weiss was admitted to the South Carolina Bar in 1999.

She gave the following account of her legal experience since graduation from law school:

- (a) Fifth Circuit Solicitor's Office Law Clerk May-November 1999

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Organized and prepared indictments and updated indictment pre-files.

Performed various duties as requested by attorneys and staff.

Maintained caseload left vacant by attorney leaving until licensed to prosecute the cases.

(b) Fifth Circuit Solicitor's Office Assistant Solicitor 1999-2003

Worked with, developed and conducted training for law enforcement to understand the laws and needs of prosecutors on Driving Under the Influence cases and Elder Abuse laws.

Trained with the Center for Missing and Exploited Children and the National Advocacy Center to become one of the first prosecutors in the State to assist the State Law Enforcement Division in investigating and prosecuting under the Computer Crimes Law.

Developed and conducted training with the State Law Enforcement Division on Computer Crimes.

Prosecuted thousands of cases involving primarily driving and property crimes in General Sessions Court.

(c) Fifth Circuit Solicitor's Office Criminal Domestic Violence Court Coordinator 2003-2006

Worked with and developed court preparation training for the Richland County Sheriff's Department on the needs of prosecutors to successfully prosecute Criminal Domestic Violence cases.

Prosecuted hundreds of Criminal Domestic Violence cases in Richland County Magistrate's Court.

Supervised one investigator and two attorneys in the prosecution of all Magistrate level Criminal Domestic Violence cases in Richland County.

Worked with and trained law enforcement to understand the needs of prosecutors and foster communication between the two agencies.

Developed and conducted trainings on new laws, understanding procedures for both General Sessions and Family Court and clarifying the application of existing laws.

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Worked on special projects as needed with the City of Columbia to include:

directly indicting and prosecuting an undercover drug operation in connection with the federal government;

working with city government and law enforcement to combat businesses allowing for violence and drug dealing utilizing the nuisance laws and the alcohol licensing;

meeting with community members to address specific crime and prosecution concerns and help them to become involved in the criminal justice process;

meeting with government leaders to address business and community concerns.

Assisted answering Freedom of Information Act requests.

Prosecuted thousands of cases including murders, armed robberies, drug and gang cases, financial cases, and burglaries.

- (d) S.C. Attorney General's Office Assistant Deputy Attorney General 2011-2016
  - Manage a team of the State Grand Jury/Prosecution Section of the office
  - Manage a criminal caseload
  - Provide trainings on various topics as requested
  - Director of the Insurance Fraud Division
- (e) S.C. Attorney General's Office Senior Assistant Deputy Att. Gen. January-March 2016
  - Manage the prosecution and State Grand Jury sections of the office
  - Manage a criminal caseload
  - Provide trainings on various topics as requested
  - Assist with drafting and promoting legislation including domestic violence, human trafficking and insurance fraud
- (f) S.C. Attorney General's Office Deputy Attorney General March 2016-present
  - Manage the criminal prosecution division of the office including General Prosecution, Violence Against Women Division, Insurance Fraud, Food Stamp Fraud, Internet

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Crimes Against Children, Medicaid Provider Fraud and Medicaid Recipient Fraud.

Review and prosecute select investigations and cases.

Assist with drafting and promoting legislation including human trafficking and insurance fraud

Review all incoming cases and assign to prosecutors and review and approve all declinations of investigations or charged cases.

Prosecuted first State Grand Jury Human Trafficking case

Speak to and provide training for various groups on domestic violence and human trafficking as well as other requested topics

Ms. Weiss reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0;
- (b) State: weekly;

Ms. Weiss reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 2%;
- (b) Criminal: less than 98%
- (c) Domestic: less than 0%;
- (d) Other: less than 0%

Ms. Weiss reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: jury: less than 10%
- (b) Non-jury: non-jury: over 90%

Ms. Weiss provided that she most often serves as sole counsel.

The following is Ms. Weiss' account of her five most significant litigated matters:

- (a) State v. Sam Parker was a State Grand Jury public corruption investigation. This case was significant because it was the investigation of the elected Sheriff in a rural county while he was still in office. The State Grand

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Jury was necessary to subpoena evidence and provide testimony under oath of witnesses who were terrified or reluctant to provide information against a powerful elected official. Once the case was indicted it was necessary to make a plea offer that was fair without allowing political pressure or community frustration play into the decision. Ultimately, the plea offer was rejected and the trial took place in Chesterfield County. The trial presented issues of picking a fair and impartial jury in the County where the Sheriff was suspended from office pending the resolution of the indictment, but was also running for election in the Sheriff's race. While an extra-large number of jurors were summoned, it took a full day to seat the jury. The Court had to handle each question and the dozens of potential jurors' concerns individually. The trial took two weeks and the Court had to make decisions on keeping the jurors from coming in contact with witnesses and interested community members. Ultimately, the former Sheriff was convicted of multiple counts of misconduct including embezzlement and the Court had to determine an appropriate sentence resulting in the defendant going to prison. As a result of the felony and embezzlement convictions, Sam Parker can never run for Sheriff, be in law enforcement, or run for public office ever again.

- (b) State v. Lexie Dial, III State v. Dial, 412 S.C. 121, 770 S.E.2d 767 (2015) was a homicide by child abuse case. The trial required expert testimony from a forensic pediatrician and pediatric ophthalmologist. It required me to learn about these areas of medicine to facilitate the testimony to the jury. The victim's mother took the urn with her child's ashes to the stand, unbeknownst to me. The defense argued for a mistrial, but fortunately the judge recognized what was in her hand before the jury could have seen it. The case addressed the issue of law enforcement arresting a defendant outside of the county lines. My co-counsel was able to establish several different ways in which the arrest was proper. There was also an issue involving the local prosecutor and law enforcement which led to the case being

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conflicted in the first place. The biggest challenge of this case was handling the legal issues while still being able to present the facts to the jury in a way that they could understand them and make a decision. Lexie Dial was convicted of killing his baby son.

