

Judicial Merit Selection Commission

Report of Candidate Qualifications 2020

Date Draft Report Issued: Thursday, January 14, 2021

Date and Time:

Final Report Issued: **Noon, Tuesday, January 19, 2021**

**Judicial candidates are not free to
seek or accept commitments until
Tuesday, January 19, 2021, at Noon.**

Judicial Merit Selection Commission

Sen. Luke A. Rankin, Chairman
Rep. G. Murrell Smith Jr., Vice-Chairman
Sen. Ronnie A. Sabb
Sen. Scott Talley
Rep. J. Todd Rutherford
Rep. Chris Murphy
Hope Blackley-Logan
Lucy Grey McIver
Andrew N. Safran
J.P. "Pete" Strom Jr.



Erin B. Crawford, Chief Counsel
Emma Dean, Counsel

Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 14, 2021

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 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'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 19, 2021**. 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 19, 2021**. In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after the 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

Sen. Luke A. Rankin, Chairman
Rep. G. Murrell Smith Jr., Vice-Chairman
Sen. Ronnie A. Sabb
Sen. Scott Talley
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January 14, 2021

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 third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the current 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 is to ensure that members of the General Assembly have 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

TABLE OF CONTENTS

INTRODUCTION.....	i
-------------------	---

QUALIFIED AND NOMINATED

Court of Appeals

Seat 5, Chief Judge
Seat 6
Seat 8

The Honorable James E. Lockemy.....	1
The Honorable Aphrodite Konduros	5
The Honorable DeAndrea Gist Benjamin	10
The Honorable Deborah Brooks Durden.....	15
The Honorable Jerry Deese Vinson Jr.....	21

Circuit Court

4 th Judicial Circuit, Seat 2
5 th Judicial Circuit, Seat 3
9 th Judicial Circuit, Seat 3
13 th Judicial Circuit, Seat 3

14 th Judicial Circuit, Seat 1

14 th Judicial Circuit, Seat 2
15 th Judicial Circuit, Seat 2
At-Large, Seat 1
At-Large, Seat 2
At-Large, Seat 3
At-Large, Seat 4
At-Large, Seat 5
At-Large, Seat 6
At-Large, Seat 7
At-Large, Seat 8
At-Large, Seat 9
At-Large, Seat 10
At-Large, Seat 12

The Honorable Michael S. Holt	29
The Honorable Robert E. Hood.....	34
The Honorable Roger M. Young Sr.	37
A. Lance Crick	43
Patrick C. Fant III	53
G. D. Morgan Jr.....	57
Robert Bonds	61
Tameaka A. Legette	66
The Honorable Carmen Tevis Mullen.....	74
The Honorable Benjamin H. Culbertson	78
The Honorable George M. McFaddin Jr.	81
The Honorable R. Kirk Griffin.....	85
The Honorable Clifton Newman	89
The Honorable Edward Walter “Ned” Miller	92
The Honorable J. Mark Hayes II	96
The Honorable William Henry Seals Jr.	101
The Honorable J. Cordell Maddox Jr.	105
The Honorable David Craig Brown	107
The Honorable Jennifer Blanchard McCoy.....	110
The Honorable Jocelyn Newman	114
H. Steven DeBerry IV	117
B. Alex Hyman.....	123
The Honorable Dale E. Van Slambrook.....	127

Family Court

7 th Judicial Circuit, Seat 1
--

Jonathan W. Lounsberry.....	133
The Honorable Erika L. McJimpsey	143
Angela J. Moss	150

Administrative Law Court

Seat 3

Stephanie N. Lawrence.....	155
----------------------------	-----

Seat 6

Robert L. Reibold	161
Debra Sherman Tedeschi.....	165
The Honorable S. Phillip “Phil” Lenski	173

QUALIFIED, BUT NOT NOMINATED

Circuit Court

13th Judicial Circuit, Seat 3

At-Large, Seat 12

Steven Edward Buckingham	178
Will Grove.....	185
Erin E. Bailey	190
Brett H. Bayne	197
The Honorable Daniel McLeod Coble	206
Meredith Long Coker	213
Regina Hollins Lewis	220
William Vickery Meetze	229
David W. Miller	234
Franklin G. Shuler Jr.	241
Kate Whetstone Usry.....	250
S. Boyd Young	257

Family Court

7th Judicial Circuit, Seat 1

Robert “Rob” Rhoden	261
---------------------------	-----

Administrative Law Court

Seat 3

Anthony R. Goldman	268
The Honorable Crystal Rookard.....	273

CONCLUSION 282

REPORT FROM THE SOUTH CAROLINA BAR JUDICIAL QUALIFICATIONS COMMITTEE 284

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, as amended, 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 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, experience, 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 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 Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

COURT OF APPEALS

QUALIFIED AND NOMINATED

The Honorable James E. Lockemy
Court of Appeals, Seat 5, Chief Judge

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

Pursuant to S.C. Code Ann. §2-19-40, the chairman of the Commission waived the public hearing for Judge Lockemy upon recommendation of the Commission members, since his candidacy for re-election was uncontested, and there was no substantial reason for having a public hearing regarding his candidacy.

(1) **Constitutional Qualifications:**

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

Judge Lockemy was born in 1949. He is 71 years old and a resident of Dillon, South Carolina. Judge Lockemy 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 1974.

(2) **Ethical Fitness:**

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

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

Judge Lockemy 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 Lockemy 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 Lockemy to be intelligent and knowledgeable.

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

- (a) Adjunct Professor American Legal History, University of South Carolina, 2018-Present
- (b) Presenter and Moderator, Appellate Judges Education Institute, Duke University and National Judicial College, *Reel Appeal I & II*, Washington, DC, 2015 and 2019
- (c) "The Interactive Constitution"; Moderator, Philadelphia, Pa; 2016
- (d) "United States vs. William Calley, AJEI, Atlanta, Georgia; 2019
- (e) "The Elements of an Effective Reply, AJEI, Atlanta, Georgia; 2019

- (f) "Masters of the House: A History of the Master's Court", South Carolina Judicial Conference; 2018
- (g) "Appellate Practice Project", South Carolina Bar, Columbia, SC; 2019
- (h) "Review South Carolina Court of Appeals' Decisions", South Carolina Bar, Kiawah Island, SC, 2017
- (i) Commencement Address, University of North Carolina-Pembroke, 2017
- (j) Commencement Address, Northeastern Technical College, 2020
- (k) South Carolina Family Court Judges Conference, 2017-2019

Judge Lockemy reported that he has published the following:

- (a) "Judging in Kosovo: When Duty Calls", *The Judges Journal*, Summer 2006
- (b) "Marbury v. Madison: A Great Bumper Sticker", *The Judges Journal*, Vol. 51, No. 3, Nov. 2012
- (c) Peter M. Koelling, editor, *The Improvement of the Administration of Justice*, Eighth Edition, Author of Chapter 31, "Looking to the Future of the Appellate Process", American Bar Association Press, 2016.
- (d) "Serving Our Veterans", *The Judges Journal*, Vol. 56, No. 1, Jan. 2017 – Also serve as Editor of this Publication
- (e) "A Standing Menace to Republican Institutions: A Brief Overview of the Chinese Exclusion Act of 1882 and America's First Attempt to Ban a 'Defined' Group From Entry into Our Nation", *The Judges Journal*, Vol. 56, No.3, July 2017

(4) **Character:**

The Commission's investigation of Judge Lockemy did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Lockemy did not indicate any evidence of a troubled financial status. Judge Lockemy has handled his financial affairs responsibly.

The Commission also noted that Judge Lockemy 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 Lockemy reported that he is not rated by any legal rating organization.

Judge Lockemy reported the following military service:

- (a) Nov., 1974-OCT., 1977---United States Army, XVIII Airborne Corps, Fort Bragg, North Carolina, Duty: JAGC, Rank: Captain;
- (b) Feb., 1978-March, 2003---South Carolina Army National Guard, Various Commands throughout the State, Duty: JAGC Commander; Highest Rank: Colonel
- (c) 2003-2004---United States Army, Attached to the 28th Infantry Division, The "Bloody Bucket Division", Serving in Kosovo as a NATO element, Duty: Command Staff Judge Advocate and Advisor to the Commanding General; Rank: Colonel
- (d) April, 2004-Active Retirement---South Carolina Army National Guard, Joint Force Headquarters, Duty: HQs JAGC; Retirement Rank: Colonel
- (e) Aug., 2005-December 2012---South Carolina Military Department, Joint Services Detachment, Duty: Chief Government Directorate and Deputy Commander; Rank: Brigadier General
- (f) Dec., 2012- Retirement in October 2016---South Carolina Military Department, Joint Services Command, Duty: Commander, Retirement Rank: Major General
- (g) Character of all services periods: Honorable

Judge Lockemy reported that he has held the following public office:
South Carolina House of Representatives, 1982-1989. Yes, I filed as required and never was subject to penalty.

- (6) Physical Health:
Judge Lockemy appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Lockemy appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Lockemy was admitted to the South Carolina Bar in 1974.

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

- (a) 1974-1977 United States Army JAG Corps, Prosecutor, defense attorney, administrative law, Advisor to Commanders and Law of War Instructor;
- (b) 1978-1979, Minority Counsel the United States Senate Judiciary Committee, advised Senators on proposed legislation, drafted legislation, arranged Committee Hearings;
- (c) 1979-1989, Private Practice, Greene, Lockemy and Bailey, general practice in all aspects of the law;
- (d) 1989-1989-South Carolina House of Representatives, Drafted, Proposed, Supported and Passed Legislation;
- (e) 1989-2008, South Carolina Circuit Judge; Trials and Non-Jury matters in General Sessions and Common Pleas Court;
- (f) 2009-2016, Judge, South Carolina Court of Appeals, hearing appeals from all courts;
- (g) 2016-present, Chief Judge, South Carolina Court of Appeals, Hearing Appeals from all courts, performing administrative and leadership duties at the Court and performing my statutory duties.

Judge Lockemy provided that during the past five years prior to his service on the bench he most often served as co-counsel.

Judge Lockemy reported he has not personally handled any civil or criminal appeals.

Judge Lockemy reported that he has held the following judicial office(s):

South Carolina Circuit Court, General Jurisdiction, 1989-2008; South Carolina Court of Appeals, 2009-2016, handling appeals from all trial courts, administrative courts with the exception of matters within the exclusive jurisdiction of the South Carolina Supreme Court. 2016-present, Chief Judge, South Carolina Court of Appeals, the same duties as a Judge on the Court with added administrative and statutory duties.

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

- (a) *Pruitt v. S.C. Medical Malpractice Liability JUA*, 540 S.E.2d 843, 343 S.C. 335 (2001)-The case involved whether a structured settlement in a malpractice case was altered when the JUA purchased an annuity. The Court of Appeals reversed my decision as a circuit judge but the Supreme Court reversed the Court of Appeals and reinstated my decision.
- (b) *State v. Hinson* – A case out of Darlington County I tried as a circuit judge in 2007. The defendant was charged with holding two young girls for days in an underground dungeon and repeatedly raping them. The case received extensive regional, state and national attention. It

was a feature on the O'Reilly Show on Fox News one night with the Attorney General of South Carolina, Henry McMaster, as the guest. When the case came to trial the actual case turned out to be totally different than the advance information and news reports had broadcast. The jury found that the State had not proven guilt beyond a reasonable doubt and acquitted the defendant.

(c) *Singh v. Singh*, 429 S.C. 10, 837 S.E. 2d. 651 (Ct. App. 2019) – This case established that issues involving the well-being of children, especially custody, could not be delegated by the Family Court to an arbitrator. The case reviewed the history of *parens patriae* in the law of South Carolina and clearly announced that even if the parents agreed the rights of the child were paramount and only the state through the Family Court could ultimately decide what is best for the minor. The case is certainly pending certiorari at the Supreme Court.

(d) *Winrose Homeowners Association, Inc. v. Hale*, 423 S.C. 220, 813 S.E.2d 894 (Ct. App. 2018), *rev'd* 428 S.C. 563, 837 S.E. 2d. 47 (2019)- I dissented in this case at the Court of Appeals level. In this case, appellants lost their home at a foreclosure sale to a bidder for an amazingly low bid. The question was whether you considered the amount of the remaining mortgage in determining if the bid shocked the conscience of the court. The majority determined if did not and I dissented. The Supreme Court reversed and adopted the approach in my dissent as the standard for our state in determining bids are so low they shock the conscience of the court.

(e) *State v. Louis Michael Winkler*, 388 S.C. 574, 698 S.E. 2d 596 (2010) – A capital case I handled as a circuit judge. The trial itself was affirmed in the listed cite. PCR on the penalty phase was granted holding that a charge I made in the penalty phase was incorrect and should have been objected to by trial counsel. The Supreme Court reversed the PCR court in 2016 but remanded to review other issues that had been denied by the trial court. The case contained numerous interesting and challenging legal issues. The conviction went up to the United States Supreme Court where certiorari was denied.

Judge Lockemy reported the following regarding his employment while serving as a judge:

- (a) Adjunct Professor, Horry Georgetown Technical College, History and American Government, 2012-2015
- (b) Adjunct Professor, University of South Carolina School of Law, American Legal History, 2017-present.
- (c) South Carolina Army National Guard, 1978-2004, JAG Officer, The Adjutant General of South Carolina
- (d) South Carolina Military Department Volunteer, 2005-2016, Commander, JSD. Answered to the Adjutant General

(9) **Judicial Temperament:**

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

(10) **Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge Lockemy 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Pee Dee Citizens Committee noted, "Judge Lockemy has been a favorite of this committee for years and we'll miss seeing him in the future."

Judge Lockemy is not married. He has two children.

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

- (a) South Carolina Bar Association, Delegate to the American Bar Association House of Delegates
- (b) American Bar Association: Executive Committee Member, State Trial Judges Conference; Chair, Appellate Judges Conference, Chair, Appellate Judges Education Institute; CO-Chair, Editorial Board, *Judges Journal*; Member, ABA House of Delegates.
- (c) Three Inns of Court; John Belton O’Neill, Columbia, South Carolina; Coastal Inn of Court, Myrtle Beach, South Carolina and the Pee Dee Inn of Court, Florence, South Carolina. In the last two I am the Historian of the Inn.

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

- (a) The Inns of Court listed above--Historian
- (b) Dillon County Veterans of the Year Organization-Commander, The American Legion and Veterans of Foreign Wars.
- (c) Kiwanis Club of Dillon-Past President.

Judge Lockemy further reported:

I have served my state, its citizens and the interest of justice to the best of my ability since taking judicial office in 1989. I appeared before this Commission the first year it was created to seek re-election and have appeared at each re-election and upon seeking a new judicial position then. This will be my last appearance before this important body. I applaud the work you have done for the last thirty years to better our judiciary, to better establish justice in our courts and to provide a method of review of all those who serve the people.

My life experiences as a boy growing up in the country grocery store business, meeting and serving people, to serving my country in uniform and then serving the people of my country and state in General Assembly, prepared me well for service on the bench as a judge. That word service is so simple to say but means much more than what 7 letters indicate. It is a dedication to others and, in the judiciary, it is a dedication to ensure justice is rendered to all.

I have been honored to wear a robe for over 30 years. With this honor, I have tried to make a difference for the good. I have tried to provide a forum for litigants who win and those who lose to leave knowing that they received a fair opportunity for redress. I hope to continue that honor, knowing the responsibility that comes with it, for the rest of my lawful opportunity to do so.

Thank you for all the considerations you have given me over the years.

(11) Commission Members' Comments:
The Commission commented that Judge Lockemy has an outstanding reputation as a jurist. They noted on his intellect and temperament which have ably served him in discharging his responsibilities on the Court of Appeals.

(12) Conclusion:
The Commission found Judge Lockemy qualified and nominated him for re-election to Court of Appeals, Seat 5.

The Honorable Aphrodite Konduros
Court of Appeals, Seat 6

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

(1) Constitutional Qualifications:

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

Judge Konduros was born in 1959. She is 61 years old and a resident of Simpsonville, South Carolina. Judge Konduros 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 1985.

(2) Ethical Fitness:

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

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

Judge Konduros reported that she has not made any campaign expenditures.

Judge Konduros 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 Konduros 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 Konduros to be intelligent and knowledgeable.

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

- (a) Guest professor at the Charleston School of Law for a number of years, lecturing on practice in the area of family court and appellate practice. The courses were designed as a practicum for third year students to actually learn how to hire a secretary, open a trust account, behave in the courtroom setting, and prosper in the practice of law
- (b) Speaker at the American Legion's Palmetto Girls' State for many years on a possible career in law and government, and to regional events throughout the state
- (c) Speaker for many years to the American Board of Trial Advocates youth program, the James Otis Lecture Series
- (d) SCTLA Conference on ethical considerations in family court
- (e) Numerous Omnibus Adult Protection Act presentations at the Criminal Justice Academy
- (f) DSS-sponsored CLE seminars on Termination of Parental Rights, Adult issues and Adoptions
- (g) Abuse and Neglect to Greenville School District teachers
- (h) "Grand Rounds" training to interns at Greenville Hospital on recognizing abuse
- (i) Annual training to Greenville Chamber of Commerce young members on the court system and moderated a law enforcement panel
- (j) Annual training to "Leadership Greenville" on recognizing abuse, and question and answers at the Court of Appeals on the appellate process
- (k) Lecturer at the Summer School on Gerontology at Winthrop University
- (l) Panelists on various panels at the SC Bar Family Law Section
- (m) Panelist on the Chief Justice's Mini-summit on Children
- (n) Speaker many times on appellate issues for SCDTAA

- (o) Speaker many times on appellate issues for SC Access to Justice
- (p) Speaker to the inaugural class of the USC Legal Writing Academy
- (q) Addressed the Biannual National Court Technology Conference in Baltimore, Maryland on the use of the iPad for the appellate review of cases.
- (r) Taught a “Maymester” class at the Charleston School of Law on abuse and neglect law.
- (s) Addressed the National Governors’ Conference in Washington, D.C. on sentencing considerations
- (t) Speaker many times at the Greenville Bar Year-End CLE on family law, appellate issues, and mentoring lawyers with substance abuse issues
- (u) Speaker at the annual SC Magistrates and Municipal Court Judge Konduros Annual Conference twice
- (v) Speaker to the annual conference of the SC Clerks of Court on docketing issues in family court
- (w) Spoken to the Greenville Kiwanis on Adoption issues
- (x) Spoken at the Greenville Bar Law Day Luncheon and Summer Associate Luncheon many times
- (y) Presented to the Greenville Tech Paralegal Program on ethical responsibilities and was their graduation speaker
- (z) Twice addressed the SC Probate Judges Conference
- (aa) Speaker at the Furman Foundation Annual Meeting
- (bb) Numerous training sessions to the Upstate Fatherhood Coalition on the logic of child support
- (cc) “Welcome the Judge” at Welcome Elementary and Sara Collins Elementary Schools
- (dd) Commencement Speaker for Charleston School of Law graduation
- (ee) Commencement speaker at Colleton Academy, Walterboro, SC
- (ff) Commencement speaker at Wilson Hall, Sumter, SC
- (gg) Judged USC’s Kate Bockman Moot Court numerous times

Judge Konduros reported that she has published the following:

- (a) “Chief of the Catawbas”, Sandlapper Magazine, Summer Issue, 1999
- (b) “An Unlikely Mentor”, SCWLA Briefcase, Spring Issue, 2007
- (c) SC Adoption Law and Practice (SC Bar 2010), Editorial Board
- (d) Marital Litigation in SC, Professor Emeritus Roy T. Stuckey (SC Bar 2010), Third and Fourth Editions Editorial Board

(4) Character:

The Commission’s investigation of Judge Konduros did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Judge Konduros did not indicate any evidence of a troubled financial status. Judge Konduros has handled her financial affairs responsibly.

The Commission also noted that Judge Konduros 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 Konduros reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

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

Judge Konduros reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Konduros appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Konduros appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Konduros was admitted to the South Carolina Bar in 1985.

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

1984-85 Weinberg, Brown & McDougall- Associate. General practice, civil, criminal, appellate, Armed Services Board of Contract Appeals- no financial involvement

1985-87 Law Clerk to the Honorable David F. McInnis, Circuit Judge, Thirteenth Judicial Circuit – Accompanied judge to 33 counties assisting him in criminal and civil trials-no financial involvement

1987-89 Todd & Barber Law Firm, Columbia, SC- Associate. General practice including residential and commercial real estate and development, domestic, probate, appellate practice, criminal, civil, outdoor advertising licensure, and collection. - no financial involvement

1989-94 SC Department of Disabilities and Special Needs, Columbia, SC - Assistant General Counsel. Practice included juvenile hearings, unemployment, workers compensation, civil, criminal, probate commitments, Medicaid and Social Security benefits practice. - no financial involvement

1994-97 SC Department of Social Services, Greenville, SC-County attorney. Prosecuted abuse and neglect cases, child support, appellate practice, unemployment and probate. -no financial involvement

1/1997-12/1997 The Code Law Firm, Greenville, SC-Associate. Private practice including divorce, child support, representing DSS, DJJ, DDSN, City of Greenville, City of Greer Police Department, Department of Corrections through the Insurance Reserve Fund, magistrate court- no financial involvement, other than setting some of my fees.

1997-2000 SC Department of Social Services, Columbia, SC- Assistant General Counsel. Adoptions, DSS prosecution, appellate practice, state procurement, day care licensure appeals, state employee grievances. -no financial involvement

2000-2008 SC Department of Social Services, Greenville, SC- County Director and Attorney-Managed 314 state employees and multi-million-dollar budget, administering Medicaid and Medicare, food stamps, child and adult protective services, foster care licensing, and over 400 foster children. Supervised five attorneys and continued to try cases myself in child abuse, elder abuse, adoptions, termination of parental rights. Handled unemployment cases myself. - no financial involvement. All finances handled through the Columbia office and local business manager.

2002-2008 SC Family Court Judge, Thirteenth Circuit, Seat 3.

2008- present SC Court of Appeals Judge- no financial involvement

Judge Konduros reported that she has previously held the following judicial office(s):

SC Family Court Judge in the Thirteenth Judicial Circuit. First elected February 6, 2002, and reelected February 4, 2004, serving until February 6, 2008. Jurisdiction is set forth in SC Code Section 63-3-510, et seq. Elected by the SC Legislature.

SC Court of Appeals Judge since February 6, 2008 to present. Jurisdiction is set forth in SC Code Ann. Section 14-8-200. Elected by the SC Legislature.

Judge Konduros reported the following regarding her employment while serving as a judge:

I served as a guest lecturer at Charleston School of Law from 2013-2019 for a month every summer. Arrangements for my lecturing were handled through Dean Andy Abrams.

Judge Konduros further reported the following regarding unsuccessful candidacies:

I ran unsuccessfully for the SC Court of Appeals, Seat 3 to which the Hon. Paula Thomas was elected on February 7, 2007, for the SC Court of Appeals, Seat 7 to which the Hon. Danny Pieper was elected on May 23, 2007, and the SC Supreme Court, Seat 2 to which the Hon. John Few was elected in February 3, 2016.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge Konduros 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 evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge Konduros is married to Samuel James Konduros. She does not have any children.

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

- (a) SC Women's Law Association, member
- (b) Greenville County Bar, member since 1994
- (c) SC Bar member since 1985
- (d) Richland County Young Lawyers Association in the 1990's
- (e) Family Court Judges Association, member 2002-2008
- (f) Haynsworth-Perry Inn of Court, 2013 to present

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

I have been a member of University Associates for two years. I have held no office in the group. Four times a year, there is a lunch at Capstone House with a guest speaker from the University of South Carolina's administration, faculty or coaching staff.

Judge Konduros further reported the following:

- (a) Co-recipient of the Claude N. Sapp Award for Outstanding Law Graduate (with David Dukes, Esq. of Columbia).

- (b) Served as Acting Associate Justice of the South Carolina Supreme Court on a number of occasions since 2004.
- (c) 2007-2008 Vocational Service Award from the Greenville East Rotary.
- (d) Recipient of the Statewide Fatherhood Advocate Award, 2005.
- (e) Recipient of the Award of Excellence from the SC Coalition Against Domestic Violence and Sexual Assault, 2005.
- (f) Recipient of the SC chapter of the American Board of Trial Advocates (ABOTA) Jurist of the Year, 2013.
- (g) Chairman of the Family Court Docketing section of the Supreme Court Docketing Commission.
- (h) Vice-chairman of the Chief Justice's Commission on the Profession.
- (i) Past chairman of the Magistrates and Municipal Court Judges Mentoring Program.
- (j) Board member, SC Bar Lawyers Helping Lawyers Program.
- (k) Awarded an Honorary Doctorate from the Charleston School of Law.

(11) Commission Members' Comments:
The Commission noted that Judge Konduros has an excellent reputation as a Court of Appeals judge and noted that she was uniformly praised for her intellect and her wonderful judicial temperament.

(12) Conclusion:
The Commission found Judge Konduros qualified, and nominated her for re-election to Court of Appeals, Seat 6.

The Honorable DeAndrea Gist Benjamin
Court of Appeals, Seat 8

(1) **Constitutional Qualifications:**
Based on the Commission's investigation Judge Benjamin meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.

Judge Benjamin was born in 1972. She is 48 years old and a resident of Columbia, South Carolina. Judge Benjamin 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 Benjamin.

Judge Benjamin 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 Benjamin reported that she has made \$499.79 in campaign expenditures for printing, mailing, and postage.

Judge Benjamin 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 Benjamin 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 Benjamin to be intelligent and knowledgeable.

Judge Benjamin reported that she has taught and lectured at the following Bar association conferences, educational institutions, or continuing legal or judicial education programs.

- (a) Speaker, SC Black Lawyers Retreat in September 2013, 2014, 2015 on various topics to include being elected to a Judgeships and tips from the bench.
- (b) Panel Member, 23rd Annual Criminal Practice in SC, tips from the bench – February 28, 2014.
- (c) Speaker, Lawyer Mentoring Program – May 15, 2014
- (d) Speaker, Criminal Defense Practice Essentials – May 30, 2014
- (e) Speaker, SC Women Lawyers Association Pathway to Judgeship in SC – June 9, 2016
- (f) Panel Speaker, Association of Corporate Counsel, "What corporate and in-house counsel should know when appearing in court – August 30, 2017.
- (g) Speaker, South Carolina Bar, Taking the Terror of out of Trial – September 27, 2019.

Judge Benjamin reported that she has published the following:

"Why Doesn't She Leave? The Psychology of a Domestic Violence Victim." The American Bar Association Affiliate Newsletter, Volume 26, Number 2, Nov/Dec 2000.

(4) Character:

The Commission's investigation of Judge Benjamin did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Benjamin did not indicate any evidence of a troubled financial status. Judge Benjamin has handled her financial affairs responsibly.

The Commission also noted that Judge Benjamin 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 Benjamin reported that she is not rated by any legal rating organization.

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

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

I served on the Juvenile Parole Board from July 2001 – June 2004. I was appointed by Governor James H. Hodges, Jr. I timely complied with State Ethics reports.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Benjamin was admitted to the South Carolina Bar in 1997.

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

- (a) South Carolina Judicial Department, Judicial Law Clerk, The Honorable L. Casey Manning. (August 1997 – August 1998)
- (b) Fifth Judicial Circuit Solicitor's Office, Assistant Solicitor, Juvenile/Family Court Division. (August 1998 – November 1999) – I prosecuted felonies and misdemeanors involving juvenile offenders. I also served on the local Juvenile Drug Court.
- (c) South Carolina Attorney General's Office, Assistant Attorney General (November 1999- July 2001). I was assigned to the prosecution division where I prosecuted cases involving violent acts against women and children, sexual assault offenses, elder abuse cases, and civil commitments under the Sexually Violent Predator (SVP) law.
- (d) South Carolina Juvenile Parole Board, Member and Vice Chair (July 2001 – June 2004). I was a member of a ten-member board that presided over the retention and release of juveniles from the South Carolina Department of Juvenile Justice. I served as Vice-Chair from July 2002-June 2003
- (e) Gist Law Firm, Partner (July 2001 – April 2011). I was a partner in my family law firm. I handled all of the family court cases in our office. My family law practice included marital litigation, child custody disputes, child support cases, DSS abuse and neglect cases, adoptions, and representation of juveniles in family court. My practice also included Employment Law, Criminal law, and some Personal Injury work. I have also been appointed in the past to serve as a Guardian ad Litem in DSS cases and in child custody disputes.
- (f) City of Columbia Municipal Court, Municipal Judge (July 2004 – May 2011). Presides over the municipal courts for the City of Columbia. I handled misdemeanor criminal and traffic offenses, specialized Criminal Domestic Violence court and Quality of Life court. I presided over a term of Jury Trials every six weeks.
- (g) Circuit Court Judge, Fifth Judicial Circuit (May 2011 – present)

Judge Benjamin reported the frequency of her court appearances as follows:

- (a) Federal: 50%;
- (b) State: 50%.

Judge Benjamin reported the percentage of her practice involving civil, criminal, domestic and other matters as follows:

- (a) Civil: 40%;
- (b) Criminal: 10% of my private practice was in General Sessions court; 100% of my work on the municipal bench was criminal.
- (c) Domestic: 40% of my private practice was domestic;
- (d) Other: 10% of my work was appearing before Federal Administrative agencies and before the SC Worker's Compensation Commission.

Judge Benjamin reported the percentage of her practice in trial court as follows:

- (a) Jury: 40%;
- (b) Non-jury: 60%.

Judge Benjamin provided that during the past five years she most often served as co-counsel. My law partner and I handled Federal Civil Matters as Co-counsel. I solely handled the family and state civil matters in the office.

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

- (a) *McKinney vs. Richland County Sheriff's Department* (431 F.3d 415, 4th Cir. 2005) – This was a civil action in the Federal District Court of South Carolina. My client was successful at the District level and the Defendant appealed the case to the Fourth Circuit Court of Appeals. Although the case was not decided in my client's favor, it afforded me the opportunity to appear and argue before the Fourth Circuit Court of Appeals in Richmond, Virginia. The issue in the case was regarding probable cause as it related to the arrest of a school safety administrator.
- (b) *Weston v. Margaret J. Weston Medical Center*, Court of Appeals, Unpublished Opinion 2008-UP-240 – This was a contract dispute between my client and his former employer. It was significant because my client was a trailblazing doctor who was wronged by his former employer. The jury returned a verdict in my client's favor. The case was appealed to the S.C. Court of Appeals and the S.C. Supreme Court where both courts upheld the jury's verdict.
- (c) In the Matter of the care and Treatment of Billy Ray Tucker, - I tried this case in Aiken County not long after the Sexually Violent Predator Law was enacted. This case was one of the first cases that was tried and won under the then new SC Sexually Violent Predator Law. The case was appealed to the SC Supreme Court, Opinion No. 25608 and affirmed.
- (d) *Staley vs. Brown* – This was a family court child support/child custody case that was tried in Richland County. The issues in the case dealt with child support outside the guidelines and custody of an incorrigible child. My client ultimately prevailed in the case. The court denied an increase in child support and attorney's fees to opposing counsel. The case was not appealed.
- (e) *James Mackey vs. City of Charleston and SC Department of Public Safety* - This was an employment matter involving the termination of the Plaintiff from the City of Columbia Police Department and his subsequent decertification by the Department of Public Safety. This matter was tried in Charleston County. The jury returned a verdict for the Plaintiff (my client) against the SC Department of Public Safety as to the certification claim and a verdict in favor of the Defendant City of Charleston as to all other claims. The case was not appealed.

The following is Judge Benjamin's account of two civil appeals that she has personally handled:

- (a) *McKinney vs. Richland County Sheriff's Department*, 431 F.3d 415 (4th Cir. 2005)
- (b) *Weston v. Margaret J. Weston Medical Center*, SC Court of Appeals, Unpublished Opinion 2008-UP-240

Judge Benjamin reported she has not personally handled any criminal appeals.