- (c) State v. Roderquiz Cook State v. Cook, No. 2015-UP-270, 2015 WL 3536532 (S.C. Ct. App. June 3, 2015) was murder case in Lexington County where the defendant was charged and convicted of murder under the Felony-murder rule and hand of one is the hand of all theory of murder. The defendant was not actually present at the murder. The case required syncing the phone calls, video and testimony to prove the defendant's knowledge and culpability in planning and bringing about the ultimate murder. The jury was able to tie together the pieces of the case and convicted Cook of murder.
- (d) State v. Charles Walter Koon State v. Koon No. 2002-UP-270, 2002 was a DUI case in Richland County. It was one of my first trials and it was shortly after the change in the DUI law requiring videotaping of incident scenes and field sobriety tests. The videotaping was not required if the car was not equipped with the recording device or it was inoperable. However, a form must be presented explaining why there is no video. The defense argued that because the form was not presented before the trial, the case should be dismissed. The Court ruled that as long as the form was presented before the case went to the jury it was proper. It was at this time I learned how important it is to study the law and argue for what I believe is right. The jury convicted Koon of DUI and even though this was an unpublished opinion, the precedent was used to support arguments for the same premise all over the State.
- (e) State v. Trevonta Matthews was the first State Grand Jury human trafficking investigation. Matthews was also the first human trafficking case to go to trial in South Carolina. This investigation highlighted the challenges of a human trafficking investigation from the social media records and hours of phone calls that had to be reviewed to the reluctant and sometimes hostile victims who were often involved with different state agencies from DSS to

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DJJ. It also highlighted the lack of resources available to victims of human trafficking. The trial began, but the defendant pled guilty prior to the first victim's testimony. The amount of discovery and pre-trial motions highlighted the challenges these cases and digital evidence will present in the future.

Ms. Weiss reported she has not handled any civil appeals.

Ms. Weiss reported she has not personally handled any criminal appeals.

Ms. Weiss further reported that she has not previously been a candidate for judicial office.

(9) Judicial Temperament:

The Commission believes that Ms. Weiss' temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Weiss to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability; and "Well Qualified" in the remaining evaluative criteria of ethical fitness, character, professional and academic ability, reputation, experience, and judicial temperament. The Committee commented that, "Ms. Weiss made a very good impression on our committee. She is bright, outgoing and personable. Her experience in the criminal law arena is prodigious. She does lack extensive civil law experience, but her time spent in a circuit court room observing how judges perform is a plus." In summary the Midlands Citizens Committee stated, "Ms. Weiss is a strong candidate for Circuit Court Judge, with some hesitation because of her civil law experience."

Ms. Weiss is married to Gregory Todd Weiss. She has two children.



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Ms. Weiss reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Richland County Bar Association
- (c) South Carolina Solicitors' Association

Ms. Weiss provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Pontiac Elementary PTO
- (b) Tree of Life Sisterhood
- (c) The Attorney General's Award of Excellence (2014)
- (d) Ernest F. Hollings Award for Excellence in State Prosecution (2014)
- (e) Governor's Appointee to the State Child Fatality Advisory Committee
- (f) Attorney General's Designee to the State Domestic Violence Advisory Committee
- (g) Special Assistant United States Attorney
- (f) Member of Governor's Domestic Violence Task Force
- (g) Tree of Life Congregation

Ms. Weiss further reported:

Treat everyone with respect. While you may not respect what the person has done or the choices made, each person must be treated with respect."

My parents instilled the meaning of this quote through words and actions. Learning to live the words of this quote has affected my entire career and would influence the type of judge I will be. I believe respect should be mutual and applies to all parties in the court including the prosecution, plaintiff, defense, witnesses, jurors, court staff and the public. The court system must maintain the confidence of the people and this can only be done by treating everyone who appears or may appear before the court with respect.

Respect also applies to the parties in each case. Since I started working at the Attorney General's Office I truly appreciate the challenge of appearing in court throughout the State. Preparing for each court appearance, ensuring I have spent the appropriate time getting to know the victims and

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witnesses in each case, and balancing the demands of court with my personal life in Columbia make me more understanding of the challenges of the private bar.

I have managed dockets in both the Solicitor's Office and the Attorney General's Office. As arbitration and mediation reduce the number of cases in Common Pleas, the number of cases in General Sessions Court continues to rise. Under Langford, the court is now responsible for the criminal docket. My experience makes me uniquely qualified to preside over General Sessions Court throughout the State as well as administer a criminal docket. Approaching each case with respect for the parties involved and knowing the challenges of the court system will provide me with the tools to be an effective jurist and administrator.

Finally, I am an involved parent and community member and I believe that it is possible to respect the profession and the demands of the court as well as maintain a personal life balance that will allow court to run smoothly and benefit all parties involved.

(11) Commission Members' Comments:

The Commission commented that Ms. Weiss has a very accomplished career in criminal law and is a sharp attorney.

(12) Conclusion:

The Commission found Ms. Weiss qualified, but not nominated for election to Circuit Court, At-Large, Seat 9.

**CONCLUSION**

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

**SUPREME COURT**

SUPREME COURT, SEAT 3

The Honorable John W. Kittredge

**COURT OF APPEALS**

COURT OF APPEALS, SEAT 8

The Honorable Thomas E. Huff

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**CIRCUIT COURT**

**THIRD JUDICIAL CIRCUIT, SEAT 2**

The Honorable Kristi Fisher Curtis

Ryan Kirk Griffin

Timothy Ward Murphy

**FOURTH JUDICIAL CIRCUIT, SEAT 2**

The Honorable Roger E. Henderson

**FIFTH JUDICIAL CIRCUIT, SEAT 2**

The Honorable L. Casey Manning

**SEVENTH JUDICIAL CIRCUIT, SEAT 2**

The Honorable Grace Gilchrist Knie

**EIGHTH JUDICIAL CIRCUIT, SEAT 2**

The Honorable Eugene Cannon Griffith Jr.

**TENTH JUDICIAL CIRCUIT, SEAT 2**

The Honorable R. Scott Sprouse

**ELEVENTH JUDICIAL CIRCUIT, SEAT 1**

The Honorable William Paul Keesley

**ELEVENTH JUDICIAL CIRCUIT, SEAT 2**

Kyliene Lee Keesley

Robert Michael Madsen

Walton J. McLeod IV

**TWELFTH JUDICIAL CIRCUIT, SEAT 1**

The Honorable Michael Nettles

**THIRTEENTH JUDICIAL CIRCUIT, SEAT 2**

The Honorable Letitia Hamilton Verdin

**THIRTEENTH JUDICIAL CIRCUIT, SEAT 4**

The Honorable Alex Kinlaw Jr.