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

City of Columbia Municipal Court – July 2004 – May 2011
Circuit Court, Fifth Judicial Circuit, Seat 1, - May 2011 - present

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

- (a) *State vs. Conrad Lamont Slocumb*, 412 S.C. 88 (Ct. App. 2015)
- (b) *State vs. Hank Eric Hawes*, 813 S.E. 2d 513, (Ct. App. 2018)
- (c) *Trumaine Moorer vs. Norfolk Southern Railway*, 2014 WL 2581554
- (d) *Edwin Smith vs. David Fedor*, 809 S.E.2d 612 (Ct. App. 2017)
- (e) *State vs. Brett Parker*, 2015 WL 9594410

Judge Benjamin has reported no other employment while serving as a judge:

Judge Benjamin further reported the following regarding an unsuccessful candidacy:
I had an unsuccessful bid for Family Court (Fifth Judicial Circuit Family Court Seat 1) in February 2010.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Judge Benjamin 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Midlands Citizens Committee further commented as follows: "presented herself in all respects being fully qualified for the appellate bench."

Judge Benjamin is married to Stephen K. Benjamin. She has two children.

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

- (a) South Carolina Bar Board of Governors - 2007 - 2009
- (b) South Carolina Bar, Chair, Young Lawyers Division – 2006 –2007
- (c) South Carolina Bar, House of Delegates – 2002-2009
- (d) South Carolina Bar, Young Lawyers Division, Fifth Circuit Representative 2001- 2003
- (e) American Bar Association, Young Lawyers Division, District Representative – 2003 – 2005
- (f) American Bar Association, Minorities in the Profession Scholar – 1998-1999.
- (g) Women Lawyers Association
- (h) South Carolina Black Lawyers Association
- (i) Columbia Lawyers Association
- (j) Appleseed Legal Justice Center, Former Board Member
- (k) Richland County Bar Association

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

- (a) Edventure Children's Museum Board
- (b) St. John Preparatory School Board
- (c) Columbia Alumnae Chapter of Delta Sigma Theta
- (d) USC Community Advisory Board
- (e) Columbia Chapter of the Links, Inc., President (2018- present)
- (f) Columbia Chapter of Jack and Jill, Parliamentarian (2014- present)

Judge Benjamin further reported:

My experience as a prosecutor, defense attorney, private attorney, parole board member and Municipal Judge has afforded me the opportunity to practice in many areas of the law and before different courts. My experience as a judge, mother, daughter, wife and unfortunately as a victim of crime in my family has afforded me the opportunity to view the judicial system from all angles. I have always treated people with dignity and respect regardless if they were before me for a traffic ticket or murder. I have always treated litigants and attorneys the way I would have wanted to be treated. I believe in treating everyone fair and impartial, with dignity and respect while upholding the law.

I love the law and the profession of law. I believe that while not perfect, that our judicial system is the best system devised by man. It has been an honor and privilege to serve the citizens of this state as a Circuit Court Judge for the last nine (9) years. I look forward to continuing to serve the State of South Carolina.

(11) Commission Members' Comments:

The Commission commented that with her almost ten years on the bench, Judge Benjamin has broad experience and enjoys a reputation of being fair, thoughtful, and diligent.

(12) Conclusion:

The Commission found Judge Benjamin qualified and nominated her for election to Court of Appeals, Seat 8.

The Honorable Deborah Brooks Durden
Court of Appeals, Seat 8

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Durden was born in 1961. She is 59 years old and a resident of Columbia, South Carolina. Judge Durden 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 1992. She was also admitted to the Alaska Bar in 1993.

(2) Ethical Fitness:

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

Judge Durden 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 Durden reported that she has not made any campaign expenditures.

Judge Durden 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 Durden 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 Durden to be intelligent and knowledgeable.

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

- (a) I lectured at the SC Bar "Bridge the Gap" programs for new lawyers giving an overview of practice before the Administrative Law Court from 2011-2016.
- (b) I made presentations on the topics of accommodation taxes and bankruptcy sales in property valuation to judges attending the 2012 National Conference of State Tax Judges.
- (c) I made a presentation on the topic of personal property valuation litigation to the 2010 Academy for County Auditors, Treasurers and Tax Collectors.

- (d) I taught training sessions for SCDOT staff on the effect of S.C. Act 114 of 2007 which restructured the agency.
- (e) I lectured at a SC Bar Government Law Section CLE concerning state legislative action related to eminent domain law.
- (f) I lectured at a CLE hosted by the International Eminent Domain Institute on the topic of relocation assistance benefits, and how newly promulgated federal regulations would affect those benefits in the future.
- (g) I taught a segment of a CLE for attorneys who handle condemnation cases for SCDOT explaining relocation assistance benefits available for landowners and displaced and the interplay between those benefits and just compensation payments made in condemnation litigation.
- (h) I taught a segment of a CLE for attorneys who handle SCDOT condemnation cases for SCDOT on the subject of FOIA and Discovery Requests and strategies for avoiding surprise at trial.
- (i) I appear as a guest lecturer annually for the Administrative Law course at USC Law School.
- (j) I participate as a mentor in the USC Law School 1L Mentoring program.
- (k) I have hosted an extern from the USC School of Law during the Fall semester in 2018, 2019, and 2020.

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

(4) Character:

The Commission's investigation of Judge Durden did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Durden did not indicate any evidence of a troubled financial status. Judge Durden has handled her financial affairs responsibly.

The Commission also noted that Judge Durden 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 Durden reported that she is not rated by any legal rating organization.

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

Judge Durden reported that she has not held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Durden was admitted to the South Carolina Bar in 1992.

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

(a) 1991-1992 -- Judicial Law Clerk

After graduation from USC law school and sitting for the South Carolina bar exam, I moved to Anchorage, Alaska where I served as law clerk to Alaska Superior Court Judge Karen Hunt from August 1991 to September 1992. Judge Hunt handled complex civil litigation and I performed legal

research related to those cases and wrote memoranda of law and proposed orders on all motions to dismiss and motions for summary judgment. I also evaluated motions for injunctive relief filed with the court.

I served as law clerk to Alaska Superior Court Judge John Reese from December 1992 to April 1993 handling family court matters. I reviewed motions filed with the court and recommended action on those motions. During this time I studied for the Alaska Bar exam and took that exam in January, 1993.

(b) 1993-1997 -- Private Practice

In April 1993 I became an associate at Faulkner, Banfield, Doogan and Holmes' Anchorage office. Faulkner Banfield was a large firm with offices in Juneau, Fairbanks and Anchorage, Alaska representing primarily business clients. During my association with the firm I worked on Workers Compensation matters, professional liability cases, and tort cases. Approximately 50% of the cases I worked on were in the Federal District Court. I also successfully argued an appeal of a constitutional issue before the Alaska Supreme Court.

In 1994 my husband's service commitment to the U.S. Air Force ended and I left Faulkner Banfield so that he and I could return to South Carolina. I became an Associate at Gergel, Nickles & Grant. During my association with the firm from 1994 to 1997, I represented teachers and other employees in employment matters and worked on motions and discovery in tort claims cases, Fair Labor Standards Act cases, and other civil litigation.

(c) 1997-2009 -- Government Service

In August, 1997 I accepted a position as Assistant Chief Counsel at the South Carolina Department of Transportation. While at SCDOT I handled a wide variety of legal matters including condemnation cases, contract matters, legislative issues, environmental matters, and administrative law. I handled contested cases at the Administrative Law Court for the department concerning environmental permits, the payment of relocation assistance benefits, and the certification of Disadvantaged Business Enterprises. I drafted and promulgated agency regulations. I counseled agency staff and associate counsel on condemnation and real estate law. My responsibilities at SCDOT also involved reviewing and analyzing legislation pending at the state legislature, drafting proposed legislation and amendments, and providing testimony before legislative subcommittees.

(d) 2009-Present -- Administrative Law Judge

Since February 2009 I have served as a judge on the South Carolina Administrative Law Court.

Judge Durden provided that during the past five years prior to her service on the bench she most often served as sole counsel.

Judge Durden reported the frequency of her court appearances as follows:

- (a) Federal: once a year
- (b) State: once a month

Judge Durden reported the percentage of her practice involving civil, criminal, domestic and other matters as follows:

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

Judge Durden reported the percentage of her practice in trial court as follows:

- (a) Jury: 5%
- (b) Non-Jury: 95%

Judge Durden provided that during the past five years she most often served as sole counsel.

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

- (a) *L. A. Barrier v. SCOT*, 2008 WL 9844673 (July 21, 2008 unpublished S.C. Supreme Court decision); 06-ALJ-19-0925 (Administrative Law Court) In this Disadvantaged Business Enterprise certification case, the Court of Appeals reversed a decision of the Administrative Law Court and affirmed SCOT's position that a renunciation of interest by a spouse must be a prior renunciation of the jointly owned assets used to purchase an ownership interest in a DBE firm for that interest to be considered the sole property of the disadvantaged individual. This ruling is significant because allowing after-the-fact renunciations would undermine the requirement that the business be acquired by the real and substantial contribution of capital by the disadvantaged individual and threaten the integrity of the DBE program. The Supreme Court later granted certiorari in the case and issued an unpublished opinion (2010 WL 10097458) affirming the Court of Appeals in result but modified to focus the analysis on the facts as of the date the certification determination was sought and made.
- (b) *SCOT v. DHEC and Friends of the Congaree et al.* ALC 2006-ALJ-07-0804; Administrative Law Court (U.S. 601 Bridge Replacement Permits). Final Order issued by Judge Anderson on April 4, 2008 was appealed to the Court of Appeals, but dismissed by Appellants prior to a decision by the Court. This was an environmental permitting case in which SCOT was seeking a 401 Water Quality Certification and Construction in Navigable Waters permit from DHEC for the replacement of four existing bridges on U.S. Highway 601 near the Congaree National Park. Three of the rulings in the case will have a long-term positive effect for both SCOT and other entities seeking environmental permits from DHEC: 1) DHEC has no authority to require compensatory mitigation under a 401 Water Quality Certification where no navigable waters permit issues are presented by the projects; and 2) DHEC waives its right to dictate the terms of a permit if it fails to issue a Notice of Proposed Decision within the time limits set forth in its regulations; and 3) Feasible alternatives to a project are not the same as conditions that DHEC seeks to impose to minimize the adverse effects of the project, but must be an alternative to the project.
- (c) *S.C. Coastal Conservation League v. DHEC and SCOT*, 07-ALJ-07-108 (Administrative Law Court) and 390 S.C. 418 (Ct. App. 2010) (Port Access Road Permits). Final order issued by Administrative Law Judge John Geathers on September 4, 2007 was appealed to the Court of Appeals and ultimately to the Supreme Court. This case is significant both because of the importance of the project and the legal issue involved. The Administrative Law Court dismissed the contested case brought by an environmental group, holding it lacks jurisdiction to hear a case if the appeal of the permit is not first timely filed with DHEC. This case and the 601 case noted above, were also significant because they were two of the first cases heard by DHEC and the ALC following the passage of the 2007 law changing the procedures for challenging DHEC decisions on permits. My argument in those cases shaped how DHEC and the ALC deal with procedural issues and under what circumstances a remand to agency staff from the DHEC Board will be allowed.
- (d) *Swanner v. Anchorage Equal Rights Commission*; Supreme Court of Alaska; May 13, 1994. citation: 874 P. 2d 274 (Alaska, 1994) Cert. denied by *Swanner v. Anchorage Equal Rights Commission*, 513 U.S. 979, 115 S. Ct. 460, 130 L. Ed. 2d 368, 63 USLW 3341, 63 USLW 3345 (1994).; This case was significant because it dealt with constitutional questions of religious freedom as it relates to an individual's conduct in violating state prohibitions against housing discrimination based on marital status. I wrote the brief and made the argument before the state

Supreme Court which ruled in favor of my client. A Westlaw keycite search reveals that this case has been cited in 39 subsequent cases and in 473 secondary sources and briefs.

(e) *Rae's Cleaners v. SCDOT*, South Carolina Administrative Law Court; Final Order issued by Judge Anderson on January 3, 2006. This was a Relocation Assistance Benefits contested case in which SCDOT's finding that Rae's Cleaners was not a displaced business entitled to relocation assistance benefits was challenged. The issue was whether a change in access to the business site allowing only right turns in and out of the business constituted a displacement of the business which would have entitled the owner to relocation assistance benefits. The matter was significant in light of a line of cases issued by the South Carolina Court of Appeals creating controlling law at that time allowing damages related to restricted access to real property in condemnation cases. Judge Anderson affirmed SCDOT's decision denying benefits, holding that while a loss of access is a special injury that might entitle a landowner to just compensation in a condemnation case, it is not an acquisition entitling the landowner to relocation benefits where the acquisition of property did not affect the continued operation of the business.

Judge Durden reported she has personally handled the following civil appeals:

- (a) *L. A. Barrier & Son Inc. v. SCDOT*; S.C. Court of Appeals; July 21, 2008, not reported.
- (b) *S.C. Coastal Conservation League v. SCDHEC and SCDOT*; S.C. Court of Appeals; October 23, 2008; 380 S.C. 349 (Ct. App. 2008).
- (c) *SCDOT v. DHEC and Friends of the Congaree et al.*; S.C. Court of Appeals; Appellants dismissed after briefing and prior to decision of the Court.
- (d) *Swanner v. Anchorage Equal Rights Commission*; Supreme Court of Alaska; May 13, 1994. Citation: 874 P. 2d 274 (Alaska, 1994) *Cert. denied by Swanner v. Anchorage Equal Rights Commission*, 513 U.S. 979, 115 S. Ct. 460, 130 L. Ed. 2d 368, 63 USLW 3341, 63 USLW 3345 (1994).
- (e) *Allen et. al v. Loadholt*; United States Court of Appeals for the Fourth Circuit. I briefed this Fair Labor Standards Act case which settled prior to argument before the Fourth Circuit Court of Appeals.

Judge Durden reported she has not personally handled any criminal appeals.

Judge Durden reported that she has held the following judicial office(s):

From February 2009 to the present I have served as a Judge on the South Carolina Administrative Law Court. The Administrative Law Court has jurisdiction over contested cases, appeals of administrative agency decisions, regulation hearings, and certain petitions for injunctive relief. The jurisdiction of the Court is created by South Carolina statutes, most notably the Administrative Procedures Act. Judges are elected by the South Carolina General Assembly. The Court's jurisdiction is limited to those matters delineated by statute. The Court may consider the constitutionality of a statute or regulation only with respect to how that statute or regulation was applied in the matter at hand. Approximately 60% of the cases I handle are appeals decided based upon a review of the record made before the agency.

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

- (a) *Emerson Electric Co. and Affiliates v. S.C. Department of Revenue*, (Docket No. 08-ALJ-71-0351) not reported; affirmed by S.C. Supreme Court at 395 S.C. 481, 719 SE 2d 650 (2011). Held allocation statute applies to nonresident corporation for interest expense deductions where no taxable dividend income was earned, and rejected as-applied constitutional claims.
- (b) *Carolina Walk LLC and Serrus Carolina Walk, LLC v. Richland County Assessor*, reported at 2012 WL 529413; affirmed in unpublished opinion of the S. C. Supreme Court at 2014 WL 2575405. Held purchase price was not an arms-length sale that could be used to establish fair

market value of real property. More contemporaneous sales within the same development were more compelling evidence of the value of the subject properties.

- (c) *Cellular Sales of South Carolina, LLC v. S.C. Department of Employment and Workforce*, reported at 3013 WL 173705; affirmed in unpublished opinion by S.C. Court of Appeals at 2014 WL 2586885. Held sales representative and others similarly situated were employees and not independent contractors.
- (d) *Torrence v. S. C. Department of Corrections* (ALC docket No. 12-ALJ-04-0143-AP) not reported; Appeal to Court of Appeals dismissed as interlocutory in unreported decision. 2018 WL 6199185. Held the Department of Corrections must determine the prevailing wage for Prison Industries employment according to data collected by the Department of Employment and Workforce and remit difference in amounts paid to inmate. Held inmate serving a life sentence is entitled to designate persons or entities for distribution of escrowed wages.
- (e) *Five Points Roost v. S.C. Department of Revenue* reported at 2018 WL 1724696; Denied Liquor by the drink license where proposed business would strain law enforcement resources and is not primarily and substantially engaged in the preparation and serving of meals.

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

(9) **Judicial Temperament:**

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

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Durden "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, "Extremely qualified and will be an asset on Court of Appeals."

Judge Durden is married to Wiley Kevin Durden. She has three children.

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

- (a) South Carolina Bar Association
- (b) South Carolina Women Lawyers Association
- (c) Richland County Bar Association

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

- (a) Trenholm Road United Methodist Church, Church Council, Hope Class President, Youth Core Team Chair,
- (b) Family Promise of the Midlands, volunteer

(11) **Commission Members' Comments:**

The Commission commented that Judge Durden has an outstanding reputation. They noted on her great intellect which has ably served her in discharging her responsibilities as an Administrative Law Court judge.

(12) Conclusion:

The Commission found Judge Durden qualified, and nominated her for election to Court of Appeals, Seat 8.

The Honorable Jerry Deese Vinson Jr.
Court of Appeals, Seat 8

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Vinson was born in 1960. He is 60 years old and a resident of Florence, South Carolina. Judge Vinson 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 any evidence of unethical conduct by Judge Vinson.

Judge Vinson 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 Vinson reported that he has not made any campaign expenditures

Judge Vinson 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 Vinson 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 Vinson to be intelligent and knowledgeable.

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

(a) SC Bar Hot Tips from the Coolest Domestic Law Practitioners	9/12/97
(b) SC Bar Hot Tips from the Coolest Domestic Law Practitioners	8/28/98
(c) SC Bar Hot Tips from the Coolest Domestic Law Practitioners	9/24/99
(d) Family Law Ethics Seminar	12/4/99
(e) SC Bar Hot Tips from the Coolest Domestic Law Practitioners	9/15/00
(f) SC Bar Hot Tips from the Coolest Domestic Law Practitioners	9/21/01
(g) SC Bar Hot Tips from the Coolest Domestic Law Practitioners	9/20/02
(h) Ethical Issues in Appointed Cases	10/18/02
(i) Guardian Ad Litem Certification	1/10/03
(j) SC Bar Cool Tips Seminar	4/25/03
(k) Children's Law Seminar	10/14/05

- (l) SC Bar CLE – Panel Discussion – New Tools for the Family Court 1/27/06
- (m) SC Bar CLE – Children's Issues in Family Court – Relocation: A New Approach 3/17/06
- (n) 2006 Orientation School for New Judges 7/10/06
- (o) Charleston County Family Law Seminar – Observations from the Bench 11/17/06
- (p) Children's Issues in Family Court – Guardian ad litem Reports What's in It for Me? 3/23/07
- (q) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Ten Things Lawyers Need to Know about Temporary Hearings 9/21/07
- (r) Children's Law Project Seminar on Abuse & Neglect 11/16/07
- (s) SC Bar CLE – Tips from the Bench – Divorce and Separation – The Devil is in the Details: Checklists as Tools 2/15/08
- (t) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Best Legal Practices in Abuse and Neglect Cases – a Work in Progress 9/19/08
- (u) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Thoughts from the Bench – Top Ten Basics All Lawyers Need to Know 9/19/08
- (v) Children's Law Center Conference – Best Legal Practices in Abuse and Neglect Cases 10/31/08
- (w) SC Bar Convention – Family Law Section-Advantages of the New Financial Declaration 1/23/09
- (x) SCDSS CLE – Attorney Training – Best Legal Practices in Abuse and Neglect Cases – Panel Discussion 2/27/09
- (y) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Common Evidentiary Issues: Oops! I Did It Again 9/18/09
- (z) Training for Attorneys Appointed in Abuse & Neglect Cases 1/15/10
- (aa) SC Bar – Children's Law Committee Seminar – Best Legal Practices in Abuse and Neglect cases 1/23/10
- (bb) SCCFCJ Conference – Best Legal Practices 4/22/10
- (cc) Guardian ad Litem training on Best Legal Practices in Abuse and Neglect Cases 5/17/10
- (dd) SC Bar – Solo & Small Firm Seminar – What Every Lawyer Should Know About Family Court 9/24/10
- (ee) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Trial Tips from the Bench 10/1/10
- (ff) Child Support Enforcement CLE – Best Legal Practices in Abuse and Neglect Cases 10/29/10
- (gg) Family Court Judges Mini Summit on Justice for Children – Best Legal Practices in Child Abuse and Neglect Cases 12/2/10
- (hh) Orientation School for New Family Court Judges – Alimony 6/8/11
- (ii) SC Bar Hot Tips from the Coolest Domestic Law Practitioners 9/16/11
- (jj) SC Bar Family Court Judges Bench/Bar – Effective Pre-Trial Practice in a Small Market 12/2/11
- (kk) Orientation School for New Family Court Judges – Alimony 5/31/12
- (ll) VIP SCNYTD – SCDSS Independent Living Conference Youth Speak Workshop – Panel Discussion 6/8/12
- (mm) SC Supreme Court Institute – Panel Discussion – Overview of the South Carolina Courts 6/19/12
- (nn) Forum on Judicial Independence & Diversity LWCSC 8/7/12
- (oo) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Show Your Love: Ten Suggestions for a Happier Relationship with Your Judge 9/28/12
- (pp) Francis Marion University Criminal Justice Class – Lecture on Juvenile Justice 11/20/12
- (qq) SCAJ Annual Conference – Rules of Procedure – Order of Protection 8/1/13
- (rr) Orientation School for New Family Court Judges - Alimony 5/31/13
- (ss) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – New Rule on Temporary Hearings: Page Limitations, Time Limitations, Exceptions to the Rule 9/27/13

- (tt) Orientation School for New Family Court Judges – Alimony 6/19/14
- (uu) SC Bar Hot Tips Seminar – Just the Factors Ma’am: Attorney Fees 9/26/14
- (vv) SCCA Orientation School for New Judges – Alimony 6/4/15
- (ww) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – Relationships: the Practitioners Professional Responsibility 9/25/15
- (xx) SCCA Orientation School for New Family Court Judges –Alimony 6/2/16
- (yy) SC Bar Hot Tips from the Coolest Domestic Law Practitioners Ain’t Mishebavin: Conduct, Lawyers Oath, Rule 9 9/23/16
- (zz)South Carolina Summit on Access to Justice for All – Self-Represented Litigants 10/24/16
- (aaa) Twelfth Circuit Tips from the Bench 10/28/16
- (bbb) Children’s Law Seminar 11/4/16
- (ccc) Orientation School for New Family Court Judges – Alimony 5/4/17
- (ddd) SC Bar Hot Tips from the Coolest Domestic Law Practitioners – And It Is So Ordered: Order Details 9/22/17
- (eee) SC Bar Family Court Judges Bench/Bar – Standardizing “Standard” Visitation: A View from the Bench 12/1/17
- (fff) Children’s Law Center – Raising the Bar for Children 4/13/18
- (ggg) SCCA Orientation School for New Judges – Alimony 5/17/18
- (hhh) SC Bar Hot Tips Seminar – Amuse Bouche 9/21/18
- (iii) Orientation School for New Family Court Judges – Alimony 5/29/19
- (jjj) SC Bar Hot Tips Seminar – Seven Habits of Highly Effective Family Court Litigators 9/20/19
- (kkk) SC Bar CLE – Panel for Improving Temporary Hearings 10/6/19
- (lll) Orientation School for New Family Court Judges – Alimony 6/9/20
- (mmm) View from the Bench – Indigent Defense – via WebEx 6/12/20
- (nnn) SC Bar LRE Mock Trial Competitions, Presiding Judge for regional, state and national 7/04 – present

Judge Vinson reported that he has not published any books or articles. However, he did state the following: I have prepared seminar materials for a majority of the seminars at which I have spoken.

(4) Character:

The Commission’s investigation of Judge Vinson did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Judge Vinson did not indicate any evidence of a troubled financial status. Judge Vinson has handled his financial affairs responsibly..

The Commission also noted that Judge Vinson 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 Vinson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Judge Vinson reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Vinson was admitted to the South Carolina Bar in 1985.

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

From August 1985 until April 1986, I practiced as an associate with Haigh Porter in Florence, South Carolina. My responsibilities primarily involved mortgage foreclosure actions and real estate transactions.

From April 1986 until July 1987, I served as a law clerk to the Honorable John H. Waller, Jr., Circuit Judge for the Twelfth Judicial Circuit. My responsibilities involved assisting Judge Waller with research and reviewing Orders and other documents presented for execution by Judge Waller.

From July 1987 until April 1992, I practiced as an associate with Turner, Padgett Graham and Laney, P.A. in Florence, South Carolina. My practice involved civil litigation in State and Federal Court, primarily related to defense of insureds in personal injury, premises liability and business litigation.

From April 1992 until December 1992, I practiced as an attorney with the Fallon Law Firm in Florence, South Carolina. My practice involved civil litigation, primarily representing plaintiffs in personal injury cases.

From January 1993 until January 2001, I was a shareholder with the Vinson Law Firm, PA, in Florence, South Carolina. My practice involved civil and domestic litigation, including personal injury cases and business litigation, as well as divorce and custody actions. I also represented the Department of Social Services as a contract attorney for four (4) years during this period of time, litigating all abuse and neglect cases.

In January 2001, I joined McDougall and Self, L.L.P as a partner, practicing in the Florence, South Carolina office. My practice was limited to Family Court litigation.

On February 4, 2004, I was elected by the Legislature to the Twelfth Judicial Circuit Family Court Seat, Three. I have served in that position since July 1, 2004.

Judge Vinson reported the frequency of his court appearances prior to his service on the bench as follows:

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

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

- (a) Civil: 2%;
- (b) Criminal: 0%;
- (c) Domestic: 98%;
- (d) Other: 0%.

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

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Judge Vinson provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Vinson's account of his five most significant litigated matters:

- (a) *Connie Wiggins Skipper v. Douglas Skipper*, 95-DR-21-2241. This matter was a divorce case in which the primary issues were equitable distribution and alimony. Husband and wife had been married for 32 years during which time the husband had worked for Southern Bell and the wife had been a full-time homemaker. During the pendency of the action, the husband accepted an early retirement. I was able to demonstrate to the Court that the wife was entitled to half of his retirement as part of the equitable distribution and also that the Court should impute income to him. I utilized a vocational expert who testified that the husband could have continued to earn \$3,500.00 per month. The Court utilized this figure in setting alimony. The husband appealed this case, but later dismissed his appeal. The husband also filed bankruptcy. I was able to protect the equitable distribution award, alimony and the attorney's fees awarded from discharge in bankruptcy.
- (b) *Larry Foster v. Betty Foster*, 02-DR-21-390. This was an alimony reduction action in which I represented the wife, who had been awarded substantial equitable distribution and alimony at the time of the divorce. The husband claimed a loss in income in the several years preceding the filing of the action, using his tax returns as evidence. I was able to demonstrate that there had been no change in his lifestyle and that he had continued to spend the same amount or more than he was spending at the time his original alimony obligation had been set. The Court did not modify the alimony payment based upon the husband's decrease in income, reflected in his financial documents, as his spending habits and lifestyle reflected a higher income. The Court slightly reduced the alimony based upon employment which my client had undertaken just prior to the final hearing in this matter. This outcome was affirmed on appeal.
- (c) *Maria Parker Doughty v. John Harrell Doughty Jr.* 02-DR-21-835. This was a divorce case where the only issue ultimately litigated was related to custody. The father attempted to demonstrate that the mother was morally unfit and was the less-involved parent. Both parties had flexible work schedules which permitted them to spend significant time with the children. Utilizing a child counselor, the testimony of my client, and the efforts of the Guardian ad Litem, I was able to demonstrate that the mother was the more-involved parent and was morally fit. I also was able to demonstrate that the father had entered into a course of conduct intended to alienate the children from the mother. Following a two day trial, the mother was granted sole custody of the children.
- (d) *John & Mary Smith v. SCDS*. This was an administrative hearing before the South Carolina Department of Social Services Hearing Panel involving foster parents. The Department of Social Services had raised allegations that Mr. and Mrs. Smith, foster parents within the Department of Social Services system, had abused a foster child in their care. Substantial medical testimony, along with the factual testimony from numerous witnesses, was presented concerning injuries to the foster child. Following the one day trial of this matter, the Hearing Panel determined that the Smiths had not abused the foster child. (I have not disclosed the actual names of my clients as this is not a matter of public record.)
- (e) *Debbie Eddings v. Harold David Eddings*, 98-DR-21-326. This was a divorce action in which the primary issues were equitable distribution and health insurance/alimony. The wife had a preexisting condition which made the purchase of health insurance extremely difficult and

expensive. While the marriage had lasted for less than three years, the husband had convinced the wife to resign from her job with Amtrak while he continued to work. After the husband committed adultery, which led to the demise of the marriage, the wife was especially concerned about continuing health insurance coverage. I was able to convince the court to award, in essence, medical alimony. The award provided that the husband would make COBRA payments for the wife's coverage until the COBRA benefits ended, and then he would begin to pay a monthly amount for health insurance premiums unless, or until, the wife became eligible for group benefits, died or remarried. While this order was not appealed, the husband subsequently brought an action for reduction or termination of alimony. The Family Court denied the husband's request.

The following is Judge Vinson's account of the civil appeal he has personally handled:
Larry Foster v. Betty Foster, South Carolina Court of Appeals, Unpublished decision filed March 15, 2004

Judge Vinson reported that he has not personally handled any criminal appeals.

Judge Vinson reported that he has held the following judicial office(s):
From July 1, 2004 to present, I have served on the Family Court for the Twelfth Judicial Circuit. I have been elected three times by the Legislature for this position.

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

- (a) *The State v. Tyquan Jared Amir Jones*, 709 S.E.2d 696, 392 S.C. 647 (Ct. App. 2011)
This appeal arose from a waiver hearing held in 2006. The juvenile pled guilty to voluntary manslaughter following the waiver of jurisdiction from the Family Court. The Court of Appeals noted that the trial court had properly considered all of the Kent factors, and also took into account the lack of opportunities and the environment in which the juvenile had lived. Noting that the record contained a great deal of evidence supporting the Family Court decision, the Court of Appeals affirmed the waiver of jurisdiction.
- (b) *Michael Ashburn v. April Rogers and SCDSS Child Support Division*, 420 S.C. 411, 803 S.E. 2d 469 (Ct. App. 2017)
In this case involving the disestablishment of a paternity order, the Court of Appeals clarified certain principles of collateral estoppel and res judicata. The court held that, despite the fact that the father had been afforded opportunities for paternity testing before and after the paternity order, he was not precluded from seeking relief.
- (c) *Sandra K. Jackson v. Franklin Jackson*, Op. No. 2011-UP-110 (Ct. App. Filed March 16, 2011)
This appeal arose from an award of equitable distribution and alimony as set forth in the trial court's divorce decree. In its unpublished decision, the Court of Appeals found that the Family Court properly considered the relevant factors in apportioning marital property, making extensive written and oral findings regarding the factors. The Court of Appeals also affirmed the award of alimony, again finding that the court properly considered the relevant factors in determining the amount of alimony. This case was significant because it required me to weigh the husband's ability to continue working in juxtaposition with the wife's diminishing ability to work due to a chronic health condition. I also had to take into account the non-marital property of the wife when determining her income and needs.
- (d) *Punam Hiral Gopaldas v. Hiral Ranjit Gopaldas*, 2009-DR-21-2483 and 2011-DR-21-1255
This divorce case primarily involved issues of custody and equitable distribution. Shortly before the scheduled final hearing, the mother and maternal grandmother were found murdered in the former marital residence. The parties' two year old child was present at the time of the murders. Following the homicides, the Department of Social Services became involved. There

was significant public and press interest in this case, particularly after the father was charged with the double homicide. The matter was brought before me on an emergency motion related to custody. As DSS was a party to the action and there was a need to protect the child and the families, I instituted a gag order and sealed the file during the pendency of the action. I also retained jurisdiction to ensure that the child would be protected throughout the ongoing criminal investigation, especially with regard to multiple forensic interviews.

(e) *Christina Lynn Lowry v. Thomas Lowry*, 2011-DR-21-1277

This case demonstrated the demands placed on the court by self-represented litigants. The plaintiff represented herself in this two day custody case. The defendant was represented by counsel. The plaintiff, who was well-educated, faced significant challenges in presenting her case for custody. The experienced family court litigator representing the defendant properly challenged the plaintiff throughout the presentation of her case. As a trial judge, I could not assist the plaintiff in presenting her case. It was, however, vitally important that I obtain as much information as possible concerning the best interest of the parties' children. This is the challenge that is frequently presented in self-represented litigation. Through thorough and appropriate questioning by the guardian ad litem and the court, I was able to obtain significant information which ultimately led me to conclude that it was in the children's best interest for the plaintiff to be granted primary custody.

Judge Vinson reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Judge Vinson's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualification reported Judge Vinson to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee further commented, "Judge Vinson is highly respected. There were no concerns voiced about his potential move from Family Court to the Court of Appeals."

Judge Vinson is married to Flora Sue Lester Vinson. He does not have any children.

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

(a) South Carolina Bar

- Judicial member (Current)
- House of Delegates (Past member)
- Family Law Section Council – Chair (2001 – 2002) (Past member)
- Law Related Education Committee (Current member) – Chair (2010 – 2012)

(b) South Carolina Women Lawyers Association (Current member)

(c) National Council of Juvenile and Family Court Judges (Current member)

- Served on Board of Trustees from 2008 to 2011
- Finance Committee member from 2010 to 2016

(d) South Carolina Family Court Judges Association (Current member)

- President (2012 – 2013)
- President Elect (2011 – 2012)
- Secretary/Treasurer (2010 – 2011)

(e) Bench/Bar Committee (2005 – 2017) (2020 – Current Member) – Chair (2012-2014)

- Best practices Subcommittee – Chair and Co-Chair (2009 to 2017)

- (f) Governor's Task Force for Adoption and Foster Care (2007 to 2008)
- (g) American Bar Association – Judicial Division (Past member)
- (h) Family Court Judges Advisory Committee (2010-2013)
- (i) Pee Dee Inn of Court (Current member)

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

- (a) Confirmed Communicant at St. John's Church and former Vestry Member
- (b) Member, and Past President, of Francis Marion University Alumni Association
- (c) Former member and Vice-Chair of Francis Marion University Foundation Board
- (d) Graduate of Leadership Florence
- (e) Recipient of Francis Marion University Outstanding Member of Alumni Association (1997)
- (f) Kiwanian of the Year (1994)
- (g) Participant at National Security Seminar, United States Army War College (2007)
- (h) Recipient of Francis Marion University John S. Boyce Award (2010)

Judge Vinson further reported:

It has been an honor and privilege to have served as a family court judge for the past 16 years. I am very grateful to have been afforded this opportunity for service to my state and to its citizens.

I take my judicial oath very seriously, and find that it serves as a constant reminder that my conduct, both inside and outside the courtroom, influences the perception of our judicial system. I remain mindful of the significant impact that the decisions I make as a judge have upon the lives of the persons appearing before me.

Before starting law school, I worked as a bag boy, bus driver, theater usher, janitor, and delivery person. In my legal career, I have served as a circuit court law clerk, an associate at a large firm, a member of a small firm, and a family court judge. These experiences have broadened my perspective on life and enhanced my appreciation for those who are involved in our legal system. These varied life experiences, I believe, have also made me a better person and a better judge.

(11) Commission Members' Comments:

The Commission commented that Judge Vinson is an outstanding judge and has been a valuable asset to the Family Court Bench.

(12) Conclusion:

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

CIRCUIT COURT

QUALIFIED AND NOMINATED

The Honorable Michael S. Holt
Circuit Court, Fourth Judicial Circuit, Seat 2

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

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Circuit Court, Fourth Judicial Circuit, Seat 2, one candidate applied for this vacancy. Accordingly, the name and qualification of the one candidate is hereby submitted in this report.

(1) **Constitutional Qualifications:**

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

Judge Holt was born in 1970. He is 50 years old and a resident of Hartsville, South Carolina. Judge Holt 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 Judge Holt.

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

Judge Holt 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 Holt 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 Holt to be intelligent and knowledgeable.

Judge Holt reported that he has taught the following law-related courses: I have been an Adjunct Professor and have taught, among other things, business law.

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

(4) Character:

The Commission's investigation of Judge Holt did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Holt did not indicate any evidence of a troubled financial status. Judge Holt has handled his financial affairs responsibly.

The Commission also noted that Judge Holt 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 Holt reported that he is not rated by any legal rating organization.

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

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

I was elected as Mayor of the City of Hartsville, South Carolina from 2005 – 2009. I filed all required reports; however, there were late reports which resulted in fines, all of which were promptly paid.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Holt was admitted to the South Carolina Bar in 1996.

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

(a) From 1996 to 2006, my practice experience would best be described as a general practice. My areas of focus were primarily in domestic litigation, criminal defense, Social Security disability and real estate, although I handled other matters, as well.

(b) Beginning in 2006 until 2009, when I was elected to the Family Court Bench, I operated my own law firm as a sole practitioner. My areas of primary practice did not change. Obviously, in managing my own firm, I was responsible for handling all financial matters and business functions of my firm.

Judge Holt further reported regarding his experience with the Circuit Court practice area:

I was elected to the Fourth Judicial Circuit Family Court bench in 2009 and have served continuously since. Prior to my election I worked in private practice with the Saleeby & Cox law firm in Hartsville, South Carolina. I practiced in both the Court of Common Pleas and General Sessions Court. I was involved in a number of trials, both civil and criminal, in my time in private practice. Since being on the Family Court bench, I continue to handle matters dealing with criminal offenses in Juvenile Court. I believe all of these experiences, both as a litigator and as a jurist, have prepared me to handle such matters that may come before me in Circuit Court.

Judge Holt reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: I did not appear in Federal Court often at all. However, I did have a significant practice in Social Security Disability and appeared regularly at such hearings;
- (b) State: I frequently appeared in Family Court and General Sessions, as well as Magistrate's Court. I also made appearance in Common Pleas and Probate Court, but to a lesser degree than the other areas of my practice.

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

- (a) Civil: If including Social Security Disability, 25%%;
- (b) Criminal: 25%;
- (c) Domestic: 25%;
- (d) Other: real estate, 25%.

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

- (a) Jury: If the question is how many cases went to a jury, my answer would likely be a smaller percentage. However, many cases would be resolved during a term of Court which would result in a plea agreement;
- (b) Non-jury: If non-jury includes Family Court, then a high percentage of those cases went before the Court for trial.

Judge Holt provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The last three years of practice (2006 – 2009), I served as sole counsel because I was a sole practitioner.

The following is Judge Holt's account of his five most significant litigated matters:

- (a) *State of South Carolina vs. Robert Hermanades*: This case was the first trial I handled on my own in General Sessions. The case was tried in Darlington County and caused me significant pressure because it was being reported in the local media. I represented a somewhat unsavory individual who was not a very sympathetic character. However, after three days, he was found not guilty, which I felt was the right verdict for the jury. This trial gave me confidence in my trial skills, but also gave me some notoriety in the community because of its being reported in the media
- (b) *State of South Carolina vs. Wayne Futrell*: This case was tried in General Sessions Court in Chesterfield County, where I was not known, and it was difficult drawing a jury. The case was a combination of Criminal Domestic Violence and Assault and Battery of a High and Aggravated Nature. This case holds some significance because the Defendant had also been my client in a divorce, and it was our position the wife/victim had made false allegations against my client which led to his arrest. The wife/victim made many allegations against the Solicitor's Office, which caused the case to be referred to the State Attorney General's Office. After several days of trial, my client was found not guilty.
- (c) *Mills vs. Mills*: This was a domestic case that I tried as a young lawyer. I was up against a much more seasoned and experienced lawyer who had a reputation for not negotiating cases and taking a case to trial. My client had been in a marriage for over twenty years, and the Defendant husband had been physical with Plaintiff wife and had attempted to hide assets from us. After a lengthy trial, my client was awarded half the marital estate and

significant attorney fees. We survived a motion to reconsider following the order of the Court

(d) *State of South Carolina vs. Brandon Ray*: This case was tried in Marlboro County, which was the prosecutor's home county. I felt at a disadvantage trying the case because of the Solicitor's familiarity with the jury pool. My client argued self-defense and, in my mind, we had done a good job in proving our case. However, the jury found my client guilty of the lesser included offense of voluntary manslaughter. Despite my client being found guilty, I felt a sense of pride because my client was not found guilty of the charge the State had brought against him.

(e) *Pamela C. Blackmon and Stephen W. Blackmon vs. Peggy Ann Harrington, Stephen Lee and John Doe*: This case was held in Florence County and involved an infant, Mary Ann Harrington, who was born with a heart defect. The Plaintiff wife, Pamela Blackmon, worked with my wife which is how I knew her. Mary Ann's heart had not developed properly, which likely was caused by Defendant mother's drug use. The Plaintiffs had a family and did not have the resources to pay a lawyer to assist them with petitioning the Court for custody. Time was of the essence due to the infant's heart defect, and there was no time to waste. The doctors at MUSC would not put the child on a transplant list unless someone other than her mother had custody of the child. It was perceived by the doctors that it would be a waste to give Mary Ann a heart when it was unlikely her mother would be responsible in her care of this child. The case involved a tremendous amount of work and time, which I did at no cost to the family.

Judge Holt reported he has not personally handled any civil or criminal appeals.

Judge Holt reported that he has held the following judicial office(s): I was elected in 2009 to Seat 3, Family Court of the Fourth Judicial Circuit. I have served continuously since that time.

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

(a) *DJJ vs. John Henry Bridges*: This case involved a juvenile who was charged with murdering an elderly lady. The matter before the Court was a "waiver" hearing and it was the first one I had handled on the bench. I ultimately determined the juvenile should be waived up to General Sessions after a contested hearing.

(b) *Shirley Johnson vs. Angela Lampley*: This case was a custody battle between maternal grandparents who lived out of state and a relative in South Carolina. The biological mother was deceased and the biological father was in prison. I awarded custody to the relative in South Carolina. This matter was appealed but the Court affirmed the trial court's ruling.

(c) *Saurabh Jain vs. Anima Dixit*: This case involved a family from India and the only issue tried before the Court was custody. The father had come to the United States to practice medicine and left his wife and child in India. The mother came to the United States to visit and the father brought an action for custody. I awarded custody to mother after a lengthy trial.

(d) *Mary Diane R. Corbett vs. Christopher A. Corbett*: This case was an equitable division case wherein the wife sought to exclude the husband from significant assets from the marriage. I went through the factors for equitable division and awarded husband half the marital estate.

(e) *DSS vs. Tina Roberts, Travis Hayes, Richard Herring, Gene Lashley, Barbara Roberts, Johnny and Cammie Corbett and Catherine Hayes*: This was a DSS Abuse and Neglect case wherein the department had asked the Court to remove the children from the parents due to domestic violence among other things. The parents did not work the treatment plan and the Department chose to move before the Court to have the children placed with the paternal grandmother who had not been involved in the children's lives. The Court gave

custody to the parties who had the interim custody of the children. This case was significant due to the number of parties involved, it was a lengthy trial and that the children were placed with non-relatives who the Court felt offered the best home to the minor children.

Judge Holt reported the following regarding his employment while serving as a judge: I have served as an Adjunct Professor at Coker College in Hartsville, South Carolina, in its evening programs. I began teaching in 2014 and have taught in the areas of business law, political science and business administration.

Judge Holt further reported the following regarding unsuccessful candidacies: I was unsuccessful in the South Carolina Senate primary race in 2004. I was unsuccessful in my attempt to be elected to the Court of Appeals, Seat #1, in 2018.

(9) **Judicial Temperament:**

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

(10) **Miscellaneous:**

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

Judge Holt is married to Sherry Burton Holt. He has two children.

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

- (a) SC Bar Association
- (b) Darlington County Bar Association
- (c) Pee Dee Inn of Court

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

- (a) Pee Dee Inn of Court
- (b) Kappa Alpha Order – Court of Honor
- (c) St. David's Society
- (d) Darlington County Historical Society

Judge Holt further reported:

My experiences as a leader in my community allowed me to transition to the Family Court Bench with humility, patience and understanding. I believe these are all qualities all judges should reflect. Further, my experiences as a husband and father provide great insight into the issues dealt with in Family Court. I believe these last ten years on the Family Court Bench have prepared me for this opportunity.

(11) **Commission Members' Comments:**

The Commission commented that Judge Holt knows how to control his courtroom and yet is courteous to litigants and attorneys. In addition to his excellent demeanor, the Commission noted his reputation as a well-respected family court judge.

(12) Conclusion:

The Commission found Judge Holt qualified and nominated him for election to Circuit Court, Fourth Judicial Circuit, Seat 2.

**The Honorable Robert E. Hood
Circuit Court, Fifth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Hood was born in 1975. He is 45 years old and a resident of Columbia, South Carolina. Judge Hood 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 Judge Hood.

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

Judge Hood 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 Hood 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 Hood to be intelligent and knowledgeable.

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

- (a) I taught a USC Honors College Class on the Jury trial system, 2020;
- (b) I served on an ethics panel at a Sporting Clays CLE, October 2019;
- (c) I taught a USC Honors College Class on the Jury trial system, 2019;
- (d) I taught a class to the fourth grade at Lake Murray Elementary School, 2019;
- (e) I lectured at the Annual Clerk of Court Conference, 2019;
- (f) I taught a USC School of Law Law clerk Seminar, 2019;
- (g) I participated in a panel at the SCACDL Ethics Seminar, 2019;
- (h) I served on an ethics panel at a Sporting Clays CLE, October 2018;
- (i) I lectured at the SCCTAA Summer Meeting, July 2018;
- (j) I taught a USC Honors College Class on the Jury trial system, 2018;

- (k) I presided over a mock trial for the SCBAR Masters in Trial CLE in 2018;
- (l) I presided over a mock trial for the SC Bar: A Criminal Trial Demonstration: He Said, She Said CLE, October 2017;
- (m) I served on a panel at the Upstate Sporting Clays CLE: Ethics with the Judges, March 2017;
- (n) I taught a USC Honors College Class on the Jury trial system, 2017;
- (o) I presided over a mock trial at the ABOTA Masters in Trial CLE, 2017;
- (p) I taught a third-grade class at Satchel Ford Elementary School, 2017;
- (q) I participated in a panel at a Courthouse Keys CLE, 2017;
- (r) I taught a class at a SCDTAA conference, 2017;
- (s) I taught a USC School of Law ethics class, 2017;
- (t) I served on an ethics panel at a Sporting Clays CLE, October 2016;
- (u) I lectured at the SCDTAA Summer Meeting, July 2016;
- (v) I participated in a panel at the SCACDL Criminal Defense 101, February 2016;
- (w) I participated in a panel for the Fifth Circuit Tips from the Bench: What Your Judges Want You To Know CLE, January 2016;
- (x) I lectured the student council at Brennen Elementary School, 2016;
- (y) I taught a fourth-grade class at Lake Murray Elementary School, 2016;
- (z) I taught a government class at Chapin High School, 2016;
- (aa) I served on an ethics panel at a Sporting Clays CLE, October 2015;
- (bb) I participated in a panel at the South Carolina Court Administration Orientation School for New Circuit Court Judges, July 2015;
- (cc) I taught an Ethics CLE to the Magistrate Court Conference, 2015;
- (dd) I taught a third-grade class at Lake Murray Elementary School, 2015;
- (ee) I taught a first-grade class at Lake Murray Elementary School, 2015;
- (ff) I taught a USC School of Law ethics class, 2015;
- (gg) I served on an ethics panel at a Sporting Clays CLE, October 2014;

I have participated in courses and conferences from 2014 through 2012. They are available in my 2014 screening information.

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

(4) Character:

The Commission's investigation of Judge Hood did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Hood did not indicate any evidence of a troubled financial status. Judge Hood has handled his financial affairs responsibly.

The Commission also noted that Judge Hood 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 Hood reported that his last available rating by a legal rating organization, Martindale-Hubbell, was 2.9 out of 5. Judge Hood further reported that at that time he met the very high criteria of General Ethical Standing.

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

Judge Hood reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Hood appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Hood appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Hood was admitted to the South Carolina Bar in 2001.

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

- (a) Fifth Judicial Circuit Solicitor's Office, Fall 2001 to 2003. I handled the prosecution of cases in General Sessions Court as an Assistant Solicitor including, violent crimes, property crimes, property crimes, white collar crimes, drug related crimes, and misdemeanors.
- (b) South Carolina Attorney General's Office, 2003 to 2005. I served as an Assistant Attorney General for the Statewide Grand Jury. I handled multicounty drug trafficking cases, large scale securities fraud cases, and white collar/public corruption cases through the state of South Carolina.
- (c) Strom Law Firm, LLC, 2005 to 2012. I handled criminal and complex civil litigation cases. I primarily worked in the area of criminal defense, including all levels of criminal cases from Magistrate's Court to Circuit Court to Federal Court. I practiced extensively in all levels of civil litigation mainly focused on plaintiff's representation.

Judge Hood reported that he has held the following judicial office(s):

I was elected to Seat Three of the Fifth Judicial Circuit, South Carolina Circuit Court in 2012. I have served in this judicial office from January of 2013 to present. The South Carolina Circuit Court has general jurisdiction over Common Pleas (civil) and General Sessions (criminal) matters in the State.

Judge Hood further reported the following regarding unsuccessful candidacies:

- (a) candidate for Fifth Judicial Circuit, Seat One, February 2011.
- (b) candidate for The Citadel Board of Visitors, Spring 2010.

(9) Judicial Temperament:
The Commission believes that Judge Hood's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Hood 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also added that Judge Hood is an "asset to the bench."

Judge Hood is not married. He has two children.

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

- (a) Richland County Bar Association
- (b) John Belton O'Neill Inn of Court

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

The Citadel Alumni Association

Judge Hood further reported:

I strive every day on the bench to be competent, courteous, and compassionate. I do my level best to serve humbly and act fairly toward all lawyers, litigants, jurors, and court staff.

An affidavit was filed against Judge Hood by Desa Ballard. The Commission reviewed it with the attached exhibits submitted by Ms. Ballard. Judge Hood provided a written response and documents, which the Commission also considered. Upon reviewing the submitted materials by all parties, the Commission does not find a failing on the part of Judge Hood in the nine evaluative criteria

(11) **Commission Members' Comments:**

The Commission commented that Judge Hood is an asset to the trial bench. The Commission commended him on his demeanor in the courtroom that makes litigants feel at ease.

(12) **Conclusion:**

The Commission found Judge Hood qualified and nominated him for re-election to Circuit Court, Fifth Judicial Circuit, Seat 3.

The Honorable Roger M. Young Sr.
Circuit Court, Ninth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Judge Young was born in 1960. He is 60 years old and a resident of North Charleston, South Carolina. Judge Young 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 1983.

(2) **Ethical Fitness:**

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

Judge Young 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 Young reported that he has made de minimis amount in campaign expenditures for paper, ink, and postage.

Judge Young 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 Young 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 Young to be intelligent and knowledgeable.

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

- (a) Speaker/Presenter, "Upping Your Evidence IQ", South Carolina Bar Convention, January 24, 2020.
- (b) Speaker, "Business Court Overview", New Judges Orientation School, July 12, 2019.
- (c) Speaker and Panelist, "Straight from the Bench – What Judges Want from Lawyers", Criminal Law Practice Essentials, South Carolina Bar, June 14, 2019.
- (d) Panelist, "What Works CLE" Charleston County Bar Association, February 1, 2019.
- (e) Panelist, "E-Discovery Cradle to Grave (Discovery to Courtroom), Trial & Advocacy Section, South Carolina Bar Convention, January 18, 2019.
- (f) Speaker, "Demystifying Business Court", South Carolina Association of Justice Convention, August 3, 2017.
- (g) Speaker and Panelist, "Straight from the Bench – What Judges Want from Lawyers", Criminal Law Practice Essentials, South Carolina Bar, May 19, 2017.
- (h) Panelist, "Things Appellate Judges May Have Forgotten (Or Never Knew) about the Trial Bench", South Carolina Appellate Court Judges Conference, April 21, 2017.
- (i) Moderator and Panelist, "Fast Track Jury Trials", South Carolina Bar Convention, January 21, 2017.
- (j) Speaker, "Straight from the Bench – What Judges Want from Lawyers", Criminal Law Practice Essentials, South Carolina Bar, May 20, 2016.
- (k) Panelist, "Litigation Trends – A Perspective from the Bench", 2015 South Carolina Defense Trial Attorneys' Association Annual Meeting, November 6, 2015.
- (l) Speaker, "Judicial Ethics for Summary Court Judges" Charleston County Summary Judges Association JCLE, May 22, 2015.
- (m) Panelist, "TIPS CLE", Charleston Lawyers Club, February 26, 2015.
- (n) Panelist, "Litigation Trends – A Perspective from the Bench", 2014 South Carolina Defense Trial Attorneys' Association Annual Meeting, November 7, 2014.
- (o) Panelist, "Motion Practice Before the Circuit Court" South Carolina Defense Trial Attorneys' Association & Claims Management Association of South Carolina Joint Meeting, July 28, 2012.
- (p) Speaker, "Depositions and Ethics after In re Anonymous Member of the Bar", Berkeley County Bar CLE, February 10, 2012.
- (q) Panelist, "Professionalism," Practice Basics for the New Lawyer, South Carolina Women Lawyers Association and Women in Law Charleston School of Law, October 14, 2011.
- (r) Speaker, "Depositions and In re Anonymous Member of the Bar", SCDTA Deposition Boot Camp, October 6, 2011.
- (s) Panelist, "Mental Illness, Victimization and Criminal Justice An Update for Clinicians, Policymakers, Judges, Attorneys, and Law Enforcement" 2011 Update in Psychiatry Conference, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, June 2, 2011.
- (t) Panelist, "A Lawyer Walks into the Bar: A Hands-On Discussion of Issues Facing Lawyers In the First Years of Practice", South Carolina Bar, Charleston School of Law, December 17, 2010.
- (u) Panelist, "Tort Reform – Allocation of Liability after § 15-38-15," 2010 South Carolina Defense Trial Attorneys' Association Annual Meeting, November 13, 2010.
- (v) Panelist, "Top 10 Appellate Decisions of 2009-2010", 2010 S.C. Solicitors Association Fall Conference, September 28, 2010.

- (w) Speaker, "Hearsay in a Nutshell", Meeting of the Charleston Association of Legal Assistants, March 17, 2010.
- (x) Speaker, "Business Torts and the New Business Court", Current Issues in Civil Law CLE, South Carolina Bar, December 11, 2009.
- (y) Speaker/Presenter, "Helping your Patient by Helping the Lawyer and the Judge: A Case Study", Forensic Psychiatry Grand Rounds, University of South Carolina School of Medicine, December 4, 2009.
- (z) Presenter, "Hollywood v. Real Life: Is Law School Really Necessary or Can You Learn To Try a Case at the Movies?", 2009 South Carolina Defense Trial Attorneys' Association & Claims Management Association of South Carolina Joint Meeting, July 24, 2009.
- (aa) Panelist, "Ethics for Criminal Lawyers," 2008 South Carolina Public Defender Conference, September 30, 2008.
- (bb) Panelist, "What is the Business Court?" 2008 South Carolina Defense Trial Attorneys' Association & Claims Management Association of South Carolina Joint Meeting, July 25, 2008.
- (cc) Panelist, "Expert Opinions: "The Amistad Case: A Spoleto at the Avery Event," May 31, 2008.
- (dd) Speaker/Panelist, "Tips for Trying a Complex, Multi-Party Case," South Carolina Bar Convention, January 25, 2008.
- (ee) Speaker/Panelist, "Mental Health Evidence as Mitigation," South Carolina Public Defender's Conference, September 25, 2007.
- (ff) Speaker, "Professionalism: The Ethics of Competence in the Courtroom," South Carolina Administrative and Regulatory Law Association Annual Meeting, September 21, 2007.
- (gg) Speaker, "A Doctor's Duty to Warn," Forensic Psychiatry Grand Rounds, University of South Carolina School of Medicine, August 3, 2007.
- (hh) Speaker, Panelist and Coordinator, "Nuts and Bolts of Handling a Sexually Violent Predator Case," South Carolina Bar CLE, July 27, 2007.
- (ii) Speaker, "Ethical Considerations for the Municipal Attorney," South Carolina Municipal Association CLE, December 1, 2006.
- (jj) Speaker, "Using Technology in the Courtroom," Charleston County Bar CLE, December 16, 2005.
- (kk) Panelist/Speaker, "Recent Decisions," South Carolina Solicitor's Conference, September 26, 2005.
- (ll) Speaker, "So You're Trying Your First Case," South Carolina Bar CLE video publication.
- (mm) Speaker/panelist, "Ethics and the New Code of Professionalism," South Carolina Public Defender's Conference, September 27, 2004.
- (nn) Speaker, Law and Society Class, The Governor's School of South Carolina, July 1, 2003.
- (oo) Speaker, "Tips from the Bench: Non-Jury Trials," South Carolina Bar Continuing Legal Education Division, December 13, 2002.
- (pp) Speaker, "SUEM: A Discussion on Equitable Principles in Their Application to the Law," South Carolina Bar Continuing Legal Education Division, October 11, 2002.
- (qq) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, May 14, 2002.
- (rr) Speaker, "Six by Six" CLE, Charleston County Bar Association, December 13, 2001.
- (ss) Speaker, "Recent Judicial Decisions Update on Tax Sales in South Carolina," South Carolina Bar Continuing Legal Education Division, October 12, 2001.
- (tt) Speaker, "Recent Judicial Decisions Update on Tax Sales in South Carolina," 34th South Carolina Association of Counties Annual Conference, July 26, 2001.
- (uu) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, March 13, 2001.
- (vv) Speaker, "Recent Judicial Decisions Involving Tax Sales," County Auditors, Treasurers and Tax Collectors Academy, February 8, 2001.

- (ww) Moderator, "Business Torts, Accounting & Damages," South Carolina Bar Continuing Legal Education Division CLE, October 13, 2000.
- (xx) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, May 23, 2000.
- (yy) Speaker, "Law of Tax Sales," Charleston County Bar Association Real Estate Section, March 7, 2000.
- (zz) Speaker, "Recent Judicial Decisions Involving Tax Sales," County Auditors, Treasurers and Tax Collectors Academy, February 3, 2000.
- (aaa) Speaker, "Twelve by Twelve" CLE, Charleston County Bar Association, December 16, 1999.
- (bbb) Speaker, "Equitable Remedies," South Carolina Bar Continuing Legal Education Division CLE, October 8, 1999.
- (ccc) Moderator, "Mechanic's Liens," South Carolina Bar Continuing Legal Education Division, March 26, 1999.
- (ddd) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, March 9, 1999, May 18, 1999.
- (eee) Speaker, "Law on Tax Sales," Practice Before Masters-in-Equity and Special Referees CLE, South Carolina Bar Continuing Legal Education Division, October 9, 1998.
- (fff) Speaker, "Law on Tax Sales," Practice Before Masters-in-Equity and Special Referees CLE, South Carolina Bar Continuing Legal Education Division, October 18, 1996.

Judge Young reported that he has published the following:

- (a) *Tax Sales of Real Property in South Carolina*, First edition, 1999 (South Carolina Bar-Continuing Legal Education Division).
- (b) *The Law of Real Estate Tax Sales*, South Carolina Lawyer, September/October 1999.
- (c) Master's Thesis, *Using Social Science to Assess the Need for Jury Reform in South Carolina*, published in 52 South Carolina Law Review 135, Fall 2000.
- (d) "Sexually Violent Predator Acts," Issues in Community Corrections chapter note, *Community Based Corrections*, (4th ed. Wadsworth-Thomason Learning 2000).
- (e) "Law, Economics, the Constitution and Pink Flamingos" Post and Courier, August 10, 2001.
- (f) Roger Young and Stephen Spitz, *SUEM-Spitz's Ultimate Equitable Maxim: In Equity, Good Guys Should Win and Bad Guys Should Lose*, 55 S.C.L.Rev. 175 (2003)
- (g) "How Do You Know What You Know?": A Judicial Perspective on Daubert and Council/Jones Factor in Determining the Reliability of Expert Testimony in South Carolina, South Carolina Lawyer, November, 2003.

(4) Character:

The Commission's investigation of Judge Young did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Young did not indicate any evidence of a troubled financial status. Judge Young has handled his financial affairs responsibly.

The Commission also noted that Judge Young 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 Young reported that he has no available ratings by a legal rating organization.

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

Judge Young reported that he has held the following public office:
I was elected to District 117 of the South Carolina House of Representatives from 1990-94. I always timely filed my reports with the State Ethics Commission.

- (6) Physical Health:
Judge Young appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Young appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Young was admitted to the South Carolina Bar in 1983.

He gave the following account of his legal experience since graduation from law school:
I was in private practice from 1983-1995 as a sole practitioner. I was associated with a lawyer named Howard Chapman in Charleston from the fall of 1983 until he died in late 1984. After that I was on my own with a general practice until I became the Master-in-Equity for Charleston County in 1996. I served briefly in a part-time capacity as acting City Attorney for the City of North Charleston from January to April, 1995.

Judge Young reported that he has held the following judicial office(s):
(a) 1988-90 I was appointed to a part-time position of Municipal Judge for the City of North Charleston. Misdemeanors only.
(b) 1996-2003 I was elected to be the Master-in-Equity for Charleston County, civil non-jury.
(c) 2003-present I was elected to the Ninth Judicial Circuit Court, Seat 3.

- a. Concurrently serving as Business Court Judge by appointment of Chief Justice, 2007 to date.
- b. Concurrently serving as Chief Business Court Judge by appointment of Chief Justice, 2016 to date.

Judge Young provided the following list of his most significant orders or opinions:
(a) *Rice-Marko v Wachovia Corp.*, 398 SC 301 (SC App 2010)
(b) *Kerr v BB&T*, 408 SC 328 (2014)
(c) *State v Larry Durant*, 2020 WL 2179248 (S.C.Sup.Ct. 5-6-20)
(d) *Nestler v Fields*, 426 SC 34 (SC App 2019)
(e) *Lowcountry Open Land Trust v. State of S.C.*, 347 SC 96 (SC App 2001)

Judge Young reported the following regarding his employment while serving as a judge:

Clinical Associate Professor, Department of Neuropsychiatry and Behavioral Science, University of South Carolina School of Medicine. 2007. Occasionally lectured to faculty on legal issues pro bono. Have not been active for several years.

Adjunct Professor of Law, University of South Carolina School of Law, Columbia, South Carolina, Real Estate Transactions II, Spring, 2000

Adjunct professor Central Wesleyan College LEAP program Charleston campus, 1994-2003, business law and regulatory environment

Adjunct professor at Charleston Southern University Fall 1986 political science; Fall 2000 criminal justice

Judge Young further reported the following regarding unsuccessful candidacies:
Ran unsuccessfully for circuit court in 2001

(9) **Judicial Temperament:**

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

(10) **Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Judge Young 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Lowcountry Citizens Committee also commented that Judge Young is "Very experienced, excellent demeanor, handles complex cases well, smart, works well with lawyers, well liked and extremely well regarded. Super judge; super experience."

Judge Young is married to Tara Sullivan Amick. He has two children.