John Patrick Riordan

The Honorable Jessica Ann Salvini

**FOURTEENTH JUDICIAL CIRCUIT, SEAT 1**

The Honorable Perry McPherson Buckner III

**SIXTEENTH JUDICIAL CIRCUIT, SEAT 1**

Bryson John Barrowclough

Lisa G. Collins

William Angus McKinnon

**AT-LARGE, SEAT 9**

Jerome P. Askins III

The Honorable Jennifer Blanchard McCoy

Grady L. Patterson III

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**FAMILY COURT**

SECOND JUDICIAL CIRCUIT, SEAT 2

Angela W. Abstance

THIRD JUDICIAL CIRCUIT, SEAT 1

Thomas Murray Bultman

Edgar Robert Donnalld Jr.

Ernest Joseph Jarrett

SIXTH JUDICIAL CIRCUIT, SEAT 2

Debra A. Matthews

Catherine S. Hendrix

EIGHTH JUDICIAL CIRCUIT, SEAT 1

The Honorable Bryan C. Able

Ashley Phillips Case

Matthew Price Turner

ELEVENTH JUDICIAL CIRCUIT, SEAT 2

Huntley Smith Crouch

TWELFTH JUDICIAL CIRCUIT, SEAT 2

FitzLee Howard McEachin

Stuart Wesley Snow Sr.

The Honorable Elizabeth Biggerstaff York

**ADMINISTRATIVE LAW COURT**

ADMINISTRATIVE LAW COURT, SEAT 5

The Honorable Shirley Canty Robinson

Respectfully submitted,

/s/Rep. G. Murrell Smith Jr.

/s/Rep. J. Todd Rutherford

/s/Rep. Chris Murphy

/s/Mr. Joshua L. Howard

/s/Mr. Andrew N. Safran

/s/Sen. Luke A. Rankin

/s/Sen. Ronnie A. Sabb

/s/Sen. Tom Young Jr.

/s/Ms. Kristian C. Bell

/s/Mr. Michael Hitchcock

**Thursday, January 11, 2018  
(Statewide Session)**

**APPENDIX**

**Report from the South Carolina Bar Judicial  
Qualifications Committee**

**The Honorable John W. Kittredge, Greenville, SC  
Supreme Court, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Justice Kittredge's candidacy for Supreme Court, Seat 3 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Thomas E. Huff, North Augusta, SC  
Court of Appeals, Seat 8**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Huff's candidacy for Court of Appeals, Seat 8 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

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Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Kristi Fisher Curtis, Sumter, SC  
Circuit Court, Third Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Curtis's candidacy for Circuit Court, Third Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Samuel LaNue Floyd, Kingstree, SC  
Circuit Court, Third Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Floyd's candidacy for Circuit Court, Third Judicial Circuit, Seat 2 is as follows:

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<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Ryan Kirk Griffin, Sumter, SC**  
**Circuit Court, Third Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Griffin's candidacy for Circuit Court, Third Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

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Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Timothy Ward Murphy, Sumter, SC  
Circuit Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee, based upon its previous investigation of Mr. Murphy's candidacy for Circuit Court, reports that the collective opinion of those Bar members surveyed regarding Mr. Murphy's candidacy for Circuit Court, At-Large, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**The Honorable Roger E. Henderson, Chersterfield, SC  
Circuit Court, Fourth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Henderson's candidacy for Circuit Court, Fourth Judicial Circuit, Seat 2 is as follows:



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<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable L. Casey Manning, Columbia, SC  
Circuit Court, Fifth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Manning's candidacy for Circuit Court, Fifth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Grace Gilchrist Knie, Campobello, SC  
Circuit Court, Seventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee, based upon its previous investigation of Judge Knie's candidacy for Circuit Court, reports that the collective

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opinion of those Bar members surveyed regarding Judge Knie's candidacy for Circuit Court, Seventh Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Eugene C. Griffith Jr., Prosperity, SC  
Circuit Court, Eighth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Griffith's candidacy for Circuit Court, Eighth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

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**The Honorable R. Scott Sprouse, Walhalla, SC  
Circuit Court, Tenth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Sprouse's candidacy for Circuit Court, Tenth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable William Paul Keesley, Edgefield, SC  
Circuit Court, Eleventh Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Keesley's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified

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Experience	Well Qualified
Judicial Temperament	Well Qualified

**Amy V. Cofield, Lexington, SC**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Cofield's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Donna Elder, Lexington, SC**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Elder's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified

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Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**David Shawn Graham, Lexington, SC  
Circuit Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Graham's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Kyliene Lee Keesley, West Columbia, SC  
Circuit Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Keesley's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 2 is as follows:

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<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Robert Michael Madsen, Lexington, SC**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Madsen's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Walton J. McLeod IV, Columbia, SC**  
**Circuit Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar

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members surveyed regarding Mr. McLeod's candidacy for Circuit Court, Eleventh Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Well Qualified
Experience	Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**The Honorable Michael G. Nettles, Lake City, SC  
Circuit Court, Twelfth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Nettles's candidacy for Circuit Court, Twelfth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified

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Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Letitia H. Verdin, Greenville, SC  
Circuit Court, Thirteenth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Verdin's candidacy for Circuit Court, Thirteenth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Alex Kinlaw Jr., Greenville, SC  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Kinlaw's candidacy for Circuit Court, Thirteenth Judicial Circuit, Seat 4 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well Qualified



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Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Andrew Burke Moorman Sr., Greer, SC  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Moorman's candidacy for Circuit Court, Thirteenth Judicial Circuit, Seat 4 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**John Patrick Riordan, Greenville, SC  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Riordan's candidacy for Circuit Court, Thirteenth Judicial Circuit, Seat 4 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

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Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Jessica Ann Salvini, Greenville, SC  
Circuit Court, Thirteenth Judicial Circuit, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Salvini's candidacy for Circuit Court, Thirteenth Judicial Circuit, Seat 4 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**The Honorable Perry M. Buckner III  
Circuit Court, Fourteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Buckner's candidacy for Circuit Court, Fourteenth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified

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Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Well Qualified
Reputation	Qualified
Experience	Well Qualified
Judicial Temperament	Qualified

**Bryson John Barrowclough, Tega Cay, SC  
Circuit Court, Sixteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Barrowclough's candidacy for Circuit Court, Sixteenth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Lisa G. Collins, Rock Hill, SC  
Circuit Court, Sixteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Collin's candidacy for Circuit Court, Sixteenth Judicial Circuit, Seat 1 is as follows:

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<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**William Angus McKinnon, Rock Hill, SC  
Circuit Court, Sixteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. McKinnon's candidacy for Circuit Court, Sixteenth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

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**James Michael Morton, Rock Hill, SC  
Circuit Court, Sixteenth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Morton's candidacy for Circuit Court, Sixteenth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Jerome P. Askins III, Johnsonville, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Askins's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified

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Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Meredith L. Coker, Charleston, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Coker's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**The Honorable Marvin H. Dukes III, Beaufort, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Dukes's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

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<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Joey Randell Floyd, Columbia, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Floyd's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

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**Jenny A. Horne, Summerville, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Horne's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**The Honorable Jennifer Blanchard McCoy, Charleston, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McCoy's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified



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Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Grady L. Patterson III, Columbia, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Patterson's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Robert L. Reibold, Columbia, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee, based upon its previous investigation of Mr. Reibold's candidacy for Circuit Court, reports that the collective opinion of those Bar members surveyed regarding Mr. Reibold's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified

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Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Benjamin Chad Simpson, Charleston, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Simpson's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Sara Heather Savitz Weiss, Columbia, SC  
Circuit Court, At-Large, Seat 9**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar

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members surveyed regarding Ms. Weiss's candidacy for Circuit Court, At-Large, Seat 9 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Angela W. Abstance, Barnwell, SC  
Family Court, Second Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Abstance's candidacy for Family Court, Second Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

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**Thomas Murray Bultman, Sumter, SC  
Family Court, Third Judicial Circuit, Seat 1,**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Bultman's candidacy for Family Court, Third Judicial Circuit, Seat 1, is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Edgar Robert Donnald Jr., Sumter, SC  
Family Court, Third Judicial Circuit, Seat 1,**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Donnald's candidacy for Family Court, Third Judicial Circuit, Seat 1, is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified

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Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Ernest Joseph Jarrett, Kingstree, SC  
Family Court, Third Judicial Circuit, Seat 1,**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Jarrett's candidacy for Family Court, Third Judicial Circuit, Seat 1, is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Catherine S. Hendrix, Blair, SC  
Family Court, Sixth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Hendrix's candidacy for Family Court, Sixth Judicial Circuit, Seat 2 is as follows:

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<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Debra A. Matthews, Blackstock, SC  
Family Court, Sixth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Matthews's candidacy for Family Court, Sixth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

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**The Honorable Bryan C. Able, Laurens, SC  
Family Court, Eighth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Able's candidacy for Family Court, Eighth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Ashley Phillips Case, Fountain Inn, SC  
Family Court, Eighth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Case's candidacy for Family Court, Eighth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified

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Experience	Qualified
Judicial Temperament	Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Matthew Price Turner, Laurens, SC  
Family Court, Eighth Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Turner's candidacy for Family Court, Eighth Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**Huntley Smith Crouch, Lexington, SC  
Family Court, Eleventh Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee, based upon its previous investigation of Ms. Crouch's candidacy for Family Court, reports that the collective opinion of those Bar members surveyed regarding Ms. Crouch's candidacy for Family Court, Eleventh Judicial Circuit, Seat 2 is as follows:



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<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

**FitzLee Howard McEachin, Florence, SC**  
**Family Court, Twelfth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. McEachin's candidacy for Family Court, Twelfth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Well Qualified

**Stuart Wesley Snow Sr., Florence, SC**  
**Family Court, Twelfth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar

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members surveyed regarding Mr. Snow's candidacy for Family Court, Twelfth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**Elizabeth Biggerstaff York, Florence, SC  
Family Court, Twelfth Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee, based upon its previous investigation of Ms. York's candidacy for Family Court, reports that the collective opinion of those Bar members surveyed regarding Ms. York's candidacy for Family Court, Twelfth Judicial Circuit, Seat 2 is as follows:

<b>Overall</b>	<b>Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Qualified
Reputation	Qualified

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Experience	Qualified
Judicial Temperament	Qualified

Committee was unable to reach goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary effort.

**The Honorable Shirley C. Robinson  
Administrative Law Court, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Robinson's candidacy for Administrative Law Court, Seat 5 is as follows:

<b>Overall</b>	<b>Well Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional Academic Ability	Well Qualified
Reputation	Well Qualified
Experience	Well Qualified
Judicial Temperament	Well Qualified

Received as information.

**H. 3649--COMMITTEE OF CONFERENCE APPOINTED**

The following was received:

Columbia, S.C. Wednesday, January 10

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Scott, Davis and Corbin (in lieu of Bennett) of the Committee of Conference on the part of the Senate on H. 3649:

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H. 3649 -- Reps. Crawford and Sandifer: A BILL TO AMEND SECTION 40-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND OFFICERS OF THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO PROVIDE THE BOARD MAY PROVIDE ADVICE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION CONCERNING THE DEVELOPMENT OF STATUTORY REVISIONS AND OTHER MATTERS AS THE DEPARTMENT REQUESTS CONCERNING THE ADMINISTRATION OF CHAPTER 3, TITLE 40; TO AMEND SECTION 40-3-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO REVISE THIS JURISDICTION; AND TO AMEND SECTION 40-3-290, RELATING TO EXCEPTIONS FROM CHAPTER 3, TITLE 40, SO AS TO REVISE CRITERIA FOR CERTAIN EXEMPT BUILDINGS AND DETACHED SINGLE-FAMILY OR TWO-FAMILY DWELLINGS.

Very respectfully,  
President  
Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4588 -- Reps. Duckworth, Clemmons, Johnson, McGinnis, Hewitt, Crawford, Hardee and Fry: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT SPANS THE INTRACOASTAL WATERWAY ALONG SOUTH CAROLINA HIGHWAY 9 IN HORRY COUNTY THE "CAPTAIN ARCHIE NEIL 'POO' MCLAUCHLIN SWING BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4604 -- Reps. Forrester, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister,

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Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A HOUSE RESOLUTION TO CELEBRATE THE DORMAN HIGH SCHOOL BOYS CROSS COUNTRY TEAM ON WINNING THE 2017 CLASS AAAAA STATE CHAMPIONSHIP TITLE AND TO COMMEND THESE RUNNERS ON A STELLAR SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4605 -- Rep. Forrester: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE STUDENTS AND SCHOOL OFFICIALS OF THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND THE BLIND, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, TO RECOGNIZE THEM FOR A DEMONSTRATION OF THEIR UNIQUE ACCOMPLISHMENTS.