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

- (a) Charleston County Bar
- (b) South Carolina Bar
- (c) Supreme Court of the United States Bar
- (d) South Carolina Circuit Court Judges Association (President 2012-14)
- (e) American Bar Association
- (f) American College of Business Court Judges
- (g) James L. Petigru Inns of Court

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

- (a) American Board of Trial Advocates Outstanding Jurist Award from the Charleston Chapter of ABOTA for Exemplary Civility, Integrity and Professionalism 2010
- (b) Charleston Southern University Distinguished Alumnus of the Year 1998
- (c) Honorary Doctorate awarded by University of Charleston, SC, 1992
- (d) Order of the Palmetto presented by Governor Carroll A. Campbell, Jr., 1994
- (e) Kansas City Barbeque Society Certified Judge
- (f) South Carolina Barbeque Association Certified Judge
- (g) International Churchill Society
- (h) Golden Hills Golf Club in Lexington, SC
- (i) Trial & Appellate Advocacy Section Committee Member, South Carolina Bar

Judge Young further reported:

I have been fortunate to serve this great state in some capacity for over thirty years, most of it in some judicial capacity. At 60 years of age, I recognize that most of my life is behind me, but I hope that I still have another good ten years or more in me to serve. There are pluses and minuses in growing old. Chief among the pluses is experience and maturity. When I think back to my serving in the House of Representatives at age 30, I see a very young man with neither legislative experience nor any intent to make a career of politics. It was an opportunity that arose from an unfortunate period in our state's

history – Operation Lost Trust. Serving in the House of Representatives changed my life. I learned a number of things from that experience. First, the experience of going door-to-door to ask people to vote for you is humbling. I appreciate anyone who has ever run for elective office. You learn a lot about people and the wisdom of the way our predecessors structured our governing bodies and elections. Second, I learned to listen to other people and hear about their concerns and viewpoints. This is a relatively small state, but it is richly diverse. Its people have interests and beliefs that cross the every spectrum. Somehow, in order to govern, leaders must figure out how to get a consensus of a majority. This marvels me to this day, although there are times in which I wonder how anything gets done, and whether we can continue to pull off this miracle called the United States of America. Third, I am convinced the true genius of this country’s founders was the establishment of the three branches of government and the system of checks and balances that holds it all together. I am proud to serve in the judicial branch. It has been my life’s work. I still look forward to going to work every day because you never know what the day will bring. I was lucky enough to realize several years ago that I am a trial judge, not an appellate judge. It’s what brings me joy in my work. I enjoy the action that exists in every level of a trial. Interacting with lawyers, ruling on evidence, the never-ending amazement and appreciation of juries – these are the best things in the world for a trial judge. Once I realized how lucky I was to be doing what brought me such happiness, I turned down an opportunity to serve on the Court of Appeals, and I politely listen to friends who encourage me to run for appellate court openings.

At this point and at this age, I realize that what I offer is the opportunity to mentor and encourage new trial judges. This election process, while wearisome at times, produces some first-rate judges. When I look back at the generosity of older judges when I first came on the bench, I realize it’s now my privilege to pay back the favor by training and encouraging new judges as they begin their careers.

(11) **Commission Members’ Comments:**

The Commission commented that Judge Young has an overall outstanding reputation as a jurist. They noted an appreciation for his willingness toward mentorship of younger jurists and his leadership within the Business Court.

(12) **Conclusion:**

The Commission found Judge Young qualified, and nominated him for re-election to Circuit Court, Ninth Judicial Circuit, Seat 3.

A. Lance Crick
Circuit Court, Thirteenth Judicial Circuit, Seat 3

Commission’s Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Mr. Crick was born in 1972. He is 48 years old and a resident of Greenville, South Carolina. Mr. Crick 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. Crick.

Mr. Crick 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. Crick has made \$555.47 in campaign expenditures for printing, stationary cards, and postage.

Mr. Crick 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. Crick 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. Crick to be intelligent and knowledgeable.

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

- (a) South Carolina Solicitors' Association Conference, September 2013: I was a co-presenter with then-Assistant U.S. Attorney Andrew B. Moorman, Sr. in a Fourth Amendment training entitled, "Anatomy of a Traffic Stop."
- (b) Police and Community Engagement (PACE) conference, Aiken Department of Public Safety, 2015 and 2017: I served as a panelist and facilitator respectively at the PACE conferences. The topics discussed during the conferences included strengthening community partnerships as well as successful joint efforts to keep communities in South Carolina safe. The PACE conferences were coordinated through the Aiken Safe Communities program which launched in early 2013. I have been an active partner in this program since its inception. The Aiken Safe Communities initiative is a unified, proactive, community approach to engaging and encouraging recurring offenders to make healthy life choices to deter re-offending or becoming a victim of violent crime.
- (c) Greenville County Bar Association "Year End" CLE, February 2017—I introduced and served as moderator for a judges' panel during the plenary session of the CLE. The panel consisted of Circuit Court Judge Edward N. Miller, U.S. District Court Judge Timothy M. Cain, and U.S. Magistrate Judge Kevin F. McDonald. The presentation was entitled, "Perspectives from the Bench: Ethical Considerations."
- (d) Greenville County Bar Association "Year End" CLE, February 2017: Along with Thirteenth Solicitor Walt Wilkins, Assistant Federal Public Defender Ben Stepp, and Frank Eppes, Esquire, I was on a panel entitled, "State or Federal: Should I Stay or Should I Go?" Topics included preferences within each system and the process by which state cases are adopted for federal prosecution.
- (e) Greenville County Bar Association "Year End" CLE, February 2019: I served as a moderator in the criminal law afternoon session for a panel entitled, "Perspectives from the Bench." The panel consisted of U.S. District Court Judge Timothy M. Cain, Circuit Court Judge Brian M. Gibbons, Circuit Court Judge Perry Gravely, and Circuit Court Judge Leticia Verdin.
- (f) South Carolina School of Law, instructor, Media Law School, September 2018: The law school accepted members of the media from several states for this very unique symposium. Our panel, which included Ninth Circuit Public Defender Ashley Pennington, Jack Swerling, and Johnny Gasser, opened a dialogue with the participants, discussing various legal issues to include state and federal criminal procedure.

(g) South Carolina School of Law, instructor, Media Law School, September 2019: The law school accepted 33 members of the media from 13 states for this very unique symposium. Our panel, which included Fifth Circuit Solicitor Byron Gipson, Debbie Barbier, and Johnny Gasser, opened a dialogue with the participants, discussing various legal issues to include state and federal criminal procedure.

Mr. Crick reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Crick did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Crick did not indicate any evidence of a troubled financial status. Mr. Crick has handled his financial affairs responsibly.

The Commission also noted that Mr. Crick 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. Crick reported that he is not rated by any legal rating organization.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Crick was admitted to the South Carolina Bar in 1999.

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

(a) Assistant Solicitor, Thirteenth Judicial Circuit Solicitor's Office, Pickens County, August 1998-August 2001: As one of just four assistant solicitors in the Pickens office at the time, I was very fortunate to have the opportunity to get into the courtroom shortly after my arrival. Managing my own docket of cases ranging from traffic offenses, property crimes, violent crime, domestic violence, sexual assault, and narcotics, I always sought to embody what I learned from skilled and fair practitioners. I worked to resolve cases if possible and try to cases to verdict if necessary, all in a professional and thorough manner. While seeking justice, I enjoyed working with our public defenders and members of the private defense bar as well as our state judiciary. I endeavored to be friendly and fair to all parties at all times.

(b) Assistant United States Attorney, Greenville office, August 2001-October 2015: I joined the Department of Justice as a Project Safe Neighborhoods (PSN) prosecutor some three weeks before September 11, 2001. In this capacity, I had the privilege of working with local, state, and federal law enforcement agencies to pursue violent, prohibited individuals who engaged in active and illegal firearms possession and thus put our communities across the upstate in harm's way. I tried several cases to verdict in U.S. District Court, cases that were often times adopted

by federal law enforcement from our local partners. The PSN program also allowed me to work with members of communities experiencing disruption due to gun violence. I also led the office's efforts in the upstate, through our National Day of Concern every October, visiting schools and fostering a dialogue with students about not only the dangers of gun violence but also the importance of protecting their futures by making good decisions. From 2009-2013, while still working on violent crime cases, I began working on matters pursuant to the U.S. Attorney's Office Organized Crime and Drug Enforcement Task Force (OCDETF) footprint. OCDETF cases utilized the national and international jurisdictional reach of our office to build investigations and prosecutions into multi-defendant drug conspiracies affected not only South Carolina but across the United States and beyond.

- (c) Project Safe Neighborhoods District Coordinator, June 2013-January 2018: Appointed by then-U.S. Attorney Bill Nettles, I began traveling the state to work with communities and law enforcement on a number of focus-deterrence collaborative programs in conjunction with our enforcement footprint. I had the privilege of leading roll call trainings for local police departments and sheriff's offices across the state as well as participating in many community meetings in an effort to work together to secure our communities.
- (d) Supervisory Assistant United States Attorney, Greenville office, October 2015-present: As the Supervisory AUSA in Greenville, I supervised and worked alongside ten federal prosecutors and eight support members. While maintaining my own caseload as well as my PSN responsibilities, I had the opportunity to ensure that our staff had the resources needed to support their cases. I also engaged with our entire courthouse family routinely—our federal judiciary, the Federal Public Defenders Office, the private bar, U.S. Probation, U.S. Marshals Service, U.S. Clerk's Office, as well as local, state, and federal law enforcement to always keep our lines of dialogue open as we all worked together albeit in our respective lanes to seek justice.
- (e) First Assistant United States Attorney, January 2017-December 2019: I was appointed to this position by then-Interim U.S. Attorney Beth Drake. Upon her US Senate confirmation in 2018, incoming US Attorney Sherri A. Lydon asked me to continue to serve in this capacity. As First Assistant, I served as the primary deputy to the US Attorney with direct supervision over our three divisions for the state (Administrative, Civil, and Criminal) which enveloped our four offices (Charleston, Columbia, Florence, and Greenville). I commuted to Columbia several days a week often making stops there before heading to Florence or Charleston to support our staff members before returning to Greenville. I served as a liaison with our federal judiciary, our federal public defenders, our state solicitors, our chiefs and sheriffs as well as our community and civic leaders. As First Assistant, I worked closely with our Administrative Officer on budget issues as well as personnel and human resources matters. I had the opportunity to work with our Civil Chief as well as our defensive and affirmative civil AUSAs in various negotiations, mediations, and settlements. In our criminal division, I maintained close contact with our Criminal Chief and Deputy Chief on numerous significant cases including civil rights, public corruption, violent crime, white collar fraud, and narcotics. In this capacity, I also served as our office's public information officer until early 2019, managing our press and media footprint within the parameters of Department of Justice guidance always with an eye towards protecting the rights of the accused and the integrity of our investigations. As First Assistant, I made it a priority to know and visit with every member of our 150-plus staff statewide. I was proud to work alongside such amazing group of public servants.
- (f) Acting United States Attorney, December 2019-March 2020: When U.S. Attorney Lydon was elevated to the US District Court in December of 2019, by virtue of the Vacancies Reform Act, I became the Acting United States Attorney. In this capacity, I assumed the position of our state's chief federal law enforcement official. I continued to work closely with our entire staff and met daily with our management team to assess our needs while also continuing to refine our strategic plan for the future to allow for a seamless transition for our next US Attorney.

The professionalism and cohesiveness of our management team and entire office allowed us, like so many entities, to pivot and remain forward leaning as our world changed in March due to COVID-19.

- (g) Executive Assistant United States Attorney, March 2020-present: Peter McCoy was directly appointed as our new US Attorney by US Attorney General Bill Barr on March 30, 2020. U.S. Attorney McCoy asked me to become his Executive Assistant United States Attorney as well as the Deputy Chief for Violent Crime for the state. I also maintained supervision of our Greenville office. As the Executive, I serve as counsel to U.S. Attorney McCoy. I also supervise our Administrative Division which is comprised of budget, IT, acquisitions, support services, and docketing. U.S. Attorney McCoy, despite entering at a very challenging time, has done an excellent job leading the US Attorney's Office.
- (h) Deputy Chief, Violent Crime, March 2020-present: As Deputy Chief, I supervise and work with our AUSAs in Charleston, Columbia, Florence, and Greenville assigned to violent crime prosecutions. In this capacity, I also manage our Project Safe Neighborhood efforts across the state. I enjoy observing our AUSAs in court, providing any support they need, and assisting with any negotiations or charging decisions. I continue to traverse the state to meet with our community members as well as our local, state, and federal law enforcement partners.

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

Civil Matters: When I served as First Assistant US Attorney and as Acting U.S. Attorney, I had the opportunity to not only supervise our Civil Division but to work closely with our civil attorneys and support team. Our Civil Division is comprised of 30 AUSAs and support staff, handling cases in a variety of areas of law including civil rights, fraud, employment discrimination, medical malpractice, bankruptcy, foreclosure, and auto torts. As First or Acting, I had settlement authority on all of our civil cases. I met weekly with members of our Affirmative and Defensive units. I reviewed settlement memorandums on many matters, facilitated meetings and negotiations with our AUSAs and counsel, and participated in a mediation with BOP counsel before US Magistrate Judge Kevin F. McDonald. Additionally, for over 10 years, I have maintained a docket of over 200 foreclosure cases, in which the United States has an interest, in state court in Greenville County. I have not appeared before a Circuit Court judge within the past five years.

Criminal Matters: As an Assistant Solicitor in Pickens County from 1998-2001, I maintained a docket of felony and misdemeanor cases to include driving offenses, property crimes, sexual assault, indecent exposure, criminal domestic violence, firearms offenses, violent crime, and narcotics offenses. I worked with victims, dealt with restitution issues, and while I tried several cases to verdict, the overwhelming majority of my cases were resolved by plea. I enjoyed working with our public defenders and private bar and appearing before our state judges and magistrates. I quickly learned to appreciate the sheer volume of our caseloads and I always endeavored to be responsive, decisive, and to make fair offers while preparing thoroughly for all cases regardless of their posture procedurally.

As a federal prosecutor for almost 19 years now, I have maintained the same approach to each case, each defendant and his or her attorney, as well as to victims, the investigating agency, and our bench. As an AUSA, our dockets are smaller than our state counterparts, but we are involved in our investigations much earlier in the process. Through the years as an AUSA, I have prepared, reviewed, or revised all pre-arrest or pre-indictment requests from agents, to include search warrants, electronic surveillance requests, and tax records inquiries, before any such documents were submitted to a federal magistrate or district court judge. While I have prosecuted and tried numerous cases involving violent individuals and members of sophisticated drug trafficking networks, I have also declined cases and had honest conversations with law enforcement officers

and agents in situations where I believed it was not in the best interest of justice to proceed. I have not appeared before a Circuit Court judge within the past five years.

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

- (a) Federal: weekly.
- (b) State: N/A. While I did not appear on cases in state court in the past five years, in my capacity as First Assistant and then Acting United States Attorney, I routinely visited state courts and Solicitor's Offices across the state.

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

- (a) Civil: 15%. In addition to maintaining a civil docket of over 200 foreclosures cases, I also handled several responses on behalf of the government to collateral motions raising challenges to convictions. As First Assistant U.S. Attorney and then Acting U.S. Attorney, I supervised our civil, criminal, and administrative divisions for the state. In the civil realm, I had settlement authority on all of our defensive and affirmative cases. I was briefed on our significant cases, worked with our AUSAs and counsel in various negotiation meetings, and had the opportunity to participate in a civil mediation in one matter.
- (b) Criminal: 60%;
- (c) Domestic: 0%;
- (d) Other: Administrative 25%. As a Supervisory Assistant United States Attorney, a First Assistant United States Attorney, Acting U.S. Attorney, Executive Assistant United States Attorney, and Deputy Chief, I engage weekly, if not daily, on various personnel, employment, human resources, and operational matters for our district.

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

- (a) Jury: 3%;
- (b) Non-jury: 97%.

Mr. Crick provided that during the past five years he most often served as multiple roles. On cases that did not go trial or were resolved by plea, I served as sole counsel. In jury trials, I served as lead or co-counsel.

The following is Mr. Crick's account of his five most significant litigated matters:

- (a) *United States v. Blair*
No. 05-4560
United States Court of Appeals for the Fourth Circuit
189 F. App'x 231 (4th Cir. July 11, 2006) (unpublished)

On February 11, 2002, Union County Deputies responded to a shots-fired call at a residence. Upon arrival, they learned from eyewitnesses that Dennis Blair had fired two shots at one of the eyewitnesses and then fled when his gun jammed and would no longer fire. Deputies processing the scene did not locate a gun but were able to recover one intact round of ammunition and one spent shell casing. In reviewing the case for federal adoption and prosecution, I learned that Blair had two prior convictions for shooting at other victims on separate occasions. Given his violent history which mirrored the alleged conduct described above, I decided to go forward without a gun in evidence—just one bullet. Prohibited individuals cannot possess firearms or ammunition under the federal statute. While our physical evidence could have been stronger, I believe this case is significant given our willingness to stay the course and to work with local and federal law

enforcement to put together a case for prosecution. Blair went to trial and was convicted for the illegal possession of one bullet. However, at trial, the government presented the whole story of Blair's actions to the jury though a gun was never recovered. Given Blair's violent criminal history, he was sentenced to 155 months in federal prison.

(b) *United States v. Hans*

No. 07-5116

United States Court of Appeals for the Fourth Circuit

332 F. App'x 116 (4th Cir. May 29, 2009) (unpublished)

Eric Hans was indicted in 2005 for Arson Resulting in Death. This was a federal death penalty case tried over the months of June and July in 2008. I was a member of the government's trial team. Hans was found guilty but avoided the death penalty. He is currently serving a life without the possibility of parole sentence. The jury found that Hans set fire to a Comfort Inn hotel in Greenville in 2004 which resulted in the deaths of six people (including a toddler) and injured a dozen others. The investigation and ultimate prosecution was a years-long effort. Hans committed the crime in 2004, was indicted in 2006, and was tried and convicted in 2007. Along with ATF agents and Johnny Gasser, who at that time was the Deputy Chief over Violent Crimes for the U.S. Attorney's Office, I travelled to multiple states to interview witnesses for both the guilt phase and in preparation for the sentencing phase. Though the investigation techniques utilized in this case were cutting-edge, this was a very tough case factual for the government in the guilt phase. I dedicated years of my practice to this case and worked alongside amazing prosecutors and talented defense counsel. This was a significant case on so many levels. As a federal death penalty case, we faced an arduous road from jury selection, into the guilt phase, and finally, the sentencing phase. It required great organizational skills for our droves of exhibits as well as efficient writing skills and strong advocacy during all phases of the trial. I marveled at the strength, courage, and patience of the surviving victims and the families of the deceased victims. The jury deliberated for over eight hours and I believe justice was served.

(c) *United States v. Swain*

No. 09-4089

United States Court of Appeals for the Fourth Circuit

397 F. App'x 893 (4th Cir. October 15, 2010) (unpublished)

I worked with local law enforcement as well the ATF across multiple counties in South Carolina putting together the investigation which ultimately led to a jury trial in 2008 in this case. From 2006 through early March of 2007, Swain, while armed with a handgun, robbed five Sally Beauty Supply Stores across the upstate. In each robbery, Swain would distract an employee before brandishing his firearm and demanding money from the store safe. In each robbery, Swain would take an employee's identification or driver's license and threaten to come back and kill the employee if they reported him to the police. Law enforcement followed a tip from out of state and worked with the United States Marshals to locate Swain in Greenville. During a search warrant of Swain's residence, law enforcement recovered numerous pieces of incriminating evidence to include directions to Sally Beauty Supply stores, ammunition, and an employees' driver license that had been taken in another robbery that occurred in North Carolina. Despite providing post-Miranda admissions to multiple law enforcement officers, Swain declined the government's plea offer and proceeded to trial. Swain was convicted on all twelve counts. Then-U.S. District Court Judge Henry F. Floyd sentenced Swain to 1494 months in federal prison. Swain's crimes were committed across several local jurisdictions. This was a significant case given the number of victims who faced Swain's gun and threats of retribution as well of the number of law enforcement agencies across several counties investigating this robbery spree. I was fortunate to travel to those counties, meet

with all of the victims, and coordinate with all of the local law enforcement to present this as one consolidated federal case as opposed to numerous trials in several state judicial circuits.

(d) *United States v. Martinez*

No. 14-4962

United States Court of Appeals for the Fourth Circuit

657 F. App'x 157 (4th Cir. July 29, 2016) (unpublished)

Beginning in early 2012, agents and task force officers with the DEA in Greenville, began investigating an upstate-based methamphetamine distribution network that was being sourced with pounds of methamphetamine from individuals in the Atlanta-area. Ultimately, over a two-year investigation and some seven superseding indictments, twenty-seven defendants were indicted in the conspiracy, with twenty-five entering guilty pleas. Jesus Buruca-Martinez and Daniel Rodriguez went to trial in September of 2014. I tried this case with then-Assistant United States Attorney Andrew B. Moorman, Sr.

The investigation revealed that two members of this conspiracy, Dustin Tiller and Nicanor Perez-Rodriguez, both inmates in the South Carolina Department of Corrections at the time, contacted members of their families on the outside to arrange for methamphetamine to be transported from Georgia into South Carolina for further distribution. After identifying Daniel Rodriguez as a Georgia-based member of the conspiracy who was making frequent trips to South Carolina to bring methamphetamine as well as collect drug proceeds, members of the Anderson County Sheriff's Office and Anderson City Police Department were able to establish surveillance on Rodriguez, on Sunday, August 5, 2012, as Rodriguez met with other members of this conspiracy, to include Jesus Buruca-Martinez, in the parking lot of a restaurant, located off of Exit 19, Interstate 85, in Anderson County.

Agents then maintained surveillance on Rodriguez and Buruca-Martinez as they traveled in tandem, both driving separate vehicles, to a residence in Belton, South Carolina. Maintaining surveillance on the Belton residence, agents observed Buruca-Martinez leave the residence, followed by Rodriguez's departure some twenty minutes later. Traffic stops were conducted on both vehicles and law enforcement seized \$20,240 in cash from Buruca-Martinez.

Following the execution of a federal search warrant at the Belton residence and the arrest of Rodriguez, Buruca-Martinez, and others, that evening, agents reviewed a home surveillance system seized in the search. The surveillance system had an operational camera imaging the living room of the residence, attached to a digital video recording (DVR) system. In reviewing the images on the DVR, which dated back some two weeks from the incident date, agents observed Rodriguez arriving at the residence on two previous occasions in July 2012.

Regarding the activity inside the residence on August 5, 2012, a review of the video revealed Rodriguez, Buruca-Martinez, and third co-conspirator, who rode with Rodriguez that day from Georgia, counting, for several minutes, over \$20,000 in cash. Witnesses testified that this cash was partial payment applied to the overall drug debt owed to Rodriguez and others for pounds of methamphetamine previously provided on consignment. As the money count concluded, the video showed Buruca-Martinez bundling two cash parcels, placing one in each cargo short pocket, and exiting the residence, ultimately heading south on Interstate 85 before he was stopped by law enforcement. After the jury returned guilty verdicts, Rodriguez was sentenced to 155 months in federal prison while Buruca-Martinez received 120 months. This case was significant given its sheer breadth and complexity. This conspiracy spanned into multiple states and even behind the walls of the South Carolina Department of Corrections.

(e) *United States v. Nash*

No. 17-4603

United States Court of Appeals for the Fourth Circuit

739 F. App'x 762 (4th Cir. June 29, 2018) (unpublished)

In the early morning hours of March 22, 2016, Carlton Nash, armed with a handgun, forced entry in a failed attempt at a home invasion of a residence in Greenville. Though Nash discharged his weapon upon entry, the occupants of the residence fought back, ultimately causing Nash to flee. Nash left behind the mask he was wearing as well as his firearm. Nash was arrested several weeks later and was indicted on federal firearms charges in April of 2016. The forensic evidence played a crucial role in this case as investigators were able to recover Nash's DNA from the discarded mask. Nash declined the government's offer to enter a plea and proceed to trial. Nash was convicted and later sentenced in September of 2017 by U.S. District Court Judge Timothy M. Cain to 310 months in federal prison. This case, in addition to violent nature of the defendant's acts, was significant due the amount of trial and witness preparation involved. The government's witnesses were challenging and less than cooperative. I exercised great caution and thoroughness in assessing their credibility alongside our physical evidence and maintained that posture when I examined the witnesses in question. I tried this case with Assistant United States Attorney Bill Watkins.

Mr. Crick reported that he has not personally handled any civil appeals. Mr. Crick added: My primary civil litigation has been in the context of habeas motions filed under 28 U.S.C. 2255. District court orders on 2255 motions are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. 2253(c)(1). A prisoner cannot meet the threshold for issuance of a certificate of appealability unless he or she demonstrates that reasonable jurists would find any assessment of the constitutional claims by the district court is debatable or wrong and any dispositive procedural ruling by the district court is likewise debatable. *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Given this high bar to appealing district court orders on 2255 motions, I have not had the opportunity to litigate any civil habeas case on appeal.

The following is Mr. Crick's account of five criminal appeals he has personally handled:

(a) *United States v. Crenshaw*

No. 17-4620

United States Court of Appeals for the Fourth Circuit

721 F. App'x 312 (4th Cir. May 9, 2018) (unpublished)

(b) *United States v. Camp*

No. 16-4668

United States Court of Appeals for the Fourth Circuit

716 F. App'x 229 (4th Cir. Mar. 29, 2018) (unpublished)

(c) *United States v. Martinez*

No. 14-4962

United States Court of Appeals for the Fourth Circuit

657 F. App'x 157 (4th Cir. July 29, 2016) (unpublished)

(d) *United States v. Jackson*

No. 13-4361

United States Court of Appeals for the Fourth Circuit

543 F. App'x 323 (4th Cir. Oct. 21, 2013) (unpublished)

(e) *United States v. Frost*
No. 10-4938
United States Court of Appeals for the Fourth Circuit
446 F. App'x 594 (4th Cir. Sept. 20, 2011) (unpublished)

(9) **Judicial Temperament:**
The Commission believes that Mr. Crick's temperament would be excellent.

(10) **Miscellaneous:**
The Upstate Citizens Committee on Judicial Qualification found Mr. Crick 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee did not have any related comments.

Mr. Crick is married to Cindy Smith Crick. He has one child.

Mr. Crick reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) Greenville County Bar Association; CLE Co-Chair, 2015; CLE Chair 2016-2018; Treasurer, 2018; Secretary, 2019; Vice-President, 2020
- (c) Federal Bar Association, South Carolina Chapter; board member, 2018-present
- (d) Federalist Society, 2018-present
- (e) Greenville Bar Pro Bono Foundation; board member, 2019-present

Mr. Crick provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Mauldin Recreation, 2018, youth basketball coach
- (b) Knollwood Foundation, 2014-present, board member
- (c) South Carolina YMCA Youth in Government/Teen Services Board of Directors, 2014-2016
- (d) Wofford College Alumni Executive Committee, 2011-2013
- (e) Main Building Restoration Project, Wofford College, 2005-2009

Mr. Crick further reported:

I grew up in Mauldin, South Carolina. My parents did not have college educations but sacrificed mightily over many years to allow my older sister, my younger brother, and me to pursue college educations and advanced degrees. We were raised to treat all people fairly at all times. My parents worked hard and expected the same from their kids. My Dad has always remarked about me that I've never met a stranger. I truly enjoy getting to know people, exchanging ideas and perspectives, and learning from others every day. I believe as a person, much less a prosecutor, and certainly as a judicial candidate, we should strive daily to always get it right.

Over the last 30 years, I have been the beneficiary of mentorship. I will never forget then-Family Court Judge John Kittredge allowing me to observe his courtroom the summer before I left for college. Then-Judge Kittredge introduced me to everyone in his courtroom and taught me so much about fairness and integrity. In college, I worked for now Spartanburg City Magistrate Judge Charlie Jones and his law partners at the time. Judge Jones showed me another side of the law, a small practice helping defend folks from all walks of life and greeting each client with a smile and true willingness to hear their concerns and advance their own pursuit of justice. Through law

school, I clerked for then-Fifth Circuit Deputy Solicitor Johnny Gasser and saw one of our very best prosecutors try cases with so many respected members of the South Carolina Bar. I saw the compassion that Johnny had for so many victims and the respect he held for law enforcement while never failing to hold them accountable and always do the right thing. As I forged a path as an Assistant Solicitor and Assistant U.S. Attorney, these mentors and experiences shaped my approach to case work. We are so fortunate to have a professional and collegial bar in South Carolina, to always advocate for our respective entities and clients, and to be friends and colleagues all the while.

I revere and hold sacred our profession as well as the rule of law. I will always endeavor to be fair and friendly as my mentors and fellow members of the bar and our communities should receive nothing less. As such, it is truly a great honor to be considered for a position on the Circuit Court.

(11) **Commission Members' Comments:**

The Commission commented that Mr. Crick is a credit to the Bar and has a great reputation among his peers. He would make an excellent Circuit Court judge.

(12) **Conclusion:**

The Commission found Mr. Crick qualified, and nominated him for election to Circuit Court, Thirteenth Judicial Circuit, Seat 3.

Patrick C. Fant III
Circuit Court, Thirteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Mr. Fant was born in 1965. He is 55 years old and a resident of Greenville, South Carolina. Mr. Fant 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 Mr. Fant.

Mr. Fant 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. Fant reported that he has made \$415.52 in campaign expenditures for printing/stationary and postage.

Mr. Fant 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. Fant 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. Fant to be intelligent and knowledgeable.

Mr. Fant reported that he has taught the following law-related courses: CLE- Defective Machinery in Workplace (5/2000).

Mr. Fant reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Fant did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Fant did not indicate any evidence of a troubled financial status. Mr. Fant has handled his financial affairs responsibly.

The Commission also noted that Mr. Fant 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. Fant reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Frant reported that his rating by a legal rating organization, Greenville Business Journal Workers' Compensation Defense, is Legal Elite, 2018, 2020.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Fant was admitted to the South Carolina Bar in 1991.

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

- (a) Law Clerk Honorable C. Victor Pyle
305 E. North St., Ste. 118
Greenville, SC 29602 1991-1992
- (b) Associate Ellis Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia, SC 29202 1992-1996
Practiced Workers' Compensation Law
Tried 3 Civil Jury Trials with Partner
- (c) Associate Haynsworth, Baldwin, Johnson & Greaves
P.O. Box 2757
Greenville, SC 29602 1996-2000
Head of Workers' Compensation Law
- (d) Shareholder Fant Law Firm, P.A.

P.O. Box 5366
Greenville, SC 29606 2000-2002
Practiced Workers' Compensation Law

(e) Shareholder Fant & Gilbert Law Firm, P.A.
P.O. Box 5366
Greenville, SC 29606 2002-2009
Practiced Workers' Compensation Law
Certified Mediator

(f) Shareholder Fant Law, P.A.
P.O. Box 5366
Greenville, SC 29606 2009-Present
Practiced Workers' Compensation Law
Certified Mediator

Mr. Fant further reported regarding his experience with the Circuit Court practice area: When I was an associate with Ellis, Lawhorne & Sims (formerly Nauful & Ellis) I tried 3 separate jury trials with a partner. Two of those jury trials involved defending insurance carriers in a personal injury (MVA) case. The third trial was a bailment case. These cases were tried before Judge Gary Clary, Judge Stephens, and Judge Costa M. Pleicones, respectively. I also had the privilege of being a law clerk for the Honorable C. Victor Pyle and observed civil and criminal trials for one year. Workers' Compensation appeals have allowed me to argue non-jury appeals before the Circuit Court prior to July 1, 2007. I have also had the opportunity to try many Workers' Compensation cases. These are evidentiary hearings and involve direct and cross-examination of witnesses. Workers' Compensation also involves medical issues/causation which is an aspect of personal injury/medical malpractice claims in the civil court. I have also served as a mediator for both civil and workers' compensation matters

I read the Advanced Sheets to try and keep up with criminal and civil law. I recently attended the Criminal Law Breakout session for the Greenville County Bar "Year End" CLE.

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

(a) Federal: 0;
(b) State: 0

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

(a) Civil: 0%;
(b) Criminal: 0%;
(c) Domestic: 0%;
(d) Other: Workers' Compensation Defense (85%), Mediator-civil and workers' compensation matters (15%).

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

(a) Jury: 0%;
(b) Non-jury: 0%.

Mr. Fant provided that during the past five years he most often served as sole counsel. Workers' Compensation Defense- sole counsel.