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, extend the privilege of the floor to the students and school officials of the South Carolina School for the Deaf and the Blind, at a date and time to be determined by the Speaker, to recognize them for a demonstration of their unique accomplishments.

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The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4607 -- Rep. Gagnon: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE ABBEVILLE HIGH SCHOOL VARSITY FOOTBALL TEAM OF ABBEVILLE COUNTY WITH THE TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2017 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Abbeville High School varsity football team of Abbeville County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2017 South Carolina Class AA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4608 -- Reps. Rutherford, Bales, Ballentine, Bernstein, Brawley, Douglas, Finlay, Hart, Howard, McEachern, J. E. Smith, Thigpen, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Duckworth, Elliott, Erickson, Felder, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Huggins, Jefferson, Johnson, Jordan, King,

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Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF THE HONORABLE JOE E. BROWN OF RICHLAND COUNTY, TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

Whereas, the members of the South Carolina House of Representatives are deeply saddened by the passing of the Honorable Joe E. Brown of Richland County, former member of the South Carolina House of Representatives, on January 7, 2018; and

Whereas, born the son of Prue Ellis and Elouise Grant Brown of Anderson County, Joe E. Brown came into this world on May 24, 1933. In preparation for his life's work, he graduated from Allen University and made Columbia his new home. After earning his master's degree at South Carolina State University, he ultimately completed further postgraduate studies at the University of South Carolina and was the recipient of an honorary doctorate in arts and humanities awarded by Allen University (2001); and

Whereas, over many years of service, Joe Brown found strength for his labors in the strong support of his family: his dear wife, Dorothy Henderson Brown, and their four children. The senior Browns enjoyed a marriage of sixty-two years before Joe's passing; and

Whereas, the young Joe began his career as a teacher at Atlas Road Elementary School in Columbia and was promoted to principal within his first year of teaching. He served thirty years as a principal. In addition to pursuing his career as an educator, he established himself as the owner/manager of Brown's Enterprise, comprised of a bus touring company and several other ventures; and

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Whereas, having retired from both education and business, Joe Brown pursued a career in government. He was elected to represent District 73 in the South Carolina House of Representatives, and became the longest-serving black legislator in the House (1986-2006). Further, Joe Brown served as an annexation planner for the City of Columbia, working diligently without pay to have predominantly African-American communities annexed into the city (1987-2009). He would cap off his half century of serving others by returning to Allen University, where he volunteered daily full-time; and

Whereas, this man of faith, an active member of St. John Baptist Church, served there as a deacon and former church auditor; and

Whereas, in recognition of his dedicated service, Dr. Brown was granted various accolades, among them the naming of North Main Street and I-20 as the Joe E. Brown Interchange. He was inducted into the Allen University and Richland County School District One halls of fame and awarded the Order of the Palmetto. An honoree of the BellSouth African-American History Calendar, he also was named Legislator of the Year by several groups. He served on numerous boards and commissions and held life membership in Alpha Phi Alpha Fraternity, Inc., and the NAACP; and

Whereas, predeceased by two of his children, Kathy Ann and Joe Ellis Brown, Jr., Dr. Brown leaves to cherish his memory and carry on his legacy his beloved wife, Dorothy; daughters Angela Gay and L'Tanya Gabriel; and a host of other relatives and friends, including his former colleagues in the South Carolina House of Representatives; and

Whereas, Joe Brown will be remembered as a humble public servant and beloved South Carolina statesman, one who will be greatly missed. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, express their profound sorrow upon the passing of the Honorable Joe E. Brown of Richland County, celebrate his life and achievements, and extend the deepest sympathy to his family and many friends.



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Be it further resolved that a copy of this resolution be presented to Mrs. Dorothy Brown for the family.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4609 -- Rep. Clemmons: A HOUSE RESOLUTION TO CALL UPON ALL LAW ENFORCEMENT AND GOVERNMENTAL AGENCIES TO SUSPEND ALL CONTACTS AND OUTREACH ACTIVITIES WITH THE COUNCIL ON AMERICAN ISLAMIC RELATIONS.

The Resolution was ordered referred to the Committee on Judiciary.

**HOUSE RESOLUTION**

The following was introduced:

H. 4611 -- Reps. Ballentine and Huggins: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE DUTCH FORK HIGH SCHOOL CHEERLEADING TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2017 CLASS AAAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Dutch Fork High School cheerleading team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for winning the 2017 Class AAAAA State Championship title.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 4616 -- Reps. Pendarvis, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A HOUSE RESOLUTION TO HONOR AND CELEBRATE THE LIFE OF ROLLINS EDWARDS AND TO EXPRESS THE SINCEREST OF CONDOLENCES TO HIS LARGE AND LOVING FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4606 -- Reps. Gagnon, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe,

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Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO COMMEND THE ABBEVILLE HIGH SCHOOL VARSITY FOOTBALL TEAM, SCHOOL OFFICIALS, AND COACHES AND TO CONGRATULATE THEM ON WINNING THE 2017 CLASS AA STATE CHAMPIONSHIP TITLE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

### **INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4610 -- Rep. Clemmons: A BILL TO AMEND SECTION 4-9-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN POWERS OF COUNTY GOVERNMENT, SO AS TO REVISE THE FREEHOLDER PROCEDURE FOR THE CREATION OF A SPECIAL TAX DISTRICT.

Referred to Committee on Ways and Means

H. 4612 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-11-262 SO AS TO PROVIDE APPLICANTS FOR GENERAL AND MECHANICAL LICENSURE SUBJECT TO FINANCIAL STATEMENT REQUIREMENTS MAY INSTEAD PROVIDE CERTAIN SURETY BONDS, AND TO PROVIDE REQUIREMENTS CONCERNING THE SURETY BONDS.

Referred to Committee on Labor, Commerce and Industry

H. 4613 -- Rep. Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-49-415 SO AS TO PERMIT A JOINT MEMBERSHIP IN AN ELECTRIC

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COOPERATIVE SUBJECT TO CERTAIN REQUIREMENTS AND PROCEDURES.

Referred to Committee on Labor, Commerce and Industry

H. 4614 -- Rep. McKnight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 9, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA NET NEUTRALITY PRESERVATION ACT", TO DEFINE RELEVANT TERMS, TO PROVIDE THAT A TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER ENGAGED IN THE PROVISION OF BROADBAND INTERNET ACCESS SERVICE PUBLICLY SHALL DISCLOSE ACCURATE INFORMATION REGARDING THE NETWORK MANAGEMENT PRACTICES, PERFORMANCE, AND COMMERCIAL TERMS OF ITS BROADBAND INTERNET ACCESS SERVICES SUFFICIENT FOR CONSUMERS TO MAKE INFORMED CHOICES REGARDING USE OF SUCH SERVICES AND FOR CONTENT, APPLICATION, SERVICE, AND DEVICE PROVIDERS TO DEVELOP, MARKET, AND MAINTAIN INTERNET OFFERINGS, AND TO PROHIBIT CERTAIN PRACTICES BY TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDERS ENGAGED IN THE PROVISION OF BROADBAND INTERNET ACCESS SERVICE IN SOUTH CAROLINA; TO PROVIDE THAT VIOLATIONS OF THIS ACT ARE NOT REASONABLE IN RELATION TO THE DEVELOPMENT AND PRESERVATION OF BUSINESS AND CONSTITUTE AN UNFAIR OR DECEPTIVE ACT IN TRADE OR COMMERCE AND AN UNFAIR METHOD OF COMPETITION FOR THE PURPOSE OF APPLYING THE SOUTH CAROLINA CONSUMER PROTECTION CODE; AND TO PROVIDE THAT A PUBLIC ENTITY MAY NOT ENTER INTO A CONTRACT WITH A TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER ENGAGED IN THE PROVISION OF BROADBAND INTERNET ACCESS SERVICE IN SOUTH CAROLINA UNLESS THE CONTRACT INCLUDES A REPRESENTATION THAT THE TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER IS NOT CURRENTLY ENGAGED IN, AND AN AGREEMENT THAT THE TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER

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WILL NOT ENGAGE IN, THOSE PRACTICES PROHIBITED BY THIS ACT.

Referred to Committee on Labor, Commerce and Industry

H. 4615 -- Rep. Pitts: A BILL TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, AND TO PROVIDE THAT IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLICTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON.

Referred to Committee on Judiciary

### **ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bennett	Bernstein	Blackwell
Bowers	Bradley	Brawley
Brown	Bryant	Burns
Caskey	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cogswell	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry

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Funderburk	Gagnon	Gilliard
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henderson-Myers	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Jefferson	Jordan	King
Knight	Loftis	Long
Lowe	Lucas	Mack
Magnuson	Martin	McCoy
McCravy	McEachern	McGinnis
McKnight	D. C. Moss	Murphy
B. Newton	W. Newton	Norrell
Ott	Parks	Pendarvis
Pitts	Pope	Putnam
Ridgeway	M. Rivers	S. Rivers
Robinson-Simpson	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Thayer	Toole
Weeks	West	Wheeler
White	Whitmire	Williams
Willis	Young	

**Total Present--113**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. V. S. MOSS a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. THIGPEN a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. R. SMITH a leave of absence for the day.

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. YOW a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STRINGER a leave of absence for the day due to family medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. JOHNSON a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HENEGAN a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KIRBY a temporary leave of absence.

**DOCTOR OF THE DAY**

Announcement was made that Dr. T. Edwin Evans of Seneca was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

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**CO-SPONSOR ADDED**

Bill Number: H. 4130  
Date: ADD:  
01/11/18 KING

**CO-SPONSOR ADDED**

Bill Number: H. 4375  
Date: ADD:  
01/11/18 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 4376  
Date: ADD:  
01/11/18 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 4377  
Date: ADD:  
01/11/18 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 4378  
Date: ADD:  
01/11/18 JEFFERSON, KING and DANING

**CO-SPONSOR ADDED**

Bill Number: H. 4379  
Date: ADD:  
01/11/18 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 4380  
Date: ADD:  
01/11/18 DANING



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**CO-SPONSOR ADDED**

Bill Number: H. 4380  
Date: ADD:  
01/11/18 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 4396  
Date: ADD:  
01/11/18 W. NEWTON

**CO-SPONSOR ADDED**

Bill Number: H. 4430  
Date: ADD:  
01/11/18 FELDER

**CO-SPONSOR ADDED**

Bill Number: H. 4434  
Date: ADD:  
01/11/18 FELDER

**CO-SPONSOR ADDED**

Bill Number: H. 4459  
Date: ADD:  
01/11/18 DOUGLAS, ROBINSON-SIMPSON, MCKNIGHT,  
GOVAN, BROWN, HILL, CASKEY, M. RIVERS,  
PENDARVIS, ARRINGTON, HART, GILLIARD,  
HENDERSON-MYERS and BRAWLEY

**CO-SPONSORS REMOVED**

Bill Number: H. 4528  
Date: ADD:  
01/11/18 ELLIOTT, PUTNAM, HENDERSON and HAMILTON

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time, passed and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification:

S. 456 -- Senators Grooms and Shealy: A BILL TO AMEND  
SECTION 56-1-50 OF THE 1976 CODE, RELATING TO

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BEGINNER'S PERMITS, TO PROVIDE THAT A PERSON WHO HOLDS A MOTORCYCLE BEGINNER'S PERMIT WHO HAS FAILED THE MOTORCYCLE DRIVER'S LICENSE TEST THREE OR MORE TIMES MUST SUCCESSFULLY COMPLETE A SOUTH CAROLINA TECHNICAL COLLEGE MOTORCYCLE SAFETY COURSE, OR ITS EQUIVALENT, IN LIEU OF PASSING THE MOTORCYCLE DRIVER'S LICENSE TEST, IN ORDER TO OBTAIN A MOTORCYCLE LICENSE; AND TO AMEND SECTION 56-1-770, RELATING TO POINTS REDUCED FOR COMPLETING A DEFENSIVE DRIVING COURSE, TO PROVIDE THAT ANY DRIVER WITH A CLASS M (MOTORCYCLE) ENDORSEMENT WHO HAS ACCUMULATED POINTS UNDER THE PROVISIONS OF THIS ARTICLE SHALL HAVE THE NUMBER OF HIS POINTS REDUCED BY FOUR UPON PROVING TO THE SATISFACTION OF THE DEPARTMENT OF MOTOR VEHICLES THAT HE HAS SUCCESSFULLY COMPLETED A SOUTH CAROLINA TECHNICAL COLLEGE MOTORCYCLE SAFETY COURSE OR ITS EQUIVALENT, TO PROVIDE FOR THE SPECIFICATIONS OF THE COURSE, AND TO PROVIDE THAT NO PERSON'S POINTS MAY BE REDUCED MORE THAN ONE TIME IN ANY THREE-YEAR PERIOD.