The following is Mr. Fant's account of his most significant litigated matters:

Numerous cases before the Workers' Compensation Commission (state agency). These cases ranges from simple permanency cases to complex brain injury cases. I have argued numerous Workers' Compensation appeals before the Circuit Court prior to July 1, 2007. I have not appealed any cases, except one, to the Court of Appeals. This settled and was never briefed.

Mr. Fant reported he has not personally handled any civil or criminal appeals.

Mr. Fant further reported the following regarding unsuccessful candidacies:
Withdrew from Judicial (Resident Circuit Judge) 2008.

(9) Judicial Temperament:

The Commission believes that Mr. Fant's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Mr. Fant. "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Upstate Citizens Committee gave no summary comment.

Mr. Fant is married to Jennifer Bray Fant. He has three children.

Mr. Fant reported that he was a member of the following Bar and professional associations:

- (a) SCDTAA
- (b) South Carolina Bar Association
- (c) Workers' Compensation Committee Section Member (2006-2008)
- (d) Professional Responsibility Committee (Previously served)
- (e) Ethics Advisory Committee (Previously served)
- (f) Greenville County Bar

Mr. Fant provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Downtown Presbyterian Church (Elder)
- (b) Commission on Judicial Conduct (Appointed 2018)
- (c) Poinsett Club
- (d) The Cottillion
- (e) The Terrier Club (President)(2012-2014)
- (f) Upstate Volunteer Mediation Center (Board 2013-2020)(and served as Volunteer Mediator)

Mr. Fant further reported:

I would love the opportunity to be a public servant. Serving in this capacity has been on my heart for a long time. I believe my life, and practice of law, have been characterized by adherence to high ethical principles. I have a solid work ethic, including the exercise of self-discipline in my practice of law. I hope that I am seen as a man of integrity who is trustworthy. I am patient, open minded, compassionate, and try my best to be humble. I would be objective and impartial, just as I am as a Certified Mediator. I think the members of the Bar with whom I practice would have no doubt that I have the temperament required to be a judicial officer. While my practice has been primarily focused on workers' compensation defense, and not before the Circuit Court (except for appeals), I have the utmost confidence that I would serve South Carolina well as a trial judge. This has provided me a wealth of experience involving discovery, litigation, constant interaction with other attorneys due to volume of workers' compensation cases, and the ability to negotiate.

(11) Commission Members' Comments:

The Commission commented that Mr. Fant has demonstrated an impressive intellect with a diligent work ethic that will serve him on the bench. He also maintains an excellent reputation among his peers.

(12) Conclusion:

The Commission found Mr. Fant qualified, and nominated him for election to Circuit Court, Thirteenth Judicial Circuit, Seat 3.

G. D. Morgan Jr.
Circuit Court, Thirteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Mr. Morgan was born in 1960. He is 60 years old and a resident of Greenville, South Carolina. Mr. Morgan 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 any evidence of unethical conduct by Mr. Morgan.

Mr. Morgan 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. Morgan reported that he has made \$1,131.34 in campaign expenditures for stamps, envelopes and letterhead, and a photo card.

Mr. Morgan 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. Morgan 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. Morgan to be intelligent and knowledgeable.

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

- (a) I spoke at the South Carolina Paralegals Association in 2012
- (b) I participated in the ABOTA Masters in Trial in 2016
- (c) I spoke and presented at the South Carolina Paralegals Association in 2019

Mr. Morgan reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Morgan did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Morgan did not indicate any evidence of a troubled financial status. Mr. Morgan has handled his financial affairs responsibly.

The Commission also noted that Mr. Morgan 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. Morgan reported that his rating by a legal rating organization, Martindale-Hubbell, is AV. Mr. Morgan also reported that he is rated by Best Lawyers.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Morgan was admitted to the South Carolina Bar in 1985.

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

- a) McCutchen, Blanton, Rhodes & Johnson, 1985-2001
- b) McAngus, Goudelock & Courie, LLC, 2001-present

I have had a very busy trial practice for 35 years in both firms. I mainly handle the defense of personal injury cases, civil arson and insurance fraud, bad faith, products liability, trucking, health care, premises liability, insurance coverage, contract, and business litigation. I have also represented plaintiffs in personal injury and property damage cases. I have handled and tried many cases to verdict in both state and federal court.

I have been in the Greenville office of McAngus, Goudelock & Courie since 2006 and have managed the office all 14 years. We currently have a total of 58 employees.

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

I have been a trial lawyer in the courtroom for 35 years, and have tried an estimated 70-80 civil jury trials to verdict in both state and federal court. I have tried an additional estimated 10 civil non-jury trials and have argued cases in the South Carolina Supreme Court, the South Carolina Court of Appeals and the Fourth Circuit Court of Appeals. I have argued probably close to 300 motions in state and federal court and have taken over 1000 depositions. I have been involved in over 100 mediations as primary counsel. I have tried cases all over the entire state and have appeared in every single state courthouse in the state. I have tried workers compensation cases as

well as domestic and probate cases early in my career. Although, I do not handle criminal cases at this time, I did handle minor criminal cases many years ago at the beginning of my career. As noted in #10 above, I mainly handle the defense of personal injury cases, products liability, civil arson and insurance fraud, bad faith, premises liability, health care, insurance coverage and trucking. I have also handled cases for the plaintiff as well. With mediation, the number of jury trials in civil court has diminished over the last 5 years, but I still seem to be able to appear before a Circuit Court judge a couple of times a month for motions or trial.

Although, I handle mainly civil cases, my experience of 35 years in the courtroom has prepared me for both civil and criminal cases as a judge. A significant amount of rulings in both criminal and civil cases are evidentiary, and although there are some differences in criminal cases, such as Rule 404 character/propensity evidence, the issues that normally arise are similar. In addition to evidentiary issues, a judge has to be familiar with the courtroom dynamics and be able to handle juries, witnesses, lawyers, and parties in both criminal and civil cases. I believe my courtroom experience for all of these years will allow me to handle criminal cases as effectively as civil cases. I've been around the block.

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

- (a) Federal: once every 5 months;
- (b) State: twice a month.

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

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

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

- (a) Jury: 15%;
- (b) Non-jury: 5%.

Mr. Morgan provided that during the past five years he most often served as sole counsel.

The following is Mr. Morgan's account of his five most significant litigated matters:

- (a) *Ridgeway v McLean Trucking*-This case involved a tragic accident on I-95 involving the deaths of two people with several other people injured when a tractor-trailer collided with a van full of family members on the way to see their son/brother graduate from Paris Island. I represented the defendant trucking company who was alleged to have caused the accident and was fortunate to win the case. What makes it significant for me is that I tried the case by myself and I had only been out of law school for maybe 5 years at the time. The case was tried in a very plaintiff friendly venue and against a well known plaintiff's law firm.
- (b) *Strange v Mitchum*-I represented the defendant in an automobile accident case involving a death and brain damage injuries. The plaintiff and other co-defendants were pointing the fingers against my client and all attorneys were well known plaintiff and defense attorneys. I received a defense verdict after a week long trial.
- (c) *Batson v Comfort Air*-I represented the plaintiff, whose home was damaged by fire, and received a large verdict, which I was told at the time was one of the largest in that county. It was a tough liability argument and I was offered only \$5000 to settle before trial. We had no choice but to try the case.

- (d) *Jones v Winn-Dixie of Greenville*-I represented the plaintiff and received a significant verdict. It was significant because of the verdict amount, after being offered a low amount to settle, and we also established some law on election of remedies on appeal.
- (e) *Gurganious v. Hudson*-I represented the defendant in this wrongful death automobile accident where a young man tragically died. His estate brought an action against my client for the death. What made it significant to me is that I won the case despite the facts stacked against my client, namely that the plaintiff's fiancé was in the car behind the plaintiff and witnessed the accident, it was Christmas Day, they were on their way to visit his ill mother, and there were allegations of drinking and speeding on the part of my client.

The following is Mr. Morgan's account of five civil appeals he has personally handled:

- (a) *Willie Jones v. Winn-Dixie Greenville*, 318 S.C.171, 456 S.E.2d 425 (Ct. of App. 1995)
- (b) *Auto-Owners Ins. Co. v. Carl Brazell Builders, Inc.* 356 S.C. 156, 588 S.E. 2d 112 (2003)
- (c) *Frankie Barber v Whirlpool Corporation* 34 F3d 1268 (4th Cir. 1994)
- (d) *Nancy M. Taylor v Lowe's Home Centers*, Opinion No. 18-1435, February 6, 2019, unpublished, United States Court of Appeals for the Fourth Circuit
- (e) *Auto-Owners Ins. Co. v. Essex Homes Southeast* 136 Fed. Appx. 590 (4th Cir. 2005)

Mr. Morgan reported he has not personally handled any criminal appeals.

Mr. Morgan reported that he has not held judicial office.

(9) **Judicial Temperament:**

The Commission believes that Mr. Morgan's temperament would be excellent.

(10) **Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Mr. Morgan 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee made the following summary statement: "Mr. Morgan is very well respected amongst the Bar, statewide, and his community. His demeanor is exactly what one looks for in a judicial candidate."

Mr. Morgan is married to Julia Davidson Morgan. He has two children.

Mr. Morgan reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association-1985-present
- (b) American Board of Trial Advocates (ABOTA)
- (c) South Carolina Defense Trial Attorneys Association-1986-present
- (d) Federation of Defense and Corporate Counsel (FDCC)-2001-present

Mr. Morgan provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

Formerly a longtime member of both the Forest Acres and Vista Rotary clubs

Mr. Morgan further reported:

I really believe my life experiences the past 60 years and my 35 years as a lawyer have prepared me for the bench if I am fortunate to be elected as a judge. I started out with a small firm in Columbia and practiced there for the first half of my career. In those early years, I not only had an active trial practice, but I handled a variety of legal matters including preparing wills, closing real

estate loans, domestic litigation and giving legal advice to clients who just walked in the door. It gave me a good foundation in the law and helped me to get to where I am today and will play a role on the bench. It exposed me to different areas in the practice of law and helped me deal with all kinds of people and situations, and to develop longstanding relationships with lawyers and judges across the entire state. While practicing those years in Columbia, it allowed me to handle cases in the Midlands, the Pee Dee and up and down the Coast. The second part of my career led me back to Greenville where I was born and raised, and I have handled and tried numerous cases in the Upstate. As a result, I have been very lucky to have had a statewide practice and continue to do so today. Although I have tried cases in both state and federal court, the majority of my practice has been in the state courts of South Carolina. The state courts are where I have spent my time and developed the relationships with both the bench and bar across the entire state, as well as being around the people in the communities who serve on juries. And I have been fortunate to appear in every state courthouse in the state over the past 35 years. Based on all of these life and legal experiences, I am confident it will enable me to be a well rounded judge in our state.

(11) **Commission Members' Comments:**

The Commission commented that Mr. Morgan has an outstanding reputation as an attorney with robust trial experience, intelligence, and proper temperament.

(12) **Conclusion:**

The Commission found Mr. Morgan qualified and nominated him for election to the Circuit Court, Thirteenth Judicial Circuit, Seat 3.

Robert Bonds
Circuit Court, Fourteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Mr. Bonds was born in 1963. He is 57 years old and a resident of Walterboro, South Carolina. Mr. Bonds 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 Mr. Bonds.

Mr. Bonds 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. Bonds reported that he has not made any campaign expenditures.

Mr. Bonds 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. Bonds 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. Bonds to be intelligent and knowledgeable.

Mr. Bonds reported that he has not taught or lectured at any Bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Bonds reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Bonds did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Bonds did not indicate any evidence of a troubled financial status. Mr. Bonds has handled his financial affairs responsibly.

The Commission also noted that Mr. Bonds 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. Bonds reported that his rating by a legal rating organization, Martindale-Hubbell, is BV. Mr. Bonds reported that he is listed in The National Trial Lawyers Top 100: Criminal Defense Attorney.

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

Mr. Bonds reported that he has held the following public office:

(a) Walterboro City Council from 2011-2019.

(b) I was notified by the Ethics Commission in July 2011 that I had not timely filed my pre-election campaign disclosure. I was notified again in 2015 that I had not timely filed my pre-election campaign disclosure. Both times, upon reviewing my online account, the information had been entered and saved but not submitted. I immediately submitted the information and both times paid the One Hundred Dollar fine.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Bonds was admitted to the South Carolina Bar in 1990.

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

(a) 1990-1995 Bogoslow and Jones Attorneys at Law: Associate attorney at an insurance defense firm located in Walterboro. Handled all aspects of cases from intake through trial. Cases included among others, auto accident defense, defense of governmental entities sued pursuant to the State Tort Claims Act and alleged 42 USC § 1983 violations. Tried cases in both State and Federal Courts. Served as the Town Attorney for the Town of Cottageville.

- (b) 1995-1996 Bonds and Wilkerson, LLC. Partner in the firm that focused on personal injury and criminal defense. I oversaw all operations of the firm to include management of the staff and monitoring both operating and trust accounts.
- (c) 1996-1998 Robert J. Bonds, Attorney at Law. Sole practitioner handling personal injury and criminal defense cases. I oversaw all operations of the firm to include administrative and financial management.
- (d) 1998-2000 John R. Hetrick, Attorney at the Law. Associate attorney at the firm. I handled primarily personal injury and criminal defense cases. I assisted in all aspects of the administrative and financial management of the firm, including the trust account.
- (e) 2000-Present – Hetrick, Harvin and Bonds, LLC. Partner in the firm handling personal injury matters including auto accident cases, nursing home negligence, and defective product cases. I also handle criminal defense cases ranging from minor traffic violations to major felonies. I oversee all operations of the firm to include administrative management and monitoring all firm accounts.

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

Criminal Experience:

Over the past five years, I have represented at least one hundred defendants accused of crimes from minor traffic violations to complex cases involving attempted murder, criminal sexual conduct, trafficking in various narcotics, burglary first degree, grand larceny and kidnapping just to name a few.

State of South Carolina v. Emmanuel Buckner, 2016-GS-15-00828, was a recent case that was tried to verdict. The Defendant was charged with failure to stop for blue light and possession of cocaine. The legal issues that arose in this case included warrantless searches of automobiles, and improper inventory searches of automobiles by the Sheriff's Department.

State of South Carolina v. Robert Wayne Eaves, 2017-GS-15-01034, was recently tried to verdict. The Defendant was charged with criminal sexual conduct with a minor under eleven years of age. One of many legal issues that arose was the State's use of an expert witness to possibly bolster the minor's testimony. Appropriate motions were made before and during the trial to exclude such testimony.

State of South Carolina v. Ryan Langdale, 2018-GS-15-00879 and 2018-GS-15-881 I represent Ryan Langdale, Defendant, who has been charged with attempted murder and possession of a weapon during a violent crime. The legal issues that have arisen center around self-defense, the castle doctrine and recently enacted stand your ground legislation.

Civil Experience:

Over my twenty nine years as a lawyer, I have represented over a thousand individuals in civil matters. I have represented plaintiffs and defendants in civil cases to a verdict in Colleton, Hampton and Jasper Counties, and represented Plaintiffs in civil cases to a verdict in Allendale, Aiken and Lexington Counties. Within the past five years, I have handled automobile accident cases, premises liability cases, bad faith cases, breach of contract cases, nursing home negligence cases and medical malpractice cases. With the advent of mediation, I find that most civil cases settle before trial. I have not tried a case in Common Pleas in the past five years.

Ridge Williams v. Cedarwood Apartments Ltd., 2015-CP-18-00131. I represented the plaintiff who was seriously injured at an apartment complex by a drive-by shooter. It was our contention that the apartment complex was negligent in failing to provide adequate security to protect their residents and guests. A settlement was reached shortly after mediation.

Dietrich Davis v. Nationwide Affinity Insurance Company of America, 2016-CP-15-01465. I represented the plaintiff whose vehicle was damaged in a single car accident. Despite the plaintiff having comprehensive and collision insurance, the defendant refused to pay for the client's property damage. We filed suit alleging bad faith and breach of contract by the defendant. After extensive discovery, a confidential settlement was reached.

Adrienne Lemon, Sr. v. Sheriff's Department of Sumter County, c/a no. 3:10-CV-2758-JFA. In this Federal Court case, I represented the plaintiff who was stopped by a deputy and in the course of a pat down was forced to remove his pants in public. Suit was filed against the Sumter County Sheriff's Department alleging a violation of the Plaintiff's civil rights. Shortly before trial a settlement was reached.

Over the past five years, I have appeared before a Circuit Court judge at almost every term of court in Colleton County.

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

- (a) Federal: In the past six months I have made two appearances in Federal Court. Both times involving setting and modification of bond for two separate client's that I am presently representing.
- (b) State: In the past five years, I have appeared in General Sessions and Common Pleas Court at least fifty different times.

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

- (a) Civil: 65 %;
- (b) Criminal: 30 %;
- (c) Domestic: 0 %;
- (d) Other: 5 %.

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

- (a) Jury: 95%;
- (b) Non-jury: 5%.

Mr. Bonds provided that during the past five years he most often served as lead counsel or co-counsel.

The following is Mr. Bond's account of his five most significant litigated matters:

- (a) *Branham v. Ford Motor Co.*, 390 S.C. 203, 701 S.E.2d 5 (2012). Jessie Branham, III, sustained a traumatic brain injury when he was ejected from a Ford Bronco II that overturned. This products liability case was vigorously defended. Dozens of depositions were taken by each side including numerous experts. The case was tried and a thirty one million dollar verdict was returned. The defense appealed and the South Carolina Supreme Court reversed and remanded the case. This case is significant to me not only because it redefined product liability law in the State of South Carolina, but because of the relationship I developed with the plaintiff and still have to this day.
- (b) *State v. Jamie Mizzel and Jimmy Allen "Tootie" Mizzel*, 349 S.C. 326, 563 S.E.2d_315 (2002). I represented Tootie Mizzel who was charged with first degree burglary, grand larceny and possession of a firearm during the commission of a violent crime. During the trial, the presiding judge did not allow me to question a state's witness, who was charged with the same crimes as my client and was testifying without a plea deal, about the potential sentence he could receive if found guilty. The case was appealed to the South Carolina Court of Appeals and was affirmed and then reversed by the South Carolina Supreme Court. What struck me the most about this case was that

my client had already served his sentence by the time the case was ultimately overturned by the South Carolina Supreme Court.

- (c) *Joy Linder v. Princess Breland*, 1992-CP-15-00651. I represented the defendant, Ms. Breland, who was sued for rear ending the plaintiff's vehicle. The plaintiff was young and was assigned a 20% whole person impairment rating. The jury returned a defense verdict. My client was thrilled. For years Ms. Breland would bring cakes and cookies to my office. This case is significant to me because it is one of the first cases that I tried and one of the first that involved an expert video deposition for use at trial.
- (d) *Bobby Lyons v. James Williams, Jr., et al*, 2008-CP-15-01027. I represented Bobby Lyons, the Plaintiff, whose vehicle was struck by the Defendant when she turned directly in front of him. Mr. Lyons sustained numerous injuries to his neck and back and lost significant time from work. The defense in this case hired a medical expert whose video deposition was taken for use at trial. The expert opined that my client's injuries were not related to the automobile collision. The defense also hired an expert economist whose deposition was taken. This expert opined that the general down turn in the economy accounted for my client's lost wages. The jury returned a substantial verdict far exceeding what we had asked for. A separate direct claim was filed against one of the insurance carriers which resulted in a confidential settlement. This case is significant to me because the jury recognized the physical and financial impact the injuries had on my client and returned a significant verdict for him. It is the largest verdict that I have received to date.

Mr. Bonds reported that he has not personally handled any civil appeals. I have not personally handled any civil appeals. I have however, reviewed documents and provided input in the appeal of *Branham v. Ford Motor Co.* 390 S.C. 203 701 S.E.2d 5 (2012).

The following is Mr. Bonds's account of the criminal appeal he has personally handled: *State v. Boozer*, 2014-CP-15-00804. State appealed the Municipal Judge's dismissal of a driving under the influence charge.

(9) **Judicial Temperament:**

The Commission believes that Mr. Bonds' temperament would be excellent.

(10) **Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Mr. Bonds 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Lowcountry Citizens Committee also commented, "Broad experience in civil and criminal work, natural judicial demeanor, history of public service, gets along with everyone (including opposing attorneys), great foundation."

Mr. Bonds is married to Harriet Anne Ashby. He has three children.

Mr. Bonds reported that he was a member of the following Bar and professional associations:

- (a) Colleton County Bar Association. 1990-present.
- (b) South Carolina Bar House of Delegates. Served two terms approximately ten years ago.
- (c) South Carolina Defense Lawyers Association, Past member 1990-1995.
- (d) South Carolina Association for Justice. 2010-present.
- (e) American Association for Justice. 2012-2015.

Mr. Bonds provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Walterboro Rotary Club – President 2020
- (b) Walterboro Elks Lodge
- (c) University of North Carolina Educational Foundation
- (d) Edisto Island Yacht Club
- (e) Best Elected Public Official 2012-2013, Press and Standard Readers Choice Award.
- (f) Best Attorney 2012-2013, Press and Standard Readers Choice Award.
- (g) Lowcountry Council of Governments 2011-2019, chairman 2018-2019.

Mr. Bonds further reported:

I have lived and worked in Walterboro, South Carolina for over twenty-nine years. I have raised my family, attended church, coached ball teams and held public office in those years. I have practiced law in Walterboro as a civil defense attorney and as a civil plaintiff's attorney. I have managed law offices, as well as a large volume of diverse cases for many different clients. I have tried civil jury cases to verdict in four of the five counties of the Fourteenth Judicial Circuit and have represented criminal defendants in both simple and complex cases. I know and understand the people of this circuit, and I understand the issues and problems litigants and attorney face in this circuit. I believe these experiences make me uniquely qualified to face the challenges presented to a Fourteenth Judicial Circuit Court Judge.

(11) **Commission Members' Comments:**

The Commission commented that Mr. Bonds has an excellent reputation and a wealth of experience in many areas of the law that will go a long way towards serving on the circuit court bench.

(12) **Conclusion:**

The Commission found Mr. Bonds qualified, and nominated him for election to Circuit Court, Fourteenth Judicial Circuit, Seat 1.

Tameaka A. Legette
Circuit Court, Fourteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Ms. Legette was born in 1975. She is 45 years old and a resident of Ruffin, South Carolina. Ms. Legette 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 2002.

(2) **Ethical Fitness:**

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Legette.

Ms. Legette 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. Legette reported that she has made \$966.95 in campaign expenditures for postage, masks, documents, stationary and name tags.

Ms. Legette 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. Legette 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. Legette to be intelligent and knowledgeable.

Ms. Legette reported that she has taught or lectured at the following Bar association conferences, educational institutions, or continuing legal or judicial education programs:

- (a) I lectured on Direct Examination at the 2016 Prosecution Bootcamp.
- (b) I lectured on Rule 5 Discovery and Ethics at the 2016 Domestic Violence Prosecution Bootcamp.
- (c) I lectured on Domestic Violence and Criminal Sexual Conduct at the July 2017 SANE/SART Sexual Assault Nurse Examiner / Sexual Assault Response Team Adult and Adolescent Course.
- (d) I was a guest lecturer on Criminal Law at South Carolina State University in 2019.
- (e) I have participated in numerous Career Day Programs at various schools in the Fourteenth Judicial Circuit. During these lectures, I spoke to students regarding the topics of attending law school and other law related issues.
- (f) I have been a guest speaker at Domestic Violence as well as Crime Victims' Rights Week Vigils.

Ms. Legette reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Legette did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Legette did not indicate any evidence of a troubled financial status. Ms. Legette has handled her financial affairs responsibly.

The Commission also noted that Ms. Legette 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. Legette reported that she has not been rated by any legal rating organization.

Ms. Legette reported that she has not served in the military.

Ms. Legette reported that she has held the following public office:

I have been appointed to work as an Assistant Solicitor in the Fourteenth Judicial Circuit Solicitor's office continuously since 2002 to date.

I am not required to file such a report with the State Ethics Commission

(6) Physical Health:

Ms. Legette appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Legette appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Legette was admitted to the South Carolina Bar in 2002.

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

Fourteenth Judicial Circuit Solicitor's Office – Allendale, Beaufort, Colleton, Hampton, Jasper, South Carolina

(a) Assistant Solicitor, August 2002 – 2005

As an Assistant Solicitor under former Solicitor Randolph Murdaugh, III, (2002-2005), I prosecuted cases primarily in Allendale and Hampton Counties. I was also given the responsibility of managing and administrating the Allendale County General Sessions Docket for several years. During this time, I also had a dual role of working in the Hampton County Court of General Sessions, as well as being a Family Court prosecutor. As a Family Court prosecutor, I prosecuted delinquent juveniles in Allendale, and Hampton Family Court systems.

As a prosecutor in General Sessions court, I successfully prosecuted numerous felony and misdemeanor jury trials, including drugs, murder, burglary, armed robbery, and other violent crimes. According to Solicitor Randolph Murdaugh, III, the elected Solicitor at the time, I also had the successful litigation of the first and only felony drug conviction in Allendale County. In early 2006, I also successfully litigated the first murder conviction in Allendale County in 30 years.

In addition to this, I voluntarily implemented a Criminal Domestic Violence Court in Hampton County with consent of Solicitor Murdaugh. In this role, I prosecuted criminal domestic violence cases in Summary Court during a period where it was not necessarily the “in” thing to do.

Alongside these duties, I facilitated relations with the public and law enforcement, and developed and coordinated team strategies with law enforcement for successful prosecutions. I also litigated motions, forfeitures, and handled Summary Court criminal appeals.

(b) Trial Team Member, 2006 – 2007

After Solicitor Murdaugh retired and Solicitor Duffie Stone was appointed to finish his term in 2006, Solicitor Stone promoted me to the “Trial Team,” which was the first inception of the current “Career Criminal Unit.” I was the first and possibly only member of this team. My job involved mainly traveling the Circuit and trying various cases. I worked in this role for a short stint until we had several attorneys leave the office around the same time.

(c) Administrative Solicitor - Allendale, Hampton, and Jasper Counties, 2007 – 2010

After the trial team venture, my role shifted back to being more of an Administrative Solicitor for Allendale, Hampton, and Jasper Counties. In these roles, I would eventually become responsible for managing and administrating the dockets for Allendale, Hampton and Jasper County General Sessions Courts. My duties included scheduling matters, indicting cases, negotiating guilty pleas, trying cases, as well as running court - sometimes alone.

I also analyzed and researched legal issues, motions practice, and supervised and managed subordinate attorneys, support staff and overall office management.

(d) Career Criminal Prosecutor, December 2010 – Present

Former Team Leader 2012 – 2017

After managing and administrating the above dockets for several years, and functioning essentially as a community prosecutor to Allendale and Hampton Counties, in 2010, I was again promoted to be a member of the Career Criminal Unit. I have remained in this role since then. In this role, I prosecute felony jury trials of career criminals throughout our five (5) County Circuit. I have prosecuted felony criminal cases in Allendale, Beaufort, Colleton, Hampton, and Jasper Counties. In the past four to five years, my role has shifted to prosecuting primarily murder cases in Allendale, Hampton, and Colleton Counties. I also continue to analyze and research legal issues, oral arguments, motion practice, and drafting legal documents. I have also worked as a Task Force Leader and developer, and supervised other team attorneys and staff members.

(e) Special Assistant United States Attorney, 2016 – 2019

In 2016, I was appointed to be a Special Assistant United States Attorney. In this role, and while maintaining my caseload at the Fourteenth Judicial Circuit Solicitor's Office, I assisted with Racketeer Influenced and Corrupt Organizations Act (RICO) prosecution(s). I also had the privilege of serving as co-counsel in a successful federal jury trial. This role afforded me the opportunity to fulfill my dream of working as a federal prosecutor, as well as removing nearly twenty (20) violent gang members from the Colleton County community.

(f) South Carolina Judicial Department, Columbia, South Carolina

Board of Law Examiners, April 2016 - Present

Also, in 2016, I was granted the honor of being appointed to and serving on the Board of Law Examiners for the State of South Carolina. In this role, I have graded and continue to grade various sections of the Uniform Bar Exam.

(g) Public Integrity Unit, 2020 – present

Most recently Solicitor Stone has assigned me to work on the newly created Public Integrity Unit within our Office. This Unit is a joint venture between the First (1st) and Fourteenth (14th) Judicial Circuit Solicitor's Offices. One of the roles of this unit is reviewing allegations and investigations of Official Misconduct, which include officer involved shootings within our two Judicial Circuits. The Unit will foreseeably prosecute any official misconduct cases, which arise within our Judicial Circuits.”

Ms. Legette further reported regarding her experience with the Circuit Court practice area:

Criminal Matters – Over the past nearly eighteen (18) years, I have worked as an Assistant Solicitor handling a gamut of criminal cases in Summary Court, Family Court, and Circuit Court. My work has mainly focused on prosecution in the Court of General Sessions where I have litigated numerous major felony and misdemeanor jury trials. I have handled these cases as sole counsel, chief counsel, and co-counsel. I have “run court” from an Administrative capacity, as well as tried cases during the same court term. I have negotiated hundreds of guilty pleas. My role as an Administrative Solicitor for three counties afforded me the opportunity to become intimately familiar with the Criminal Code of Laws of South Carolina. For the past ten (10) years, I have focused on prosecuting career criminals; cases involving some of our State’s most hardened mindsets. Working in this role, I was placed in a unique position to try many cases, which gave me above average opportunities to study the court system itself, the trial judges across our state, and the process of the jury trial.

I also had the rare opportunity to work as a Special Assistant United States Attorney (SAUSA) where I was privileged to serve as co-counsel in a Racketeer Influenced Corrupt Organizations Act (RICO), prosecution and federal jury trial. This opportunity allowed me to learn and use laws and concepts I was unfamiliar with as a State prosecutor. My experience with this case, and the other cases associated with it, caused me to research and use all the tools at my disposal to educate myself on the laws, rules,

and concepts involved in this highly complex case. What I lack in experience, I make up for in hard work, and dedication to the task at hand. I am fully prepared to do the same thing as a judge in any area of the law wherein my knowledge and experience are limited.

Civil Matters – I have not handled any civil matters in the Circuit Court. Despite not having handled any civil cases in Circuit Court, my breadth of experience in the Circuit Court, in the Court of General Sessions, uniquely positions me to understand the issues and procedural rules of the civil aspect of the Circuit Court. In addition to working as an Assistant Solicitor the past nearly eighteen (18) years, I have also been afforded the unique opportunity to serve as a member of the Board of Law Examiners of the State of South Carolina for the past four (4) years. This role has afforded me the added opportunity to refamiliarize myself with other concepts and aspects of the law, which the average prosecutor would not have. The Rules of Civil Procedure may differ from the Rules of Criminal Procedure; however, through my many years as a practitioner of the law, I have come to understand the law, how it functions, and the rules that govern it. The rules of the game may differ but the outcome we work towards remains the same. We work towards the fair administration of justice. The role of the judiciary remains the same - to be the arbiter of that justice, while working as a fair and neutral independent referee between the parties. If elected as a Circuit Court judge, my many experiences in the Circuit Court have prepared me for this role.

As it relates to my lack of experience in the Court of Common Pleas, since applying to become a candidate for the Circuit Court, I have taken several Civil CLE's. These courses include Arbitration 101; Refining Your Deposition; The Ethics of Charging and Collecting Attorney's Fees; Discovery Demands; Protecting Expert Work Product; Promoting Diversity and Eliminating Bias within the Legal Profession; and A FISA Primer: The Rules for Foreign Intelligence Electronic Surveillance. Each of these courses, I found to be richly rewarding and learning experiences. As time permits, I intend to take more such courses.

In addition to taking CLE's, I have also utilized my time by watching various Common Pleas Non-Jury matters across the State.

Further, in addition to studying the Rules of Civil Procedure, I have begun to review pleadings and have spoken to attorneys in private practice regarding various legal matters in the Court of Common Pleas.

I have been a life-long student and a quick-study. I continue to learn daily in my current area of practice, and if elected, will continue to take advantage of every opportunity to learn and become a better Circuit Court Judge.

Appearances - As an Assistant Solicitor, over the past five (5) years, I have appeared before the Circuit Court at least once during a monthly court term and sometimes more than twice per month depending on whether or not I had a case in a different county in our judicial circuit of five (5) counties, wherein I may have had to appear in Allendale, Colleton or Hampton Counties.

Ms. Legette reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: During 2016-2017, several times per year
- (b) State: Monthly.

Ms. Legette reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 95%

- (c) Domestic: 0%
- (d) Other: 5%

Ms. Legette reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 75%
- (b) Non-jury: 25%

Ms. Legette provided that during the past five years she has served mostly as chief counsel, and at times sole counsel. She also has served as co-counsel in Federal Court.

The following is Ms. Legette's account of her five most significant litigated matters:

(a) *State v. Eric Hemingway*, 2005-GS-03-0139, 2005-GS-03-0142, 2005-GS-03-0143. I represented the State of South Carolina as an Assistant Solicitor. The Defendant was indicted for and convicted at trial of Murder, Burglary 1st Degree and Criminal Sexual Conduct 1st Degree. This case was significant because it was the first murder conviction in Allendale County in 30 years or more. The case was also significant because it involved quite a few issues including, 1) the victim having to be re-examined by the pathologist just prior to her burial due to her murder only being discovered after her original autopsy on the day of her burial; 2) the pathologist finding spermatozoa inside the victim at the second examination; 3) my having to practically insist that SLED test the spermatozoa for DNA after it was determined that no semen was found in the sample taken; 4) The DNA Analyst finally agreeing to test for DNA and said DNA being found belonging to the Defendant and or his paternal relatives.

(b) *State v. Anthony Wolfe*, 2012-GS-03-0140, 2012-GS-03-0141, 2012-GS-03-0142, 2012-GS-03-0143. The Defendant in this case was charged with Burglary 1st Degree, Kidnapping, Criminal Sexual Conduct 1st degree and Possession of a Weapon during the Commission of a Violent Crime. I represented the State of South Carolina as an Assistant Solicitor. The Defendant was found not guilty at trial. This case was significant because it was a turning point in my career. Prior to this case, I fancied myself a hot-shot lawyer with a misguided superhero complex. I soon learned that I was neither of the two, and but merely mortal. This case was the most humbling experience of my career and taught me many things I have kept with me ever since. I have also carried with me the burden of the victim's haunting desire to die after the verdict was read. I have remained in contact with the victim periodically through the years to encourage her. This case taught me humility among other things but one of the most significant things this case taught me was to stand up for what is right even if I have to face down my worst nightmare in order to do it.

(c) *State v. Laparis Flowers*, 2014-GS-03-229, 2014-GS-03-231, 2014-GS-03-232, 2014-GS-03-233, 2014-GS-03-234. The Defendant in this case was indicted for and found guilty at trial of Murder, three (3) counts of Attempted Murder and Possession of a Weapon During the Commission of a Violent Crime. I represented the State of South Carolina as an Assistant Solicitor. This case is significant because by the time the Defendant was convicted at trial, he had been accused of killing at least two other persons, one for which he was found not guilty at trial, and the other case was dismissed due to lack of evidence. Prior to the murder conviction, I had also tried him for armed robbery, and he was found not guilty at trial of this offense as well. The victim/witness in the armed robbery incident came forward finally because she believed had she come forward sooner she might have saved the second victim's life. Despite her courage in coming forward for the armed robbery, the Defendant was found not guilty again. Thereafter, the defendant killed the final victim – who had at one point also been a criminal defendant of mine - while wounding two other victims. The defendant's name struck fear in the community in which he lived and roamed. His conviction closed a chapter in a violent paradigm.

(d) *State v. Andre Crawford*, 2016-GS-15-0481, 2016-GS-15-0608, 2016-GS-15-0609, 2016-GS-15-0610. I represented the State of South Carolina as an Assistant Solicitor. The Defendant in this case was indicted for and convicted at trial of Murder, Attempted Murder, Obstruction of Justice, and Possession of Weapon During the Commission of a Violent Crime. This case was significant because the defendant had been previously found not guilty at trial of the murder of a young mother and attempted murder of another person. Similarly, to Flowers above, the defendant's name struck fear in the hearts of the community. So much so, that this case relied heavily on forensic evidence rather than eyewitness testimony. The incident happened at a night club and while there were numerous witnesses who likely saw what occurred, they refused to come forward. This case was literally won by three witnesses - the surviving eyewitness/victim, and two "speaking" bullets.

(e) *The United States of America v. Devin Brown*, Crim. No. 2:16-123-RMG. I served as co-counsel in this case on behalf of the Government, as a Special Assistant United States Attorney (SAUSA). The Defendant in this case was convicted at trial of Weapons and Violent Crimes in Aid of Racketeering charges. This case was significant because it involved the RICO Act. It may have also been the first time the Act was used in recent history in the District Court of South Carolina. This case was significant for me because I was able to co-chair a brilliant trial attorney from the Department of Justice in Washington, D.C., while working in the Federal District Court of South Carolina. This case was filled with new issues for me, such as the Violent Crimes in Aid of Racketeering and RICO Act, as well as predicates. I also was able to achieve a personal goal of working as a Special Assistant United States Attorney. This was an exceptional, hands on experience for me.

Ms. Legette reported that she has not personally handled any civil appeals.

Ms. Legette reported that she has not personally handled any criminal appeals.

(9) **Judicial Temperament:**

The Commission believes that Ms. Legette's temperament would be excellent.

(10) **Miscellaneous:**

The Lowcountry Citizens Committee on Judicial Qualification found Ms. Legette 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented, "Extraordinary life experience; true public servant; charismatic and caring; dynamic; humble; engaging; great temperament; effective communicator; highly relational and smart, dedicated to service and people; she does not have much civil experience but we are confident she will quickly learn. Entire committee was blown away by her story, her character, her integrity, her skills, + everything else!"

Ms. Legette is not married. She has no children.

Ms. Legette reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) National District Attorneys Association
- (c) Colleton County Bar Association
- (d) Rotary Club 7770 Colleton County

Ms. Legette provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Rotary Club District 7770

- (b) Elizabeth Church of Our Lord Jesus Christ
- (c) Harmonia Missionary Baptist Church - former Recording Church Secretary
- (d) Sigma Gamma Rho Sorority, Inc. (inactive status since 1998)
- (e) John R. Justice Community Leadership Award, SC Solicitor's Association, United States Attorney's Office for the District of South Carolina
- (f) Community Service Award, SC National Association of Blacks in Criminal Justice
- (g) Team Leader Award, Fourteenth Judicial Circuit Solicitor's Office
- (h) Proclamation, Fourteenth Judicial Circuit Solicitor's Office
- (i) John R. Justice Scholarship Award, SC Solicitor's Association
- (j) Letter of Commendation
- (k) Marshal, Martin Luther King, Jr. Parade, - MLK Steering Committee, Hampton, SC
- (l) Former Member - South Carolina Bar House of Delegates

Ms. Legette further reported:

My parents are the greatest influencers of my life, and yet, both come from some of the humblest of circumstances in recent history. I am the daughter of a man who was raised by his grandfather, who due to the times, could barely read and write. I am the daughter of a woman who at age 10, after the death of her mother, basically raised herself, living in abject poverty and near daily starvation. This woman, my mother, born with the heart of the lioness, resolved at the tender age of 17 that she would defy the odds of her birth and never allow her children to live as she had been forced to.

I have had the privilege of being raised by a father and mother, who despite their humble beginnings, saw to it that my brother and I would be provided the tools to succeed in life. We were never rich, and maybe not even middle class but my mother and father taught us the value of hard work, treating everyone with honor and respect, and to treat others as we would want to be treated, if not better.

My parents instilled in my brother and I not only the value of hard work but also the value of an education. These values helped shape me into the woman and attorney I am. These same values, combined with the experiences I have been afforded as an attorney in the Solicitor's Office, form the core ingredients of who I plan to be as a Circuit Court judge.

I believe I was born to become a lawyer. My father called out my destiny the day he warned me he wanted me to be anything in life that I wanted to be, "except one of those lying, cheating, lawyers." These words would prove to have a profound effect upon me, and would serve to shape my destiny, and my career. Though I never asked my father what brought him to such a negative conclusion about lawyers, I decided that day to become a lawyer, but not just any lawyer – a lawyer my father and mother would be proud to say they raised, and proud to call their daughter. I believe the attorney I am speaks to that.

My parents have been the greatest influencers of my life, and though neither has even a college degree, both are infinitely wiser and more educated than I could ever aspire to be. Because of my upbringing, I have devoted my entire legal career to the service of others, as well as the pursuit of justice, mercy, and love of others. Should I be elected to serve as a Circuit Court judge, those years of upbringing, my devotion to the service of others, and my continued commitment to the pursuit of justice, would be the core ingredients of the kind of judge I would aspire to be and become.

All persons, no matter their walk or station of life will be treated equally, fairly, respectfully, and with dignity in any courtroom where I preside. I will always see the humanity in each individual litigant, attorney, plaintiff, defendant, staff member, accused, victim, or family members who appear before me.

I am Tameaka A. Legette, the servant our State needs.

(11) Commission Members' Comments:

The Commission commented that Ms. Legette has not only impressed the Lowcountry Citizen's Committee, but the Commission members as well. Her compelling personal story, compassion, humility, professionalism, and work experiences will serve her well as a circuit court judge.

(12) Conclusion:

The Commission found Ms. Legette qualified, and nominated her for election to Circuit Court, Fourteenth Judicial District, Seat 1.

**The Honorable Carmen Tevis Mullen
Circuit Court, Fourteenth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Mullen was born in 1968. She is 52 years old and a resident of Hilton Head, South Carolina. Judge Mullen 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. She was also admitted to the Illinois Bar in 1996.

(2) Ethical Fitness:

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

Judge Mullen 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 Mullen reported that she has not made any campaign expenditures.

Judge Mullen 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 Mullen 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 Mullen to be intelligent and knowledgeable.

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

- (a) Speaker, Solicitor's Association Fall Conference, September 2008
- (b) Presenter, "On Judging Judges," USC School of Law Class of 1995 Reunion, November 5, 2010
- (c) Speaker, SC Tort Law Update, November 12, 2010
- (d) Speaker, Practice Basics for the New Lawyer, Charleston School of Law Women in Law, April 13, 2011
- (e) Panel Member, "Sporting Clays: Ethics with the Judges," April 14, 2011

- (f) Speaker, Senior Leadership of Beaufort, Spring 2012
- (g) Panel Member, Public Defender's Conference, September 23, 2013
- (h) Speaker, "How to Win in Circuit Court," Hilton Head Bar Association CLE, September 27, 2013
- (i) Speaker, Summary Jury Trials, Hilton Head Bar Association CLE, November 22, 2013
- (j) Panel Member, Construction Law, South Carolina Bar Convention, January 24, 2014
- (k) Panel Member, Tips from the Trial Bench for Criminal Practitioners, 23rd Annual Criminal Practice in South Carolina Seminar, February 28, 2014
- (l) Panel Member, Solicitors Conference, "Significant Cases: 2013-2014", September 22, 2014
- (m) Speaker, USC Hilton Head, October 7, 2014
- (n) Panel Member, Charleston Chapter SCWLA, "So You Want to Run for Office", September 24, 2015
- (o) Panel Member, South Carolina Bar Association, "Fourteenth Circuit Tips from the Bench: What Your Judges Want You to Know", October 30, 2015

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

(4) Character:

The Commission's investigation of Judge Mullen did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Mullen did not indicate any evidence of a troubled financial status. Judge Mullen has handled her financial affairs responsibly.

The Commission also noted that Judge Mullen 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 Mullen reported that her last available rating by a legal rating organization, Martindale Hubbell, was BV.

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

Judge Mullen reported that she has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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

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

- (a) Law Clerk to Honorable L. Casey Manning, Circuit Court Judge for the Fifth Judicial Circuit, April 1995 - April 1996. Assisted Judge in all research, writing orders, scheduling, etc.
- (b) Charleston County Public Defender's Office, Assistant Public Defender, August 1996 - December 1997. Handled caseload of 250+ criminal defendants for misdemeanor and felony crimes including Murder, CSC 1st and Burglary 1st.

- (c) South Carolina House of Representatives, Labor, Commerce & Industry Committee, Staff Attorney, December 1997 - October 1998. Duties included researching legal affect of pending bills before legislature and instructing Members on law and drafting some legislation when requested by Members.
- (d) Uricchio, Howe, Krell, Jackson, Toporek & Theos, Associate, October 1998 - April 2000. Criminal and civil litigation practice in state and federal courts. Case types: Plaintiffs tort actions, contract disputes, criminal defense.
- (e) Berry, Tevis & Jordan, Partner, April 2000 - May 2001. Tort litigating including automobile accidents and some criminal defense.
- (f) Carmen M. Tevis, LLC, Solo Practitioner, May 2001 - June 2006. Tort litigation, construction litigation, contract litigation, fraud litigation, and criminal defense in state and federal courts. Oversaw all administrative duties and managed Trust Account.
- (g) Resident Circuit Court Judge, 14th Judicial Circuit - June 2006 - Present

Judge Mullen provided that during the past five years prior to her service on the bench she most often served as sole counsel.

Judge Mullen reported she has not personally handled any civil or criminal appeals.

Judge Mullen reported that she has held the following judicial office(s):
 July 17, 2006 to Present - SC Circuit Court. Elected
 General civil and criminal jurisdiction.

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

- (a) *State of South Carolina v. Ernest Daise* – 2013 – 002394 – Affirmed by Supreme Court. Death Penalty Case tried to a jury in October, 2013.

Double homicide of mother and child and also shooting of Defendant's own 15 month old child. Significant for the heightened due process requirements of a death penalty case, significant pretrial publicity, multiple complex evidence issues, contested guilt state, and length explanation of juror bias issues.

- (b) *Ex Parte James A. Brown, Jr., Attorney/Appellant. In Re: State of South Carolina, Respondent v. Alfonzo Howard, Defendant.* 393 S.C. 214 (2011) Affirmed. Significant due to the gruesome nature of the underlying criminal nature (kidnapping, rape, armed robbery) combined with a defense lawyer using the trial to make a public statement about compensations for appointed attorneys. Required maintaining the decorum of the court while protecting the victims' rights to conclude the trial (avoid a mistrial) and simultaneously protect Defendant's rights to a fair trial and competent defense, while maintaining the ability to sanction the defense lawyer for his courtroom antics.
- (c) *Harbour Ridge Homeowners Association, Inc. v. North Harbour Development Corporation, Inc., et al.* Horry County.

Non-jury trial involving condominium project. Homeowner's Association using Developer and General Contractor for negligent construction of 8 condominium buildings. Awarded \$1,908,354. Issues involved: statute of limitations and individual contractor liability. Significant as to the competing measure of damages and that all parties agreed to allow me to try it non-jury.

- (d) *Willie Homer Stephens, Guardian at Litem for Lillian Colvin, a minor, Appellant v. CSX Transportation, Inc., and South Carolina Department of Transportation, Respondents*, Hampton County. 400 S.C. 503 Affirmed by the Court of Appeals. Car versus train wreck wherein a car collided with a train and a 12 year old passenger suffered traumatic brain injury. Significant in length of trial (3 weeks), extensive pre-trial matters, 60+ witnesses and a defense verdict in Hampton County.
- (e) *State of South Carolina v. George Stinney, Jr.*, Motion for a New Trial based on after discovered evidence and pursuant to the common law writ of *coram nobis* for a minor child given the death penalty in 1944. I vacated the Defendant's murder conviction based on multiple constitutional violations. Significant in the factual scenario of a fourteen year old boy arrested, tried and executed within 83 days of the crime, with virtually no assistance from his appointed attorney. The facts are shocking in today's environment, but even in 1944 grossly violated Defendant's due process rights. The media scrutiny enhanced the significance of this tragic case.

Judge Mullen has reported no other employment while serving as a judge:

Judge Mullen further reported the following regarding unsuccessful candidacies:
 Court of Appeals, Seat 7, Spring 2014
 Supreme Court, Seat 5, July 2016

- (9) **Judicial Temperament:**
 The Commission believes that Judge Mullen's temperament has been, and would continue to be, excellent.
- (10) **Miscellaneous:**
 The Lowcountry Citizens Committee on Judicial Qualification found Judge Mullen 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Lowcountry Citizens Committee stated in summary, "One of the very best, quick study on complex issues, decisive but pleasant, smart, wonderful demeanor-Great judge! Very good with jurors and lawyers."

Judge Mullen is married to George E. Mullen. She has four children.

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

- (a) Circuit Court Judge's Association - President - 2019-Present
- (b) South Carolina Women Lawyers Association - Board Member 2012-2018
- (c) National Association of Women Judges
- (d) American Bar Association
- (e) Beaufort County Bar Association
- (f) Hilton Head Bar Association
- (g) South Carolina Bar Association

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

- (a) Sea Pines Montessori, Board Member 2010 - June 2016; Board Chair - 2012 - 2013
- (b) Providence Presbyterian Church
- (c) The Valentine Project, Board Member

(d) South Carolina Association of Justice Portrait Recipient - 2016

Judge Mullen further reported:

My experience as a diverse trial lawyer handling both complex civil cases and felony criminal cases and having served on the Circuit Court bench for the last 14 years has taught me the patience and resilience necessary to be an outstanding Circuit Court Judge.

(11) Commission Members' Comments:

The Commission commented that Judge Mullen has an outstanding reputation as a jurist. They noted her excellent demeanor in the courtroom which has ably served her in discharging her responsibilities on the bench.

(12) Conclusion:

The Commission found Judge Mullen qualified and nominated her for re-election to Circuit Court, Fourteenth Judicial District, Seat 2.

The Honorable Benjamin H. Culbertson
Circuit Court, Fifteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Culbertson was born in 1959. He is 61 years old and a resident of Georgetown, South Carolina. Judge Culbertson 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 Culbertson.

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

Judge Culbertson 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 Culbertson 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 Culbertson to be intelligent and knowledgeable.

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

- (a) At the Horry County Family Court seminar on 12/09/2005, I gave a lecture on "Writing Domestic Orders.
- (b) At the Tips From the Bench seminar on 2/15/2008, I gave a lecture on civil trials from a circuit judge's perspective.

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

(4) Character:

The Commission's investigation of Judge Culbertson did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Culbertson did not indicate any evidence of a troubled financial status. Judge Culbertson has handled his financial affairs responsibly.

The Commission also noted that Judge Culbertson 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 Culbertson reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

Judge Culbertson reported that he has held the following public office

From 2004 to 2006, I was chairman of the Georgetown Election Commission. I was not elected to this position but was appointed by City Council. During this time, I don't recall filing any report with the State Ethics Commission but, I was never subject to any penalty.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Culbertson was admitted to the South Carolina Bar in 1984.

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

- (a) From 1/14/1985 until 12/31/1988, I was an associate attorney with the law firm of Schneider and O'Donnell, P.A. I maintained a general practice in all areas of law except tax law. I had limited administrative and financial management and no management of the trust accounts.
- (b) From 1/1/1989 until 12/31/1990, I was a junior partner with the law firm of Schneider and O'Donnell, P.A. The firm changed its name to O'Donnell and Culbertson, P.A. I maintained a general practice in all areas of law except tax law. I assumed some administrative and financial

management of the firm, subject to approval from the senior partner. I had no management of the trust accounts.

- (c) From 1/1985 until 4/1996, I served as Assistant Municipal Court Judge for the City of Georgetown, SC. I presided over criminal cases occurring in the city where the penalties for convictions were a fine of not more than \$500.00 and/or imprisonment of not more than 30 days. I also conducted preliminary hearings and set bond for defendants charged with General Sessions offenses, except for capital murder cases and charges with a penalty of life imprisonment.
- (d) From 1/1/1991 until 6/30/2007, I was a sole-practicing attorney with the Law Office of Benjamin H. Culbertson, P.A. I maintained a general practice in all areas of law except bankruptcy, tax law and social security claims. I had total administrative and financial management of the firm and was solely responsible for management of all trust accounts.
- (e) From 4/1996 until 6/30/2007, I served as Master-In-Equity for Georgetown County, SC. I presided over non-jury civil cases that were referred to me and had the same jurisdiction and authority as a Circuit Court Judge presiding over the case.
- (f) From 7/2001 until 6/30/2007, I served as Special Circuit Court Judge under appointment from The Honorable Jean Toal, Chief Justice of the South Carolina Supreme Court. I had the same jurisdiction and authority as a Circuit Court Judge over matters pending in Georgetown County, except for presiding over trials in General Sessions Court.
- (g) From 7/5/2007 to the present, I have been a circuit court judge, elected as resident circuit judge for the 15th judicial circuit, seat number 2.

Judge Culbertson reported that he has held the following judicial office(s):

- (a) From 1/1985 until 4/1996, I served as Assistant Municipal Court Judge for the City of Georgetown, SC. I was appointed by Georgetown City Council and I presided over criminal cases occurring in the city where the penalties for convictions were a fine of not more than \$500.00 and/or imprisonment of not more than 30 days. I also conducted preliminary hearings and set bond for defendants charged with General Sessions offenses, except for capital murder cases and charges with a penalty of life imprisonment.
- (b) From 4/1996 until 6/30/2007, I served as Master-In-Equity for Georgetown County, SC. I was appointed by the Governor of South Carolina, with the advice and consent of the South Carolina General Assembly. I presided over non-jury civil cases that were referred to me and had the same jurisdiction and authority as a Circuit Court Judge presiding over the case.
- (c) From 7/2001 until 6/30/2007, I served as Special Circuit Court Judge under appointment from The Honorable Jean Toal, Chief Justice of the South Carolina Supreme Court. I had the same jurisdiction and authority as a Circuit Court Judge over matters pending in Georgetown County, except for presiding over trials in General Sessions Court.
- (d) From 7/5/2007 to the present, I have been a circuit court judge. I was elected on 5/23/2007 by the South Carolina General Assembly as resident circuit judge for the 15th judicial circuit, seat number 2. I was re-elected to the same position in 2009 and 2015.

Judge Culbertson reported the following regarding his employment while serving as a judge:

- (a) From 1/14/1985 until 12/31/1990, I was an associate attorney and, then a partner with the law firm of Schneider and O'Donnell, P.A. I maintained a general practice in all areas of law except tax law. During this time, I also served as Assistant Municipal Court Judge for the City of Georgetown. I was appointed by Georgetown City Council and had jurisdiction over all criminal violations in the city with maximum penalties of 30 days in jail or \$500.00 fine.
- (b) From 1/1/1991 until 6/30/2007, I was a sole practicing attorney with the firm of Benjamin H. Culbertson, P.A. I maintained a general practice in all areas except bankruptcy, tax law and social security claims. I also served as Assistant Municipal Court Judge (see above) until 1996. From 1996 until 2007, I served as Master-In-Equity for Georgetown County. I was appointed as Master-

In-Equity by the governor with the advice and consent of the South Carolina General Assembly. As Master-In-Equity, I sat as a Circuit Court Judge on all civil matters assigned to me by the Circuit Court.

(9) Judicial Temperament:

Concerns were raised as to Judge Culbertson's temperament and the Commission addressed this with Judge Culbertson at the public hearing. The Commission believes Judge Culbertson in his assurances that he will continue to improve his temperament and demeanor on the bench.

(10) Miscellaneous:

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

Judge Culbertson is married to Renée Kinsey Culbertson. He has three children.

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

- (a) South Carolina Bar Association – I have not held any offices.
- (b) South Carolina Circuit Court Judges Association – I have not held any offices.

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

- (a) The Citadel Alumni Association;
- (b) The Citadel Brigadier Club;
- (c) Georgetown Cottillion Club;
 - President (2000-2001);
 - Vice President (1999-2000);
 - Secretary/Treasurer (1998-1999);
 - Executive Committee (1995-1998);
- (d) Winyah Indigo Society;
- (e) Duncan Memorial United Methodist Church.

Judge Culbertson further reported:

For the past 35 years, I have served as a member of the judiciary in some capacity. I gradually progressed from Assistant Municipal Court Judge, to Master-In-Equity, to Special Circuit Court Judge and, now Circuit Court Judge. I have now served as a Circuit Court Judge for the past thirteen years. I was first elected to the circuit court bench in 2007, re-elected in 2009 and re-elected again in 2015. I am a resident of Georgetown County and now hold the seat to which I am seeking re-election. Since the creation of this judicial seat, it has been held by a Georgetown resident.

(11) Commission Members' Comments:

The Commission commented that Judge Culbertson has a wealth of experience serving as a Circuit Court judge.

(12) Conclusion:

The Commission found Judge Culbertson qualified and nominated him for re-election to Circuit Court, Fifteenth Judicial Circuit, Seat 2.

The Honorable George M. McFaddin Jr.

Circuit Court, At-Large, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McFaddin was born in 1954. He is 66 years old and a resident of Gable, South Carolina. Judge McFaddin 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 any evidence of unethical conduct by Judge McFaddin.

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

Judge McFaddin 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 McFaddin 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 McFaddin to be intelligent and knowledgeable.

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

In the late 1980s I taught torts, family law, and estates at Central Carolina Technical College in the paralegal program. These classes were one semester in length.

While a family court judge I offered presentations approximately 6-8 times. I did so at SC Bar sponsored continuing education seminars. The subjects were related to family law matters and procedures.

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

(4) Character:

The Commission's investigation of Judge McFaddin did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge McFaddin did not indicate any evidence of a troubled financial status. Judge McFaddin has handled his financial affairs responsibly.

The Commission also noted that Judge McFaddin 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 McFaddin reported that he is not rated by any legal rating organization.

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

Judge McFaddin reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McFaddin was admitted to the South Carolina Bar in 1985.

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

1985-86 I was a law clerk to the Hon. Rodney A. Peeples, Judge of the Second Judicial Circuit in SC. I researched law as needed, drafted orders, assisted with docket management and planning, and otherwise did as I was told to do.

1986-87 I was an associate attorney in Sumter, SC, at The Bryan Law Firm. I handled a variety of cases to include civil, criminal and family law. I had no role in administrative or financial management.

1987-1988 I worked as an associate in Sumter, SC, at the law firm of John E. Miles. My duties were the same as those listed above when working at The Bryan Law Firm. I had no role in administrative or financial management.

1988-1990 I worked as an associate in Sumter, SC, at the law firm of T. H. Davis, III. My duties were the same as when I worked at the above two law firms. I had no role in administrative or financial management.

1990-98 I was a sole practitioner in Sumter, SC, until I left private practice in July 1998 to become a full-time magistrate. As a sole practitioner I handled a general practice of civil, criminal, family law, and a few real estate and probate matters. I handled all administrative and financial matters to include the trust account. During this period I served as a prosecutor for the SC Highway Patrol and the Sumter County Sheriff's Department for approximately two years. I served for approximately three years as a public defender in family and circuit courts.

Judge McFaddin reported that he has held the following judicial offices:

1999-2002. I served as a full-time Sumter County magistrate as chief magistrate. I was appointed by Senate. Jurisdiction was limited by statute. Jurisdiction in civil matters up to \$7500 and misdemeanors in criminal court. Jurisdiction included also traffic law violations and landlord/tenant cases.

July 2002-February 2017 I served as a family court judge. Jurisdiction included family law actions, adoptions, abuse and neglect cases in DSS matters, juvenile criminal law, name changes, domestic abuse cases to include criminal domestic abuse cases. I was elected by the SC General Assembly in years 2002, 2004, 2010 and 2016

February 2017 to present I have served as a circuit court judge and was elected to this position by the SC General Assembly in early 2017 to fill the unexpired seat of a retiring judge. Jurisdiction includes common pleas court (civil lawsuits with or without jury involvement) and general sessions court (criminal cases involving pleas or trials, setting or amending bonds.)

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

- (a) *Monica-Brown Gantt v. Centex Real Estate Company and Centex Homes*. Case 2018-CP-18-1436. Order denying Plaintiff's Motion to Reconsider Order Granting Summary Judgment in favor of Defendants. The issue in this case revolves around the statute of limitations regarding home defects. I ruled in favor of Defendants and issued the ruling instructing the drafting attorney to include my findings in the order. I did not write the actual order. I signed the order in May 2020 and it was Efiled. I fully expect this ruling to be appealed because the ruling, reversed or affirmed, will be noted throughout the home construction industry.
- (b) *Leland Reginald Eaddy v. Phillip Walter Eaddy, Florence County Sheriff's Department, Lake City Police Department, Williamsburg County Sheriff's Department, et. al.* Case 2019-CP-45-0345. Order granting Motion to Set Aside Default. In this highly inflamed family dispute I ruled that orders of default against Defendants served were to be set aside based upon several improper or defective service of process actions. I do not know if this order will be or has been appealed. I signed it March 2020 and it was Efiled. I did not write the order but instructed the drafting attorney of the rulings and my reasons.
- (c) *State of South Carolina v. Bowen G. Turner*. Case or warrant 2019A38102000093 (Orangeburg County). Order granting a bond reconsideration in a sexual assault case. Defendant moved for a bond modification. I granted the modification after hearing from Defendant's attorney, the victims' parents, the victim advocate, the attorney representing the victims, and the assistant solicitor. I drafted the order.
- (d) *State of South Carolina v. Davonte Green*. Case 2018-GS-31-0081. Order denying immunity based upon the "stand your ground" defenses. A Duncan hearing was held and I issued the order denying the immunity in March 2020. Defendant was accused of stabbing to death another inmate at a SC prison. I drafted the order.
- (e) *State of South Carolina v. Charles Davenport*. Case 2018-GS-40-8199. Order denying reconsideration of a sentence I imposed in a Felony DUI case where USC soon to graduate USC student was killed by Defendant in Columbia SC. Defendant offered a plea of guilty. I heard the plea and heard from family members and friends of both the victim and Defendant. It was a tragic event and sentencing was not easy. I sentenced Defendant to twenty years declining to sentence him to the maximum of twenty-five years. I drafted the order.
- (f) *Jerry Pressley v. The South Carolina Department of Transportation*. Court of Appeals Case 2018-001093. Unpublished Opinion No. 2020-UP-187 Filed June 17, 2020. I granted summary judgment in favor of Defendant in a negligence action. My ruling was appealed and was affirmed.

I offered six orders instead of five. I trust doing so is acceptable. The instructions do not require that I provide copies of the orders or the opinion but I am providing the copies.

Judge McFaddin reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Judge McFaddin's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualification found Judge McFaddin 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 evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge McFaddin is not married. He has two children.

Judge McFaddin reported that he was a member of the following Bar and professional associations: South Carolina Bar. 1985-present.

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

Only member of my church and the SC Bar.

Judge McFaddin further reported:

Regarding positive factors, I have served as a magistrate judge for four years, a family court judge for fifteen years, and now have served as a circuit court judge for almost four years. I have considerable bench experience and have learned a lot about being a judge. I strive to treat all persons in court and out of court with respect and patience. I care about my job and my rulings.

On the negative side, I candidly state that I do not know everything. To this day I am still learning more about the law from rulings from our appellate courts and from the lawyers who appear in front of me.

(11) Commission Members' Comments:
The Commission was impressed by the humility and dedication with which Judge McFaddin approached his duties. Commission members found his remaining involved with the Family Court's adoption day a true testament to Judge McFaddin's devotion to his work and his community.

(12) Conclusion:
The Commission found Judge McFaddin qualified, and nominated him for re-election to Circuit Court, At-Large, Seat 1.

**The Honorable R. Kirk Griffin
Circuit Court, At-Large, Seat 2**

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

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Griffin meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Griffin was born in 1974. He is 46 years old and a resident of Sumter, South Carolina. Judge 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 Judge Griffin.

Judge 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.

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

Judge Griffin 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 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 Judge Griffin to be intelligent and knowledgeable.

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

From 2013-2016, I presented a thirty minute program on preliminary hearings at the Intensive Training Program for Magistrates and Municipal Judges.

Judge Griffin reported that he has published the following:

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 Judge Griffin did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Griffin did not indicate any evidence of a troubled financial status. Judge Griffin has handled his financial affairs responsibly.