**H. 4378--POINT OF ORDER**

The following Bill was taken up:

H. 4378 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V. S. Moss, Clyburn, Bennett, Arrington, Jefferson, King and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 3, TITLE 58 SO AS TO CREATE THE UTILITY OVERSIGHT COMMITTEE AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND ADMINISTRATION OF THE COMMITTEE; TO REPEAL ARTICLE 5, CHAPTER 3, TITLE 58 RELATING TO THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE; AND TO AMEND SECTIONS 8-13-935, 58-3-5, 58-9-280, 58-9-285, 58-9-2689, 58-27-2630, 58-31-20, AND 58-39-140, ALL RELATING TO UTILITIES AND THE REGULATION

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AND OVERSIGHT OF UTILITIES, SO AS TO MAKE CONFORMING CHANGES.

**POINT OF ORDER**

Rep. MCCOY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4377--POINT OF ORDER**

The following Bill was taken up:

H. 4377 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, V. S. Moss, Clyburn, Bennett, Arrington and Daning: A BILL TO AMEND SECTION 58-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE PUBLIC SERVICE COMMISSION, SO AS TO REVISE THE MEMBERSHIP; TO AMEND SECTION 58-3-30, RELATING TO THE COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSIONERS AND THEIR EMPLOYEES TO ATTEND AT LEAST SIX HOURS OF CONTINUING EDUCATION CURRICULUM; TO AMEND SECTION 58-3-225, RELATING TO THE CONDUCT OF MEETINGS OF THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSIONERS TO QUESTION THE PARTIES THOROUGHLY DURING HEARINGS OF CONTESTED CASES WHEN APPROPRIATE; AND TO AMEND SECTION 58-3-260, RELATING TO COMMUNICATIONS WITH THE PUBLIC SERVICE COMMISSION, SO AS TO ALLOW THE PUBLIC UTILITIES REVIEW COMMITTEE AND CERTAIN OTHER LEGISLATIVE OVERSIGHT COMMITTEES TO COMMUNICATE WITH THE PUBLIC SERVICE COMMISSION IN CERTAIN CIRCUMSTANCES.

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**POINT OF ORDER**

Rep. MCCOY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4379--POINT OF ORDER**

The following Bill was taken up:

H. 4379 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V. S. Moss, Clyburn, Bennett, Arrington and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 7, TITLE 1 SO AS TO CREATE THE UTILITIES CONSUMER ADVOCATE IN THE OFFICE OF THE ATTORNEY GENERAL, AND TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UTILITIES CONSUMER ADVOCATE, AMONG OTHER THINGS; TO AMEND SECTION 58-4-10, RELATING TO THE OFFICE OF REGULATORY STAFF AND ITS MISSION, SO AS TO REMOVE THE PRESERVATION OF THE FINANCIAL INTEGRITY OF THE STATE'S PUBLIC UTILITIES, CONTINUED INVESTMENT, AND MAINTENANCE OF FACILITIES FROM THE MISSION; TO AMEND SECTION 58-4-50, RELATING TO REGULATORY STAFF DUTIES AND RESPONSIBILITIES, SO AS TO ADD THAT THE OFFICE SHALL PROVIDE RESEARCH, EXPERTISE, AND OTHER ASSISTANCE TO THE UTILITIES CONSUMER ADVOCATE AND MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 58-4-55, RELATING TO THE OFFICE OF REGULATORY STAFF'S ABILITY TO REQUEST CERTAIN INFORMATION, SO AS TO ADD THAT THE OFFICE SHALL HAVE SUBPOENA POWERS AND THAT THE UTILITIES CONSUMER ADVOCATE MAY REQUEST THE EXECUTIVE DIRECTOR TO ISSUE SUBPOENAS ON HIS BEHALF, AND TO PROVIDE A PENALTY FOR FAILURE TO PROVIDE REQUESTED INFORMATION UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 58-4-80,

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RELATING TO INTERVENTION IN CIVIL PROCEEDINGS BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT ON APPEAL THE OFFICE DOES NOT REPRESENT THE PUBLIC SERVICE COMMISSION.

**POINT OF ORDER**

Rep. MCCOY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4376--POINT OF ORDER**

The following Bill was taken up:

H. 4376 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Robinson-Simpson, V. S. Moss, Bennett, Arrington and Daning: A BILL TO AMEND SECTION 58-31-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, SO AS TO PROVIDE THAT THE TERMS OF ALL PRESENT MEMBERS OF THE BOARD SHALL EXPIRE ON THE EFFECTIVE DATE OF THIS SECTION AT WHICH TIME NEW MEMBERS OF THE BOARD WITH SPECIFIED QUALIFICATIONS SHALL BE APPOINTED IN THE MANNER PROVIDED IN THE SECTION, AND TO PROVIDE FOR RELATED MATTERS PERTAINING TO THE RECONSTITUTED BOARD; BY ADDING SECTION 58-31-25 SO AS TO PROVIDE THAT NEW OR REVISED ELECTRIC RATES AND CHARGES OF THE PUBLIC SERVICE AUTHORITY AS PROPOSED BY THE AUTHORITY MUST BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR APPROVAL AND DETERMINED BY THE COMMISSION IN THE MANNER PROVIDED BY ARTICLE 7, CHAPTER 27, TITLE 58 AS SUPPLEMENTED BY ANY OTHER APPLICABLE PROVISIONS OF LAW; TO AMEND SECTION 58-31-30, RELATING TO THE POWERS AND DUTIES OF THE PUBLIC SERVICE AUTHORITY AND ITS BOARD OF

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DIRECTORS, SO AS TO REVISE THE POWER OF THE AUTHORITY TO FIX RATES AND CHARGES SO THAT NEW AND REVISED RATES AND CHARGES SHALL BE SUBJECT TO THE JURISDICTION AND APPROVAL OF THE PUBLIC SERVICE COMMISSION AND THAT NO NEW RATES OR REVISED CHARGES MAY BE IMPOSED OR APPROVED FOR THE PURPOSE OF PAYING ANY OF THE ABANDONMENT COSTS OF THE TWO NEW NUCLEAR REACTORS CONSTRUCTED PURSUANT TO THE BASE LOAD REVIEW ACT; AND TO AMEND SECTION 58-31-360, RELATING TO THE STATE OF SOUTH CAROLINA'S COVENANTS WITH HOLDERS OF BONDED OR OTHER INDEBTEDNESS OF THE AUTHORITY, SO AS TO CLARIFY AND FURTHER PROVIDE FOR THESE COVENANTS AS A RESULT OF THE ABANDONMENT OF THE TWO NUCLEAR REACTORS REFERRED TO ABOVE.