The Commission also noted that Judge 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.

(5) Reputation:

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

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

Judge Griffin reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge 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. I worked as an associate attorney in the firm's litigation department. While my job focused on litigation, my primary duties consisted of research, writing and document review.

(c) Bryan, Bahnmueller, Goldman and McElveen, LLP, Associate Attorney – December 2001 – April 2004.

I returned to my hometown to work in 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.

(d) The Griffin Law Firm, LLC, Sole Proprietor – 2004

In late 2003, my father was forced to retire from law practice due to health concerns. Upon his retirement, I opened my own law practice. I engaged in a general law practice, including a brief period where I served as a part time public defender for 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

I handled the firm's litigation practice. My practice focused on personal injury, workers' compensation, social security disability and family law. I 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 – June 2007

I resumed working as a sole proprietor engaging in a general law practice. I resumed managing my law firm, including management of operating and trust accounts. I closed my private 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

I prosecuted various criminal offenses in Circuit Court. I worked continually for Solicitor Jackson until his retirement in January 2011.

(h) The Honorable Ernest A. Finney, III, Third Circuit Solicitor – Deputy Solicitor - January 2011 – December 2019

I maintained a full case load and had day to day office management duties as delegated by the Solicitor. With the assistance of administrative staff, planned and administrated the Sumter County

General Sessions court appearance system. I handled a wide array of criminal cases, ranging from drug offenses to murder.

- (i) Circuit Court Judge, At-Large, Seat Two – January 2020 – present
Preside over court of statewide general jurisdiction. Conduct hearings and trials in the courts of General Sessions and Common Pleas, including limited appellate jurisdiction.

Judge Griffin reported that he has held the following judicial office(s):
January 2020 – present, elected, Circuit Court At-Large, Seat Two, general jurisdiction trial court with limited appellate jurisdiction.

Judge Griffin has reported no other employment while serving as a judge:

Judge Griffin further reported the following regarding unsuccessful candidacies:
I was a candidate for Circuit Court, Third Judicial Circuit, Seat Two, in January 2018. I was one of the three candidates found qualified and nominated. I withdrew from the race on January 23, 2018.

(9) **Judicial Temperament:**

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

(10) **Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification reported that Judge Griffin was "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee did not have any related comments.

Judge Griffin is married to Suzanne Burch Griffin. He has two children.

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

- (a) South Carolina Bar – November 13, 2000 – present.
- (b) Sumter County Bar – 2001 – present.
- (c) South Carolina Circuit Judges Association, 2020 – present.
- (d) Pee Dee Inn of Court – 2019 – present.

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

- (a) YMCA Church League Basketball Coach, 2014-2016
- (b) Sumter County Parks and Recreation Youth Soccer Coach - 2015

Judge Griffin further reported:

In my legal career, I represented plaintiffs and defendants in civil cases. I also prosecuted criminal cases and represented defendants in criminal court. I learned how to be a lawyer on both sides of the courtroom. I believed those experiences have given me great perspective about the law and the people who find themselves in courtrooms. I dealt with people from all walks of life, and tried to treat people how I wanted to be treated. It was a great education in human nature.

In 2007, I devoted my legal career to public service. Over the past thirteen years, I have served the citizens of the State of South Carolina. It has been the greatest honor of my professional life. In my brief tenure as a Circuit Court judge, I have drawn on my experiences as a private attorney, a public

defender and a prosecutor to be an able judge. I seek to do justice and treat lawyers, litigants, defendants and crime victims fairly and with respect. I will never forget what it's like to be on the other side of the bench.

(11) **Commission Members' Comments:**

The Commission commented that the positive BallotBox survey results speak highly of Judge Griffin's aptitude and judicial temperament in the short time he has served on the bench.

(12) **Conclusion:**

The Commission found Judge Griffin qualified and nominated him for re-election to Circuit Court, At-Large, Seat 2.

**The Honorable Clifton Newman
Circuit Court, At-Large, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Judge Newman was born in 1951. He is 69 years old and a resident of Columbia, South Carolina. Judge Newman 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 1981. He was also admitted to the Ohio Bar in 1976.

(2) **Ethical Fitness:**

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

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

Judge Newman 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 Newman 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 Newman to be intelligent and knowledgeable.

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

- a) In 2014, I presented at the John Belton O'Neill Inn of Court on "Stand Your Ground."

- b) In June 2014, at the American Conference Institute in New York, NY, I presented on “Employment Discrimination.”
- c) In 2015, I was a National Judicial College Faculty presenter on Managing Complex Commercial Cases in St. Louis, Missouri and San Antonio, Texas.
- d) In 2015, I presented at the Coastal American Inn of Court in Myrtle Beach on “South Carolina Business Courts.”
- e) In 2015 I presented at an Association of Corporate Counsel Program entitled, “The Court is Open for Business: In House Counsel and the Judiciary Collaborating for Success.”
- f) In March 2015 I presented to the S. C. Circuit Court Judges Association, “Handling Complex Cases.”
- g) In 2015, 2016, 2017, 2018, and 2019 I taught criminal law at the Orientation School for New Judges.
- h) In 2015 and 2016 I presented to new lawyers on the topic, “Practice in the Circuit Court” at Bridge the Gap.
- i) In April 20-21, 2016, I spoke at The American Conference Institute’s National Forum on “Residential Mortgage Litigation & Regulatory Enforcement” in Washington, DC.
- j) In 2016 I was on the American Conference Institute panel in New York, NY on “Legal Malpractice.”
- k) In 2016 I presented at the American Conference Institute in Chicago, IL on “Data Breach and Privacy Litigation.”
- l) In 2016 I moderated an ethics discussion in Charleston, SC following the stage production of “The Seat of Justice.” The discussion featured then Supreme Court Chief Justice Costa Pleicones and U. S. District Court Judge Richard Gergel. It focused on the ethical issues, the struggle, and the case of Briggs v. Elliott.
- m) In 2016 I presented on an American Conference Institute panel entitled “Defending and Managing Employment Discrimination Litigation.”
- n) In 2016 I presented at the Orientation School for Magistrates and Municipal Judges on “Preliminary Charges” and other information.
- o) In December 2016 I presented in Washington, DC on “Bulletproof Expert Report.”
- p) In 2017 I presented at the Perrin National Construction Defects Conference on Litigating Construction Defects Cases.
- q) In 2017 I presented at the S. C. Solicitor’s Annual Conference on recent decisions of the Supreme Court of South Carolina.
- r) In 2017 I presented at the South Carolina Black Lawyers Association Conference on “Ethics.”
- s) In 2017 I presented at the American Conference Institute on the topic “Consumer Finance Class Actions and Litigation.”
- t) In 2017 I moderated a panel in Chicago, Illinois for a program entitled: A Celebration of Constitution Day: The War on Fair Courts and Its Impact on Businesses Operating in the United States.
- u) In 2017 I presented on “Tips From the Trial Bench” at the ABA Business Law Meeting in New Orleans, LA.
- v) In 2018 I moderated a panel in Charleston, SC at the annual meeting of the American College of Business Court Judges on “The Business Divorce: Handling Complex Business Dissolution in the Midst of a Family Breakup.”
- w) In 2018 I presented on “The Fourteenth Amendment-A Prospective” at the Meeting of the North Carolina Association of Black Lawyers.
- x) In 2019 I presented at a South Carolina Bar CLE entitled “Drug Litigation in South Carolina.”
- y) In 2019 I was on a “Tips from the Bench,” S. C. Bar CLE entitled “Taking the Terror out of Trial.”
- z) In 2019 I presented at the Diversity and Inclusion Sub-Committee of the ABA- Business Law Section on the topic “My Career Trajectory Leading to the Bench.”

aa) In 2020 I participated in a Business Courts Benchbook podcast sponsored by the Business Law Section of the American Bar Association.

bb) In 2020 I participated in an American Bar Association Business Law Section Webinar on “Jury Trials during COVID-19 and Beyond.”

*Courses and lectures listed are since 2014.

Judge Newman reported that he has published the following:

Newman, Clifton and Applebaum, Lee. (2019) ‘Overview of Business Courts and Their Jurisdictions and, Newman, Clifton, ‘Case Management in the Business Court.’ *The Business Courts Benchbook: Procedures and Best Practices in Business and Commercial Cases*. Chicago. American Bar Association (2019). Pages 1-25.

(4) Character:

The Commission’s investigation of Judge Newman did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Judge Newman did not indicate any evidence of a troubled financial status. Judge Newman has handled his financial affairs responsibly.

The Commission also noted that Judge Newman 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 Newman reported that he is not rated by any legal rating organization.

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

Judge Newman reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Newman was admitted to the South Carolina Bar in 1981.

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

(a) 1976-1977 Associate Attorney in small General Practice Law Office in Cleveland, Ohio.

(b) 1977-1982 Partner, Belcher and Newman Law Firm, Cleveland, Ohio.

General Law Practice. I was responsible for the management of trust accounts.

(c) 1982-1994 Law Office of Clifton Newman in Manning, Kingstree and Columbia, South Carolina. General law practice, civil and real estate. I was responsible for management of trust account.

(d) 1994-2000 Newman and Sabb, PA. Kingstree, Lake City and Columbia, South Carolina. Managing Attorney, general law practice. I was responsible for management of trust accounts.

(e) 1983-2000 Assistant Solicitor – Third Circuit. Criminal prosecution in Williamsburg County.

Judge Newman reported that he has held the following judicial office(s):

Circuit Court at Large, Seat 3, (elected) - May 2000 to Present.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Judge Newman 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee noted, "His lengthy experience makes him extremely qualified."

Judge Newman is married to Patricia Blanton Newman. He has four children.

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

- (a) South Carolina Bar
- (b) American College of Business Court Judges – President, 2016-2018.
- (c) American Bar Association, Business Law Section; Judges Initiative, Co-Chair, 2015 - 2018.

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

- (a) Kappa Alpha Psi Fraternity
- (b) I. DeQuincey Newman United Methodist Church, Charter Member, Vice President Methodist Men, Board of Trustees.
- (c) ABA Business Law Section Service Award.
- (d) Matthew J. Perry Civility Award - Richland County Bar Association.
- (e) 2014 Jurist of the Year Award - American Board of Trial Advocates.
- (f) North Carolina Association of Black Lawyers, the South Carolina Black Lawyers Association and the John S. Leary Association of Black Attorneys Community Service Award.

Judge Newman further reported:

Having been honored to serve the past twenty years as a Circuit Court Judge, I am keenly aware of my significant role in helping maintain an orderly society by fulfilling my duty to act fairly, justly, and expeditiously. I endeavor to execute my duties calmly and in a manner that respects the innate rights of each person as a human being.

(11) Commission Members' Comments:

The Commission commented that Judge Newman has an outstanding reputation as a Circuit Court judge. They noted that he is highly regarded for his great intellect and broad judicial experience which has made him highly effective as a Circuit Court judge.

(12) Conclusion:

The Commission found Judge Newman qualified, and nominated him for re-election to Circuit Court, At-Large Seat 3.

The Honorable Edward Walter "Ned" Miller
Circuit Court, At-Large, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Judge Miller was born in 1952. He is 68 years old and a resident of Greenville, South Carolina. Judge Miller 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 Miller.

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

Judge Miller 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 Miller 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 Miller to be intelligent and knowledgeable.

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

- (a) Ethics Course Panel at 2005 Public Defender Conference.
- (b) Panel Discussion concerning the Business Court Pilot Program at the S.C. Defense Trial Lawyers Conference in July, 2008.
- (c) Ethics Court Panel at the 2008 Public Defenders Conference.
- (d) Presented on the Topic of the History of the Greenville County Bar and Practice of Law at the Greenville County Bar CLE in 2013 and 2014.
- (e) Presented at the Fast Track Jury Trial Seminar in June, 2013
- (f) Presented at the Solicitor's Conference 2014 on the subject of Gang related Trials.

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

(4) **Character:**

The Commission's investigation of Judge Miller did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Miller did not indicate any evidence of a troubled financial status. Judge Miller has handled his financial affairs responsibly.

The Commission also noted that Judge Miller 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 Miller reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV.

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

Judge Miller reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Miller was admitted to the South Carolina Bar in 1978.

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

- (a) November, 1978 – April, 1980 Southern Bank & Trust Company
Federal Regulations Compliance Officer
- (b) April, 1980 – June, 1981 Assistant Public Defender for
Greenville County
- (c) June, 1981 – June, 1982 Sole Practitioner – General Practice
Fully responsible for administrative and financial
management including trust accounts
- (d) June 1982 – July 2000 Miller & Paschal – General Practice
Concentration in Civil & Criminal Litigation
Fully responsible for administrative and financial
management including trust accounts
- (e) July, 2000 – August, 2002 Sole Practitioner – General Practice
Fully responsible for administrative and financial
management including trust accounts

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

Circuit Court At Large Seat Four
August 29, 2002 - present
Elected by the South Carolina Legislature
Circuit Court jurisdiction

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

- (a) *State v. Evins*, 373 S.C. 404, 645 S.E. 2d 904 (2007); This was a death penalty case in Spartanburg County of significant notoriety. The Defendant was convicted by a jury and sentenced to death. The case involved issues related to pretrial publicity, juror disqualification and judicial discretion with respect to admission of evidence.
- (b) *State v. Inman*, 395 S.C. 539, 720 S.E. 2d 31 (2011); This case was a capital case involving the murder and sexual assault of a Clemson University student by a previously convicted sex offender who had been released from a foreign state on parole. This case was reported in the

national media and was followed intensely by the local media as well. The Defendant entered a guilty plea to all charges: murder, criminal sexual conduct in the first degree, first degree burglary and kidnapping. Over the Defendant's Constitutional objections, the sentencing phase was conducted without a jury. The case contained issues with respect to conditional guilty pleas, prosecutorial misconduct and witness intimidation. The Defendant was sentenced to death.

- (c) *State v. Duncan*, 392 S.C. 404, 709 S.E. 2d 662 (2011); This case involved a question of first impression with respect to immunity under the Protection of Persons and Property Act. The Defendant had been indicted for murder and his motion for dismissal of the indictment was granted pursuant to the language of the act. The Supreme Court affirmed my ruling that the immunity issue must be decided pre-trial and that the standard of proof to entitlement to immunity was by a preponderance of the evidence.
- (d) *Koutsogiannis v. BB&T*, 365 S.C. 145, 616 S.E. 2d 425 (2005); This case involved counterclaims against a bank filed in response to a collection action initiated by the bank against the plaintiff. The trial on the counterclaims was conducted after the case was remanded by the South Carolina Court of Appeals for failure of the original trial court to allow the Plaintiff to argue the merits of the counterclaims. Plaintiff was awarded a verdict on a gross negligence claim, which the Supreme Court affirmed. Issues involved in the case included jury instructions and attorney-client/agent-principal relationships and liability there under.
- (e) *Ballard v. Roberson, et. al.*, 399 S.C. 588, 733 S. E. 2d 107 (2012); This case arose out of the Business Court Pilot Program. The case evolved as a shareholder derivative action with claims of stockholder oppression and a "freeze out" of the minority shareholder. It was an equitable action and tried without a jury. The majority engaged in classic acts of oppression, including unauthorized issuance of shares of stock which further diluted the minority's position.

Judge Miller reported no other employment while serving as a judge:

Judge Miller further reported the following regarding unsuccessful candidacies:

- (a) Circuit Court, Thirteenth Circuit, Seat 2 February, 2000
- (b) Circuit Court at Large, Seat 3 May, 2000

(9) **Judicial Temperament:**

The Commission addressed concerns regarding Judge Miller's temperament. Judge Miller responded to these concerns and the Commission was satisfied with his assurances that he will continue to improve his temperament and demeanor.

(10) **Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Judge Miller 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee did not have any related comments.

Judge Miller is not married. He has two children.

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

- (a) South Carolina Bar Association
- (b) Greenville County Bar Association (Board of Directors 1993)

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

Judge Miller further reported:

I am an active communicant at Christ Church in Greenville. Formerly, I was active as a youth athletics coach at the Greenville YMCA. I was also a coach, board member and president of a youth soccer organization in Greenville.

(11) Commission Members' Comments:

Affidavits were filed against Judge Miller by Dr. Arthur Field and his wife, Kathryn Taillon, and the Commission reviewed extensive documents submitted by the couple. Judge Miller provided written responses, which the Commission also reviewed. Upon reviewing the complaints by the parties, the responses, and the documents provided, the Commission does not find a failing on the part of Judge Miller in the nine evaluative criteria.

A separate affidavit was also filed against Judge Miller by Mr. Rickey Bryant. The Commission reviewed the documents submitted by Mr. Bryant, and Judge Miller testified in response to the affidavit. The affidavit was substantially the same as an affidavit Mr. Bryant filed against Judge Miller in 2014. The Commission determined that no new matters had been presented. The Commission dismissed the affidavit by a majority vote with three abstentions, finding that consideration of the affidavit would violate precedent and prior rulings by the Commission.

(12) Conclusion:

The Commission found Judge Miller qualified, and nominated him for re-election to Circuit Court, At-Large, Seat 4.

**The Honorable J. Mark Hayes II
Circuit Court, At-Large, Seat 5**

Commission's Findings:

QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Hayes was born in 1958. He is 62 years old and a resident of Spartanburg, South Carolina. Judge Hayes 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 Hayes.

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

Judge Hayes 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 Hayes 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 Hayes to be intelligent and knowledgeable.

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

- (a) Wofford College, Constitutional Law Class, presenter on *Miller v. Alabama*, April 30, 2020.
- (b) Law Enforcement Defense Counsel, Lawyers as Public Citizens: An Ethical Obligation to Advocate for Our Justice System, speaker, October 2017.
- (c) University of South Carolina Upstate, Constitutional Law Class, presenter, View From the Bench, May 2016.
- (d) North Greenville University, Criminal Justice Class presenter; Criminal Ethics Class presenter, November 2014.
- (e) Annual Magistrate and Municipal Judge Mandatory Program, presenter, "Ethics: A Thin Thread to Runnymede", November 2014.
- (f) Spartanburg County Bar Association CLE, Genetic Privacy and The Fourth Amendment: Unregulated Surreptitious DNA Harvesting, Panelist, Wofford College, Spartanburg, SC, February 2014.
- (g) S.C. Magistrates Annual Training, presenter, "DUI in South Carolina Legal Update: Video Recording Challenges and Expert Witnesses", West Columbia, S.C., November 2013.
- (h) ABA/NHTSA, panel related to the Assessment of South Carolina Impaired Driving, July 2013.
- (i) Charlotte School of Law, Legends and Leaders in the Law, Speakers Series, November 2012.
- (j) National Business Institute, Civil Court Judicial Forum: Advanced Discovery and Trial Practice, Columbia, S.C., October 2012.
- (k) S.C. Criminal Justice Training Conference, keynote speaker, North Myrtle Beach, S.C., November 2011. Training conference for members of the S.C. Probation and Parole Association, S.C. Law Enforcement Officers' Association, and S.C. Corrections' Association.
- (l) S.C. Bar-Continuing Legal Education Division, speaker: Criminal Law Essentials, May 2011; individual presentation topic: "Straight from the Bench."
- (m) South Carolina Association for Justice (SCAJ), Auto Torts, speaker, Atlanta, GA, December 2010.
- (n) National Christian Forensics & Communications Association (NCFCA): Judge, NCFCA Finals of the Lincoln-Douglas Debate, Bob Jones University, Greenville, S.C., June 2009.
- (o) Trial Judge for the South Carolina Bar Association Mock Trials, Upstate Division, February 2009.
- (p) S.C. Bar Convention, Panel Member on Current Issues in Internet Crime, January 2009.
- (q) Spartanburg Methodist College, School of Law presenter, March 2008 and February 2009.
- (r) National Judicial College workshop on Courts and the Media, Atlanta, GA, October 2008.
- (s) Trial Judge for the Mock Trials for the S.C. Defense Attorney's Trial Academy, June 2007 and 2008.
- (t) Wofford College Judicial Symposium, host and presenter: The Constitution: The Third Branch of Government, An Insider's View, September 2007; individual presentation topic: "The Judiciary and the Media."
- (u) USC Upstate, Criminal Justice Class presenter, November 2007.
- (v) South Carolina Delegate to the State Trial Judges Conference Annual Meeting: Chicago, Illinois, 2005; Honolulu, Hawaii, 2006; and San Francisco, California, 2007.

- (w) S.C. Budget and Control Board Insurance Reserve Fund: presenter to Government Lawyer Conference; individual topic presentations: Legislative Update, Lexington, S.C., 2005, Ethics Update, 2006 and Ethics presenter 2010.
- (x) S.C. Solicitor's Conference: presenter, Myrtle Beach, S.C., 2004.
- (y) S.C. Worker's Compensation Conference: presenter, Asheville, N.C., 2003.

Judge Hayes reported that he has published the following books and articles:

- (a) "The Sea of Ethics", The Justice Bulletin, South Carolina Association for Justice.
- (b) "Contribution to Justice Award", speech, The Justice Bulletin, South Carolina Association for Justice.
- (c) "Shakespeare, Really, 'Let's Kill All the Lawyers', Even the Heroes Among Them?", The Justice Bulletin, South Carolina Association for Justice, Fall 2015.
- (d) "A Quick View of South Carolina's DUI Videotaping Statute: The mandates and interpretations you need to know to represent your DUI client", SC Lawyer, May 2014.
- (e) "JOL Service", Highway to Justice, From the ABA and The National Highway Traffic Safety Administration, Fall 2013.
- (f) "Ethics: A Thin Thread to Runnymede", Vol. 18, Voir Dire, American Board of Trial Advocates, Spring 2011; republished in Spring 2014 (cover issue), The Justice Bulletin, South Carolina Association for Justice.

(4) Character:

The Commission's investigation of Judge Hayes did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Hayes did not indicate any evidence of a troubled financial status. Judge Hayes has handled his financial affairs responsibly.

The Commission also noted that Judge Hayes 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 Hayes reported that his last available rating by a legal rating organization, Martindale Hubbell, was AV.

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

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

Appointed by County Council as a member of the Spartanburg Memorial Auditorium Commission, 1994 – 2003, Chair 2000 – 2003.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Hayes was admitted to the South Carolina Bar in 1984.

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

- (a) August 1984 – August 1985, Judicial Law Clerk to E.C. Burnett, III, South Carolina Circuit Judge.
- (b) August 1985 – December 1989, Associate and Partner in law firm Burts, Turner, Hammett, Harrison, Rhodes, Thompson, and Hayes, general litigation, no administration or financial management responsibilities.
- (c) January 1990 – December 1999, Partner, Harrison and Hayes, private practice litigation, education/school law, appellate practice firm, no administration or financial management responsibilities.
- (d) January 2000 – May 2003, Partner, Harrison, White, Smith, Hayes and Coggins, private practice litigation, education/school law, appellate practice firm, no administration or financial management responsibilities.
- (e) In 2003 – present – South Carolina Circuit Court At-Large Seat #5 Judge.

Judge Hayes reported that he has held the following judicial office(s):

Elected April 9, 2003 to fulfill the unexpired term and subsequent full term of Gary E. Clary; retired; qualified May 22, 2003, re-elected February 2009 and February 2015, serving continuously. General jurisdiction, Circuit Court.

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

- (a) *James B. Orders, III v. David K. Orders, John H. Orders and Park Place Corporation*. South Carolina Business Court Case, from Greenville County, 2016-CP-23-04654. Order dated April 17, 2019. No appeal filed.
- (b) *Timothy J. Treon, et al. v. Dryvit Systems*. Complex Product Liability Class Action Litigation, thirty-six page order denying Motion for Summary Judgement, Dated January 13, 2009. 2002-CP-07-1377. No appeal filed.
- (c) *Edward Lee Elmore v. Ozmint*, 2005-CP-24-1205, Post-Conviction Relief matter addressing the mental retardation of a death row inmate pursuant to *Atkins v. Virginia*, 536 U.S. 504 (2002); PCR motion granted by order dated February 1, 2010, no appeal filed by state; Order referenced in *Elmore v. Ozmint*, 661 F.3d 783, 789 (Fourth Circuit 2011), reversing conviction and remanding for new trial.
- (d) *Parler v. Marsh, et al.*, 2017-CP-40-06621, order granting Motion to Intervene and Denying Motion to Dismiss, in shareholder derivative case against former Officers and Board of Directors related to failed construction of multi-billion dollar nuclear power plant. South Carolina Business Court Case, presently on appeal.
- (e) *State v. Theodore Harrison, Jr. a/k/a, Lumumba Incumaa*, 1990-GS-12-00119, 0120, 0121, 0122, 0125, 0126. Resentencing Order following an *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014) and *Miller v. Alabama*, 567 U.S. 460, (2012) hearing, to review an LWOP sentence related to a 1998 double homicide case from Chester County, presently on appeal.

Judge Hayes reported the following regarding his employment while serving as a judge:

In March of 2013, I started service as a consultant with the American Bar Association (ABA) as a judicial outreach liaison officer (JOL) assigned to work with the National Highway Traffic Safety Administration (NHTSA) southeastern region. I was told a judge from Florida with whom I had previously worked with on a Drunk Driving Prevention Program had submitted my name to the ABA for consideration. The southeastern region consists of the states of Florida, Georgia, Alabama, South Carolina and Tennessee. The goal of the JOL program is to raise awareness of highway safety issues in order to reduce traffic fatalities and injuries by improving evidence based sentencing practices and to also assist with the establishment of drug and alcohol courts. South Carolina is one of only two states that have not been able to reach NHTSA standard of having a fatality rate of less than 0.93 deaths per 100 million vehicle miles. My understanding is that I was selected in part because I was from South Carolina and could focus most of my attention on South Carolina since South Carolina did not have its own State JOL. In South Carolina, I worked with S.C. Department of Public Safety, Director Phil

Riley and his deputy director Ed Harmon. From the ABA national office I worked with Gina Taylor and from NHTSA office in Atlanta I worked with Sandy Richardson. I participated in the Impaired Driving Program Assessment and organized educational training for over 600 magistrate and municipal judges in South Carolina. In January 2014, I ceased my service as Regional JOL. However, I continue to be of service to the Department of Public Safety if needed.

The ABA's contract did provide compensation, however, I did not keep the money. Working with Phillip Hudson of Spartanburg Alcohol and Drug Abuse Commission (SADAC), two programs which deal with alcohol and drug abuse education and awareness were identified. Donations were made to the Community Alcohol and Drug Coalition Program and to the TACT program. The TACT program donation, which deals with teenage alcohol issues, was especially beneficial as their funding had expired and, I was informed, the donation allowed the program to remain functional into their next fiscal year. A third donation was also made to the South Carolina Bar Foundation fund which addresses lawyers with substance abuse issues.

Judge Hayes further reported the following regarding unsuccessful candidacies:

- (a) Supreme Court, Seat #5 (2007), qualified, not nominated.
- (b) Court of Appeals, Seat #6 (2007), qualified, nominated, not elected.
- (c) Court of Appeals, Seat #9 (2008), qualified, nominated, not elected.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge Hayes to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee had no related comments.

Judge Hayes is not married. He has no children.

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

- (a) ABA Conference of State Trial Judges – former chair and vice chair of Committee on Fair and Impartial Courts.
- (b) SC Circuit Judges Conference.
- (c) ABA Judicial Division Member.
- (d) American Judges Association.
- (e) South Carolina Bar Association.

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

- (a) Outstanding Contribution to Justice Award, August 4, 2018, Judicial Portrait Honoree, South Carolina Association for Justice, Hilton Head Island, South Carolina.
- (b) Judge J. Mark Hayes Law Day Essay Contest; May 4, 2017, the Spartanburg County Bar Association renamed the Spartanburg County Bar Association Annual Law Day Essay Contest to the Judge J. Mark Hayes Law Day Essay Contest.
- (c) 2011 Justice Claude A. Taylor Award Distinguished Service Award presented by the Spartanburg County Bar Association.

- (d) 2004 – 2010, member, The Supreme Court Commission on Continuing Legal Education and Specializations.
- (e) 1986 – 1987 Significant Contribution to Public Schools in South Carolina Award by the South Carolina Board of Education.
- (f) Former Chairman of Piedmont Area Boy Scout of America.

(11) **Commission Members' Comments:**
The Commission commented that Judge Hayes has the reputation of being a fair and impartial judge. They noted that he has shown a high degree of professionalism in the courtroom.

(12) **Conclusion:**
The Commission found Judge Hayes qualified and nominated him for re-election to Circuit Court, At-Large, Seat 5.

**The Honorable William Henry Seals Jr.
Circuit Court, At-Large, Seat 6**

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**
Based on the Commission's investigation, Judge Seals meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Seals was born in 1961. He is 59 years old and a resident of Marion, South Carolina. Judge Seals 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 Seals.

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

Judge Seals 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 Seals 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 Seals to be intelligent and knowledgeable.

Judge Seals reported that he has taught the following law-related courses:
Speaker at SC Bar Sporting Clays / Ethics with Judges CLE;
Speaker at Criminal Law 101 CLE;

Speaker at SC Solicitors Association Conference;
Speaker at Jury Trial Charges CLE;
Speaker at Horry County Bar Association on Civility in the Courtroom CLE;
Speaker at Hot Topics in Civil Trial Practice CLE;
Speaker at Round Table Discussions CLE;
Speaker at Judges Panel Discussions CLE;
Speaker at Horry Bar Association on Fast Track Jury Trials.

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

(4) Character:

The Commission's investigation of Judge Seals did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Seals did not indicate any evidence of a troubled financial status. Judge Seals has handled his financial affairs responsibly.

The Commission also noted that Judge Seals 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 Seals reported that his last available rating by a legal rating organization, Martindale Hubbell, was BV.

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

Judge Seals reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Seals was admitted to the South Carolina Bar in 1990.

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

1987-1989, during summer months of law school, I worked for my father's law firm, Seals and Brogdon. 1990-1993, worked for my father's partner, Jim Brogdon (my father deceased). During this time I practiced all areas of law, as Seals and Brogdon continued being a general practice law firm. 1993-2009, I opened my own practice, Seals Law Firm, and maintained a general practice of the law. 1996-2009, I was elected by the Marion City Council as Municipal Court Judge. I held this position while continuing my law practice. During this time, I received the Marion City Anonymous Committee Award in 2011, for my service as Municipal Court Judge. 2009 to present, I was elected to the position of Circuit Court Judge, At-Large, Seat 6. I have been appointed Chief Administrative Judge of both the civil and criminal in both the 15th and 12th circuit's numerous times. Also, I have been appointed by the Chief Justice to serve as a business court judge. I have also volunteered when needed to take exclusive jurisdiction for complex civil litigation. In addition

to the above, I am a current board member on the South Carolina Supreme Court Commission on CLE's and Specialization.

Judge Seals reported that he has held the following judicial office(s):

Marion Municipal Court Judge, elected by City Council Marion South Carolina, (1996-2009), with jurisdiction for criminal and traffic misdemeanors. Circuit Court At-Large Seat 6 (2009-present) which is a court of general jurisdiction.