**POINT OF ORDER**

Rep. MCCOY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4375--POINT OF ORDER**

The following Bill was taken up:

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V. S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO ESTABLISH PROVISIONS FOR SPECIFIC UTILITY PLANTS OR PROJECTS IN REGARD TO RATE DETERMINATIONS AND OTHER REQUIREMENTS WHICH WILL SUPPLEMENT THE GENERAL RATE PROVISIONS AND REQUIREMENTS OF ARTICLE 7, CHAPTER 27, TITLE 58; TO AMEND ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD

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REVIEW ACT OF 2007, SO AS TO FURTHER PROVIDE FOR PROCEDURAL AND OTHER MATTERS RELATING TO THE ACT, INCLUDING PROVISIONS TO DEFINE CERTAIN TERMS, AND TO PROVIDE THAT RATE INCREASES FOR THESE BASE LOAD PLANTS PROSPECTIVELY SHALL BE DETERMINED IN ACCORDANCE WITH ARTICLE 7, CHAPTER 27, TITLE 58, AS WELL AS CERTAIN REVISED PROVISIONS OF THIS ARTICLE; TO AMEND SECTION 58-27-850 RELATING TO CHANGES OF RATES BY THE PUBLIC SERVICE COMMISSION AFTER INVESTIGATION, SO AS TO PROVIDE THAT THE PROVISIONS OF THIS SECTION AND THE ARTICLE WHEREIN IT IS CONTAINED SHALL BE SUPPLEMENTED BY THE PROVISIONS OF CHAPTER 34; AND TO DELETE ARTICLES 1, 3, AND 7 OF CHAPTER 33, TITLE 58, RELATING TO UTILITY FACILITY SITING, PROTECTIONS, AND CERTIFICATION.

**POINT OF ORDER**

Rep. MCCOY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4380--POINT OF ORDER**

The following Bill was taken up:

H. 4380 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Robinson-Simpson, V. S. Moss, Clyburn, Bennett and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-875 SO AS TO PROVIDE THE PUBLIC SERVICE COMMISSION SHALL ORDER REFUNDS TO RATEPAYERS OF AMOUNTS COLLECTED FOR COSTS ATTRIBUTED TO PROJECTS CONSTRUCTED UNDER THE PROVISIONS OF THE BASE LOAD REVIEW ACT IN SPECIFIC CIRCUMSTANCES; TO PROVIDE UTILITIES BEAR THE BURDEN OF PROVING THAT COLLECTED COSTS MAY BE RECOVERABLE UNDER STATE LAW; AND TO PROVIDE THE

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COMMISSION SHALL ORDER SUCH REFUNDS ON JUST AND REASONABLE BASES AND MAY MAKE SUCH REFUNDS BY ESTABLISHING CREDITS TO RATEPAYERS OVER PERIODS OF TIME AND UNDER CONDITIONS THAT ARE JUST AND REASONABLE.

**POINT OF ORDER**

Rep. MCCOY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**OBJECTION TO RECALL**

Rep. ALLISON asked unanimous consent to recall H. 4308 from the Committee on Education and Public Works.

Rep. HART objected.

**OBJECTION TO RECALL**

Rep. ALLISON asked unanimous consent to recall H. 4309 from the Committee on Ways and Means.

Rep. HART objected.

**H. 4036--SENT TO THE SENATE**

The following Bill was taken up:

H. 4036 -- Reps. Murphy, Arrington, Bennett, Daning, Crosby, Sottile, Cogswell, McCoy, Collins, Clary, Davis, Putnam, S. Rivers, Thayer, Erickson, Jordan, King, West and Herbkensman: A BILL TO AMEND SECTION 2-15-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE LEGISLATIVE AUDIT COUNCIL, SO AS TO EXPAND THE DEFINITION OF "STATE AGENCIES" TO INCLUDE SCHOOL DISTRICTS.

Rep. WHITE demanded the yeas and nays which were taken, resulting as follows:

Yeas 55; Nays 47



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Those who voted in the affirmative are:

Anderson	Arrington	Atwater
Ballentine	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brown	Bryant	Caskey
Clyburn	Cobb-Hunter	Collins
Crosby	Daning	Davis
Delleney	Dillard	Douglas
Elliott	Finlay	Funderburk
Gilliard	Hart	Henderson
Henderson-Myers	Herbkersman	Hill
Hixon	Hosey	Huggins
Jefferson	King	Mack
McCoy	McEachern	McKnight
Murphy	W. Newton	Ott
Pendarvis	Pope	Ridgeway
M. Rivers	S. Rivers	Simrill
J. E. Smith	Spires	Stavrinakis
Taylor	Toole	Wheeler
Young		

**Total--55**

Those who voted in the negative are:

Allison	Anthony	Atkinson
Bales	Bannister	Bedingfield
Bowers	Burns	Chumley
Clary	Clemmons	Cole
Crawford	Duckworth	Erickson
Felder	Forrest	Forrester
Gagnon	Hamilton	Hardee
Hayes	Hewitt	Hiott
Jordan	Loftis	Long
Lowe	Lucas	Magnuson
Martin	McCravy	McGinnis
D. C. Moss	B. Newton	Pitts
Putnam	Robinson-Simpson	Sandifer
Sottile	Tallon	Thayer

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Weeks	West	White
Whitmire	Willis	

**Total--47**

So, the Bill was read the third time and ordered sent to the Senate.

**SILENT PRAYER**

The House stood in silent prayer in memory of the Reverend Martin Luther King, Jr.

Rep. GILLIARD moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 11:11 p.m. the House, in accordance with the motion of Rep. HOWARD, adjourned in memory of former Representative Joe E. Brown, to meet at 12:00 noon Tuesday, January 16.

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