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

- (a) *Nationwide Insurance Company of America v. Kristina Knight, individually and as Personal Representative of the Estate of Daniel P. Knight* (Appellate Case No. 2017-001348). This was a declaratory judgment action to determine whether underinsured motorist (UIM) coverage exists under a family automobile policy. In this case, Knight seeks to collect UIM coverage even though the decedent was expressly excluded from coverage. Knight argues to deny this coverage would violate public policy. The court found that an insurance policy is a contract. UIM coverage is additional optional coverage. S.C. code section 38-77-340 allows for the intentional exclusion of a resident's relative from liability coverage. The Court of Appeals, COA, thus found that not to allow same for UIM would impose forced construction of the statute regardless of public policy. The COA stated that any statute must be given its plain and ordinary meaning without resorting to subtle or forced construction. The purpose of the statute is to alleviate the owner of a family policy who has a good driving record from being forced to pay a high premium because of another family member with a bad driving record. This case involved the analysis of a S.C. statute in conjunction with public policy.
- (b) *The Spriggs Group, PC v. Gene R. Slivka* (Appellate Case No. 2015-001457). This case was an action for foreclosure of a mechanics lien and breach of contract. In this case, The Spriggs Group prevailed on the mechanics lien. Thus pursuant to S.C. statute, it moved for an award of attorney's fees which were ordered by the court in a large sum. The Order of attorney's fees was reversed based on the large amount, but then was subsequently reversed and the Court ordered sum affirmed. The Order allowed same stating that the Court did not abuse its discretion as it properly analyzed the 6 factors as set out in *Jackson v. Speed*, 326 S.C. 289.
- (c) *The State v. Myrone A. Cannon* (Appellate Case No. 2016-001954). In this case, Cannon argues that the Court erred by denying his motion for a directed verdict stating that there was not enough substantial circumstantial evidence for the jury to convict, and that the Court erred by allowing Sgt. William Joe Nida to testify as to the street value of drugs into evidence. The COA found that there was substantial circumstantial evidence. However, of most interest, was the fact that the COA found that the issue regarding the testimony of Sgt. Nida was not preserved at trial. At trial the attorney objected on the grounds of relevance. On appeal the attorney argued that it was improper character testimony. The COA stated that a party may not argue one ground at trial and an alternative ground on appeal.
- (d) *Christy Byrd, as Next Friend of Julia B, a minor v. McLeod Physician's Associates II & Dr. John B. Browning* (Appellate Case No. 2016-001551). In this medical malpractice case Byrd argued that the Court erred in denying her motion for a new trial and/or judgment notwithstanding the verdict (JNOV). Specifically the Court erred in declining to find the obstetric emergency statute inapplicable as a matter of law. This statute states if the physician can prove that the claim arises out of a genuine emergency situation, and that the patient is not medically stable, and that the patient was under an immediate threat of death or serious bodily injury then the plaintiff's burden of proof rises to the level of gross negligence. The COA found some evidence of all three thus submitting same to the jury was proper as was denying the post-trial motions.
- (e) *The State v. Darrell Lee Burch* (Appellate Case No. 2012-213215). In this case, the law enforcement executed a search warrant on a particular location. Burch was present with his

hands in his pockets. When asked to remove his hands he declined thus officers forcefully removed his hands and he was frisked. Drugs were found on his body. Burch argues that this was beyond the scope of the search warrant to search the house – not his person. The COA stated that when executing a search warrant the police may detain the occupants until the search is complete. Also the police may use reasonable force to effectuate detention of occupants during the execution of the search. Thus order and safety are effectuated during the search. The COA stated that the drugs were properly obtained by law enforcement pursuant to these parameters when Burch refused to comply.

Judge Seals reported no other employment while serving as a judge.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Judge Seals to be "Qualified" in the areas of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the areas of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. In the related comments, the Pee Dee Citizens Committee wrote that "Judge Seals is, without a doubt, one of the most liked and respected judges that we interview. The feedback from the community was glowing and one person finished his comments with 'Five Stars. Give him whatever he asks for.'"

Judge Seals is married to Phoebe Anderson Richardson Seals. He has one child.

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

- (a) Marion County Bar (1990 –present) (no offices);
- (b) South Carolina Bar Association (1990-present) (no offices);
- (c) South Carolina Circuit Court Judges Association (1990-present) (secretary).

Judge Seals provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Seals further reported:

I have participated in high school mock trials as a judge. In that regard, I used my influence to further the students' interest in the law, and promote civility in the courtroom. Furthermore, I have participated on the Civil Docket Task Force in hopes of using my influence to improve the civil dockets in S.C. Also I raised a work force of other judges and lawyers to partner with SCDOT, and the National Guard, at the request of Col. David S. Gayle, to volunteer as a part of the Floodwater Commission's National Security Task Force on cleaning ditches and canals to improve water drainage in Nichols, S.C.

(11) Commission Members' Comments:

The Commission commented that Judge Seals has the reputation of being a fair and impartial judge. They noted that his demeanor is the gold standard.

(12) Conclusion:

The Commission found Judge Seals qualified, and nominated him for re-election to Circuit Court, At-Large, Seat 6.

The Honorable J. Cordell Maddox Jr.
Circuit Court, At-Large, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Maddox was born in 1958. He is 62 years old and a resident of Anderson, South Carolina. Judge Maddox 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 1983.

(2) Ethical Fitness:

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

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

Judge Maddox 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 Maddox 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 Maddox to be intelligent and knowledgeable.

Judge Maddox reported that he has taught the following law-related courses: I was a general panelist on discussion related to trial tactics.

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

(4) Character:

The Commission's investigation of Judge Maddox did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Maddox did not indicate any evidence of a troubled financial status. Judge Maddox has handled his financial affairs responsibly.

The Commission also noted that Judge Maddox 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 Maddox reported that his last available rating by a legal rating organization, Martindale Hubbell, was BV in 2002.

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

Judge Maddox reported that he has held the following public office: House of Representatives; 1996-2000; Report was timely filed.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Maddox was admitted to the South Carolina Bar in 1983.

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

- (a) 1983-1986 Welborn & Maddox: Predominantly civil matters and general real estate practice.
- (b) 1986-1994 Jones, Spitz, Moorehead, Baird & Maddox; Predominantly civil matters with some real estate and criminal matters.
- (c) 1994-2002 Glenn, Haigler & Maddox; Predominantly civil matters with some criminal matters.

Judge Maddox reported that he has held the following judicial office(s): 2002 to Present; Circuit Court at Large #7; Elected.

Judge Maddox reported no other employment while serving as a judge.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge Maddox to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee left no additional comments.

Judge Maddox is married to Dr. Donna Watts Maddox, M.D. He has four children.

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

- (a) SC Bar Association
- (b) Anderson Inn of Court

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

Judge Maddox further reported:

After 18 years as a judge, I continue to learn daily. I also believe my experience has made me a better judge. On the negative side...I am old.

(11) Commission Members' Comments:

The Commission commented on Judge Maddox's excellent temperament and years of experience with complicated cases before him. The Commission was particularly impressed with his letters of reference.

(12) Conclusion:

The Commission found Judge Maddox qualified, and nominated him for re-election to Circuit Court, At-Large, Seat 7.

The Honorable David Craig Brown
Circuit Court, At-Large, Seat 8

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Brown was born in 1969. He is 51 years old and a resident of Florence, South Carolina. Judge Brown 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 1998.

(2) Ethical Fitness:

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

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

Judge Brown 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 Brown 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 Brown to be intelligent and knowledgeable.

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

- (a) Francis Marion University – Adjunct Professor – Business Law. August 1999 – May 2005.
- (b) Florence-Darlington Technical College – Adjunct Professor – Business Law. March 2000 – May 2000.
- (c) The Investigation and Prosecution of Criminal Domestic Violence and Criminal Sexual Conduct Crimes – Lectured on Bonding Issues – May 2010.
- (d) Panelist – Sporting Clays CLE: Ethics with Judges – April 2011.
- (e) Lecturer – Orientation School for New Judges – July 2011.
- (f) Panelist – Sporting Clays CLE: Ethics with Judges – October 2011.
- (g) Panelist – Sporting Clays CLE: Ethics with Judges – October 2012.
- (h) Panelist – Sporting Clays CLE: Ethics with Judges – April 2013.
- (i) Panelist – Sporting Clays CLE: Ethics with Judges – October 2013.
- (j) Panelist – Sporting Clays CLE: Ethics with Judges – April 2014.
- (k) Lecturer – Criminal Law Practice Essentials – "What Judges Want from Lawyers – May 2015.
- (l) Panelist – Sporting Clays CLE: Ethics with Judges – October 2015.
- (m) Lecturer – 2016 Ethics lecture at RPWB Litigation Seminar – April 2016.
- (n) Panelist – Twelfth Circuit Tips from the Bench: What Your Judges Want You to Know – October 2016.

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

(4) Character:

The Commission's investigation of Judge Brown did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Brown did not indicate any evidence of a troubled financial status. Judge Brown has handled his financial affairs responsibly.

The Commission also noted that Judge Brown 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 Brown reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

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

Florence County Voter Registration and Election Commission. Appointed March 2007 and resigned February 5, 2008. I timely filed my report with the State Ethics Commission while serving on this Commission.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Brown was admitted to the South Carolina Bar in 1998.

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

- (a) Judicial Law Clerk for the Honorable M. Duane Shuler, South Carolina Circuit Court. August 1997 – Summer 1998.
- (b) Bridges, Orr, Derrick & Ervin – August 1998 – April 2001. Engaged in the practice of civil litigation, primarily defense, as an associate.
- (c) The Law Office of D. Craig Brown, P.C. – May 2001 – March 2010. Engaged in the practice of civil litigation (plaintiff and defense) and criminal defense (state and federal). Handled all of the administrative and financial management, including the management of the firm's trust account.
- (d) Florence County Public Defender – Part-time – July 2006 – August 2007. Criminal defense.
- (e) Marion County Public Defender – Part-time – July 2006 – March 2010. Criminal defense.
- (f) South Carolina Circuit Court Judge, At-Large Seat No. 8 – Elected February 2010 and reelected February 2015.

Judge Brown reported that he has held the following judicial office(s):

I was elected to the South Carolina Circuit Court, At-Large, Seat 8 on February 3, 2010, and reelected to this same seat on February 4, 2015.

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

- (a) *State of South Carolina v. Brenda Bratschi*, 413 S.C. 97, 775 S.E.2d 39 (2015).
- (b) *Affirmative Insurance Services, Inc., v. Salvador Cruz Campos*, Op. No. 12-UP-308 (Ct. App., filed May 16, 2012).
- (c) *Mark Fountain v. First Reliance Bank, et. al.*, 398 S.C. 434, 730 S.E.2d 305 (2012).
- (d) *State of South Carolina v. Antwan Jamal Jett*, 423 S.C. 415, 814 S.E.2d 635 (2018).
- (e) *Julian Young v. State of South Carolina*, 2015-CP-38-00298.

Judge Brown reported no other employment while serving as a judge:

Judge Brown further reported the following regarding unsuccessful candidacies:

I was previously an unsuccessful candidate for South Carolina Circuit Court, At-Large, Seat 1. The screening process took place in the fall of 2008. The Judicial Merit Selection Commission found that I was qualified and nominated me for election. The election for this seat took place in February 2009. I withdrew as a candidate on the morning of the election.

I was previously an unsuccessful candidate for South Carolina Supreme Court, Seat 2. The screening process took place in the fall of 2015. I withdrew as a candidate prior to any candidates being qualified and nominated.

(9) **Judicial Temperament:**

The Commission is concerned with negative comments relating to Judge Brown's judicial temperament raised by the members of the Bar through the Commission's BallotBox survey.

While anonymous and not subject to further scrutiny by the Commission, the negative comments are of great concern to the Commission. At the public hearing, these criticisms were addressed with Judge Brown in detail. The Commission was assured by Judge Brown that he understands the importance of civility in the courtroom and that he will continue to work on improving his demeanor towards maintaining a proper judicial temperament.

(10) **Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Judge Brown to be 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee did not have any related comments.

Judge Brown is married to Kay Hunt Brown. He has three children.

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

- (a) South Carolina Bar Association.
- (b) Florence County Bar Association.

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

- (a) Delmae Baseball League Board Member – 2015-2020.
- (b) City of Florence Junior Football Board Member – 2015.
- (c) Delmae Baseball League Coach – 2015-2020.
- (d) City of Florence Junior Football Coach – 2015.
- (e) Volunteer of the Year – Delmae Youth Athletic Organization – 2014.

Judge Brown further reported:

The values of honesty, integrity, hard work, and treating others with dignity and respect were instilled within me from a very young age by my parents. They are values that I relied upon as a practicing attorney and now rely upon as a judge. The importance of these values were confirmed when practicing law and have now been confirmed as a judge. I will continue to rely upon them in carrying out my job responsibilities as a judge.

(11) Commission Members' Comments:
As previously noted in the discussion of the evaluative criteria of judicial temperament, the Commission remains concerned by Judge Brown's temperament. The Commission recognizes and appreciates the judge's work ethic; however, it cautions Judge Brown to be cognizant of the need to continue to improve his demeanor towards attorneys and to maintain a proper judicial temperament in the courtroom

(12) Conclusion:
The Commission found Judge Brown qualified, and nominated him for re-election to Circuit Court, At-Large, Seat 8.

The Honorable Jennifer Blanchard McCoy
Circuit Court, At-Large, Seat 9

(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 40 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;
- (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 courses:

- (a) I spoke to the Charleston Lawyers' Club at a CLE in 2019. The segment was "Tips from the Bench" to a group of young lawyers about general practice pointers in circuit court.
- (b) I served on a Q&A panel for the Charleston County Bar in 2019.

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.

(5) Reputation:

Judge McCoy reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

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 my experience there was generally insurance defense work. 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 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 narcotic 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) From June 2015 until April 2018, I served as a Part-time Magistrate Judge in Charleston County. I heard 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 was responsible for the day-to-day activity of the court and I managed 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. Generally, I handled criminal defense cases that arose outside of Charleston County as well as Federal cases.
- (f) Since April of 2018, I have served as a Circuit Judge. I hear civil and criminal matters, and I am currently serving as the Chief Administrative Judge for Civil purposes for the Ninth Judicial Circuit.

Judge McCoy reported that she has held the following judicial office(s):

Currently, I am a circuit court judge, occupying At-Large Seat 9. I was elected by the South Carolina Legislature on February 7, 2018. My chambers are in Charleston County, where I reside, but I travel throughout the state as directed by Court Administration. I hear both criminal and civil matters, and I am currently serving as the Chief Judge for Administrative Purposes for the Ninth Judicial Circuit (Charleston and Berkeley Counties).

I also served as a part-time magistrate judge in Charleston County from 2015-2018. I was appointed by Governor Nikki Haley with South Carolina Senate confirmation. As a magistrate, I set bonds for criminal offenses, heard evictions, claim and delivery actions, small claims cases valued up to \$7,500, public sales, and misdemeanor-level criminal matters arising from the College of Charleston Office of Public Safety.

Judge McCoy reported the following regarding her employment while serving as a judge:

While serving as a part-time magistrate from 2015-2018, I operated the Law Office of Jennifer McCoy, LLC. I only handled cases that did not interfere with my duties as a magistrate. I registered this LLC in 2015 and I was the sole proprietor.

(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 Qualification found Judge McCoy to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee noted, "Great judge, works well [with] the attorneys, good empathy, good legal mind, very capable, has become a well respected, well liked judge very quickly."

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) Member, American Bar Association.
- (b) Member, South Carolina Bar Association.
- (c) Member, Charleston County Bar Association.
- (d) Member, South Carolina Circuit Court Judges' Association

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

- (a) Circuit Court Judges' Association (2018-present)
- (b) Medical University of South Carolina Board of Visitors (2014-2016)
- (c) Former President, Charleston Lawyers Club (2014-2015)
- (d) South Carolina Summary Court Judges' Association (2015-2018)

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 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 is smart, judicious, energetic, and kind. They noted that she has become an asset to the judiciary in her short time on the bench.

(12) Conclusion:

The Commission found Judge McCoy qualified and nominated her for re-election to Circuit Court, At-Large, Seat 9.

The Honorable Jocelyn Newman
Circuit Court, At-Large, Seat 10

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

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

Judge Newman was born in 1977. She is 43 years old and a resident of Columbia, South Carolina. Judge Newman 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 Judge Newman.

Judge Newman 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 Newman reported that she has not made any campaign expenditures.

Judge Newman 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 Newman 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 Newman to be intelligent and knowledgeable.

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

- (a) I participated as a panelist at the South Carolina Bar's Colors of Justice program for middle and high school students in February 2016.
- (b) In July 2016, I was a lecturer on evidence during the Orientation School for Magistrates and Municipal Judges, presented by South Carolina Court Administration.
- (c) At the Auntie Karen Foundation's Young Entrepreneurs Conference in October 2016, I led a discussion panel regarding the practice of law.
- (d) In July 2017, I spoke to a group of practicing attorneys as part of the Richland County Bar Association's "Big Dogs" program.
- (e) I gave brief introductory remarks to attorneys attending the Richland County Bar Association's Annual Free Ethics Seminar in October 2017.
- (f) In November 2018, I, along with several other Circuit Court judges, participated in a panel discussion about recent appellate decisions in criminal cases at the Solicitors' Conference.
- (g) In October 2019, I made a short presentation and acted as a mock trial judge for at a workshop held for young lawyers by the South Carolina Bar's Trial and Appellate Advocacy Section

(h) I made a presentation at the General Sessions Breakfast held by the South Carolina Bar's Young Lawyers Division in October 2019.

Judge Newman reported that she has published the following:

- (a) "Standing Your Ground" in Civil Actions, The Defense Line (South Carolina Defense Trial Attorneys' Association, Columbia, SC), Fall 2013, Author.
- (b) C. Tyson Nettles, Unsung Hero, S.C. Young Lawyer, Aug. 2011, Author
- (c) Judicial Profile of The Honorable Clifton Newman, The Defense Line (South Carolina Defense Trial Attorneys' Association, Columbia, SC), Spring 2009, Author

(4) Character:

The Commission's investigation of Judge Newman did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Newman did not indicate any evidence of a troubled financial status. Judge Newman has handled her financial affairs responsibly.

The Commission also noted that Judge Newman 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 Newman reported that she is not rated by any legal rating organization.

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

Judge Newman reported that she has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Newman was admitted to the South Carolina Bar in 2004.

Judge Newman was admitted to the District of Columbia Bar, from January to September, 2004, under a limited license for student practice in the D.C. Court of Appeals.

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

- (a) Judicial Law Clerk for the Honorable G. Thomas Cooper, Jr., 2004-05 – For approximately the first half of my clerkship year, Judge Cooper served as Chief Administrative Judge for the Court of General Sessions in the Fifth Judicial Circuit. Therefore, my job duties included conducting research on criminal and constitutional questions as well as observing a variety of criminal procedures. I also assisted with the evaluation, trial (which ultimately became a guilty plea), and sentencing in a death penalty matter. During the remainder of my time with Judge Cooper, he began to hear civil cases as well. I assisted him by preparing jury charges and verdict forms, researching important issues, preparing Orders, and communicating with counsel. While

I handled certain administrative matters (such as scheduling), no financial management was involved.

- (b) Assistant Solicitor in Richland County, 2005-07 – I served under then-Solicitor W. “Barney” Giese, acting as lead (and often sole) prosecutor for a variety of misdemeanor and low-level felony crimes. I tried cases and presented guilty pleas in both Summary and Circuit Courts. I also participated as co-counsel in several serious and most serious felony cases, including murder, arson and armed robbery. No financial management of any kind was involved.
- (c) Associate Attorney at Richardson Plowden & Robinson, P.A., 2007-2015 – From 2007 until mid-2008, I worked in the “Lobbying and Governmental Affairs” practice group as a registered lobbyist. I also represented both plaintiffs and defendants in litigation and administrative matters related to governmental regulation. Beginning in 2008, I moved to the firm’s litigation practice group and began doing insurance defense work. At that time, I represented defendants in matters concerning personal injury, construction defects, civil rights violations, and real property. I also did a limited amount of criminal defense work and served as appointed counsel in Family Court and Post-Conviction Relief actions. In this position, I did not handle administrative matters; and although I reviewed billing statements to be sent to clients, I did not participate in collection of monies or have any role with the firm’s finances.
- (d) Attorney at The DeQuincey Newman Law Firm / JT Newman, LLC, 2015-16 – During this time, I represented plaintiffs in personal injury actions as well as defendants in criminal matters, both in Summary and Circuit Courts across the State of South Carolina. This career move began as a joint venture but soon became a solo practice. During this time, I maintained a trust account and an operating account. Both accounts were open for approximately four months only and were closed soon after my election to the bench.

Judge Newman reported that she has held the following judicial office(s):

I was elected to the Circuit Court, South Carolina’s court of general jurisdiction, on February 3, 2016. I took the oath of office in February 2016 and have served continuously since that time.

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

- (a) *Robert Durden Inglis v. The South Carolina Republican Party*, No. 2019-CP-40-05486, Order Denying Plaintiffs’ Motion for Injunctive Relief (Dec. 11, 2019)
- (b) *South Carolina Association of Public Charter Schools v. South Carolina High School League*, No. 2020-CP-40-02721, Order Granting Plaintiffs’ Motion for Temporary Injunction (June 22, 2020)
- (c) *State of South Carolina v. Hykeem Dontavious Golson*, No. 2017-GS-40-01921 – In this matter, I accepted a guilty plea and imposed sentence on Defendant, who burned a puppy in a church parking lot, ultimately causing its death. This case drew the largest number of spectators of any case I have handled and was of particular interest to animal rights activists and media outlets even outside the State of South Carolina.
- (d) *State of South Carolina v. Rickey Dean Tate*, No. 2018-GS-46-03992 – I presided in the trial of this case, where Defendant was charged with several drug offenses. The forty-one-year-old was convicted only of possession with intent to distribute crack cocaine. However, that conviction was the third of “three strikes,” with both of the other convictions being drug offenses. This was the first and only time that I sentenced someone to serve life without the possibility of parole.
- (e) *State of South Carolina v. William S. Crump, Jr.*, No. 2018-GS-24-00386 – I presided in the trial of this case, where Defendant was accused of sexually abusing and neglecting his minor children. Despite both children giving credible testimony, Defendant was acquitted of the sexual abuse charges. While speaking to the jurors afterwards, I learned of jurors’ strong need for forensic evidence.

Judge Newman reported no other employment while serving as a judge.

Judge Newman further reported the following regarding unsuccessful candidacies:
I was a candidate for Circuit Court Judge in Fall 2012 and Fall 2014, but was unsuccessful in both attempts.

(9) Judicial Temperament:
The Commission believes that Judge Newman's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualification found Judge Newman "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee made the following comment, "Excellent interview."

Judge Newman is not married and has no children.

Judge Newman reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar, member
(b) American Bar Association, member
(c) John Belton O’Neall Inn of Court, member and former treasurer (2014-16)

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

American Mensa

Judge Newman further reported:

Every day I try to be a knowledgeable, approachable judge. While I know that I don't always get things right, I make every effort to ensure that everyone in the courtroom knows that they are important, from the alleged murderer to the bailiff. Having been a litigation attorney before my election to the bench, I am mindful of the attorneys' point of view, and I hope to always be considerate of that.

(11) Commission Members' Comments:
The Commission commented that Judge Newman is an excellent jurist. They noted her keen intellect and noted that she demonstrates excellent preparation, temperament and demeanor.

(12) Conclusion:
The Commission found Judge Newman qualified and nominated her for re-election to Circuit Court, At-Large, Seat 10.

H. Steven DeBerry IV
Circuit Court, At-Large, Seat 12

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

(1) Constitutional Qualifications:

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

Mr. DeBerry was born in 1980. He is 40 years old and a resident of Pamplico, South Carolina. Mr. DeBerry 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.

(2) Ethical Fitness:

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

Mr. DeBerry 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. DeBerry reported that he has made \$392.10 in campaign expenditures.

Mr. DeBerry 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. DeBerry 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. DeBerry to be intelligent and knowledgeable.

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

I taught Business Law for a number of years at Florence Darlington Technical College. The course consisted of basic principles of law and how the law interacts with business.

(4) Character:

The Commission's investigation of Mr. DeBerry did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. DeBerry did not indicate any evidence of a troubled financial status. Mr. DeBerry has handled his financial affairs responsibly.

The Commission also noted that Mr. DeBerry 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. DeBerry reported that he is not rated by any legal rating organization.

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

Mr. DeBerry reported that he has held the following public office:

I was elected to Florence County Council in November of 2013. My first term began on January 1, 2014 and expired December 31, 2018. I was re-elected to a second term in November 2018 and

began my second term in January 2019. I currently hold this office. I have timely filed my reports with the State Ethics Commission during the time I have held office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. DeBerry was admitted to the South Carolina Bar in 2006.

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

- a. Law Clerk for the Honorable R. Ferrell Cothran, Jr. 2006-2007
- b. Attorney at The Whisenhunt Law Firm, Florence, SC 2007-2008
- c. Assistant Solicitor for the Twelfth Judicial Circuit 2008-2011
- d. DeBerry Law Firm, LLC 2011-present

As an attorney at the Whisenhunt Law Firm I handled domestic and criminal cases. I was not in control of any trust accounts and simply worked as an employee.

When I began working as an assistant Solicitor for Ed Clements, I was a DUI prosecutor. At first, I handled primarily DUI cases and other traffic related cases that were charged by the South Carolina Highway Patrol. Later, I prosecuted crimes of all levels.

Upon opening DeBerry Law Firm, LLC, I began handling cases in Magistrate's Court, Family Court, Probate Court, and Circuit Court. I began primarily handling domestic cases, criminal cases, real estate matters, and personal injury cases. Early on I stopped handing domestic cases and have focused on the remaining practice areas listed.

I am the only attorney that has ever practiced law at the DeBerry Law Firm, LLC. I have been solely responsible for all of the administrative and financial duties of this law firm. My firm has two trust accounts, one for real estate matters, and the other for all other matters that requires holding monies in trust.

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

Criminal Experience:

Since entering private practice as a sole practitioner in September of 2011, I have been retained in well over 900 criminal matters, many involving multiple warrants and or indictments. The level of charges varies from violent crimes to magistrate level offenses, including pardon representation.

I have also been a contract attorney through South Carolina Indigent Defense. I have been appointed on more than 100 criminal matters as a result of the public defender's office having conflicts with certain defendants. Most of these cases involve violent crimes and some have required jury trials in order to resolve them.

My criminal experience also involves representing juvenile defendants in Family Court. Before entering private practice, I worked as an assistance solicitor in the Twelfth Judicial Circuit. I began as a DUI prosecutor and before leaving to enter private practice I had a full case load of all levels of crimes. My case load included violent crimes, including but not limited to armed robberies, assault and battery, burglaries, and murder.

I have made many pre-trial, during-trial, and post-trial motions on behalf of my clients in all courts including but not limited to issues involving; jury selection, sequestration of witnesses, suppression of evidence, identification, hearsay, rules of evidence, stand your ground, motions for directed verdicts, and motions for resentencing subject to *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (S.C., 2014).

Civil Experience:

Since entering private practice in September of 2011, I have represented approximately 285 clients involving some type of personal injury. Most of these cases involve car accidents, but others include, but are not limited to; slip and fall, farm accidents, dog bites, premise liability, and workers compensation. Approximately 35 of these cases have been in suit and litigated to various degrees.

I have argued motions on behalf of these cases in many instances involving issues including but not limited to; motions to dismiss, motions for summary judgement, evidentiary motions, motions to change venue, action for declaratory judgement, and motions for directed verdicts.

My solo law practice has opened and handled approximately 525 real estate related files since opening in September of 2011. I have dealt with many real estate and property law related issues including but not limited to; the probating of estates in order to achieve clear title to real property, handling liens and encumbrances on real property, litigation of landlord tenant matters, evictions, foreclosures, claims and deliveries in Circuit and Magistrate level Courts, quit claim, warranty, and other deeds, determination of heirs, litigating division of real property suits, and other real property related issues. My civil experience also includes litigation in Probate and Magistrate Court including matters of law and equity.

My appearance in Circuit Court in the past five years has been extremely frequent. I estimate that on average I appear in Circuit Court about once per week, or about 50 to 55 times per year. These appearances are naturally much more frequent during terms of court in the Twelfth Judicial Circuit, and especially during terms of General Sessions Court. Conversely, during times of holidays and other periods of no court being in session, my appearances are less or not at all. Since Covid-19 my court appearances have been drastically reduced because the amount of court being held is extremely minimal.

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

- (a) Federal: None;
- (b) State: I have appeared in circuit court, magistrates court, and administration law court on average weekly in the past five years.

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

- (a) Civil: 25%
- (b) Criminal: 65%;
- (c) Domestic: 0%;
- (d) Other: 10% (Real Estate/Property Law, Probate Matters)

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

- (a) Jury: 95%;
- (b) Non-jury: 5%

Mr. DeBerry provided that during the past five years he most often served as sole counsel.

The following is Mr. DeBerry's account of his five most significant litigated matters:

- (a) *State v. Hill*. In this matter my client was indicted for Assault and Battery of a High and Aggravated Nature in connection with an altercation at his job as a night club manager. I was able to obtain a dismissal of his charges pursuant to the "Protection of Persons and Property Act," specifically, referencing Section 16-11-440 of the South Carolina Code of Laws, which is commonly referred to as the "Stand Your Ground" law. There was no appeal.
- (b) *Johnny A. Stabolitis v. William E. Turner, Bill Haire, National Striped Bass Ass., INC, National Striped Bass Associations of America, INC and Striped Bass Conservation Coalition, INC*. This matter involved complex issues of law regarding corporations and piercing the corporate veil. This matter was tried before a jury, and prior to jury deliberation the Honorable Donald Hocker made it known that there was more than sufficient evidence in the record to support a motion to pierce the corporate veil according to the actions of the Defendant's. At that time a favorable settlement was able to be reached on behalf of my client, Mr. Stabolitis.
- (c) *Lo Co Manufacturing Housing, INC. v Denise Wells, AKA Denise McCrea, AKA Robin Denise McCrae, AKA Robin Wells*. This matter involved legal issues material to the verbiage and legal meaning of a lease or a lease to own, legal document. Further at issue, was the plaintiff's and defendant's right of possession of a certain home that was subject of this lawsuit. Also affected by this action was a third-party property owner who was leasing a lot of land that the home was situated on. I represented the Plaintiff in this matter at trial before the Honorable George McFadden in Clarendon County. I was successful in winning on the position that my client was entitled to possession of the home without legal necessity of filing a foreclosure action based on the facts of the case. The third-party landowner also received relief in this matter as a result of the ruling.
- (d) *State v. Reaves*, 414 S.C. 118- 777 S.E.2d 213 (S.C., 2015) In this matter I was working as assistant solicitor in the Twelfth Judicial Circuit when I was assigned this murder case. At the time I was assigned the case, the Defendant had been incarcerated for three years in the Marion County Detention Center without bond. A speedy trial motion was made, and the case was called for trial shortly thereafter. During the first trial, it was learned that the lead detective in the matter had evidence in his possession that was not turned over to the State, and therefore not provided through discovery to the Defense. I agreed and consented that a mistrial was proper, and the Honorable William Seals declare a mistrial. At the second trial it was determined that many items of evidence were mishandled, misplaced, or otherwise spoiled. There was also an issue of a second, unidentified shooter, evidenced by the fact that the victim was shot by two different guns. There was expert testimony that the fatal shot was fired by a revolver, and that the non-fatal shot was fired by an automatic pistol. Despite all of the legal, factual, and evidentiary issues that occurred during this trial, I was able to obtain a guilty verdict for Voluntary Manslaughter against the defendant and he was sentenced to 25 years in prison. This matter survived an appeal to the South Carolina Supreme Court and was upheld as a lawful conviction.
- (e) *Mark Severance v. Charles B. Severance as Personal Representative of the Estate of Elsie L. Severance*. At issue in this trial were matters of law and equity. This matter was significant as my client, an heir of his mother's estate, had been given a house on family property that he believed was to be included in his inheritance. Over time, my client spent monies and time in the upkeep and remodeling of the home for use for he and his family. After the death of his mother, the personal representative of her estate sought to include the home in question as a part of the rest, residue and remainder of the estate, and to not treat the home as a specific devise according the Last Will and Testament of the mother. After trial, it was ordered by the Probate Judge that the home was a specific devise and that the Plaintiff in the matter prevailed. There was no appeal.

Mr. DeBerry reported that he has not personally handled any civil appeals.

The following is Mr. DeBerry's account of one criminal appeal he has personally handled:

- (a) *State v. Baxley*, heard September 21, 2017 by the Honorable D. Craig Brown, in the Twelfth Judicial Circuit. The appeal by the State was denied.
- (b) As an Assistant Solicitor I was in charge of handling Magistrate level criminal appeals that were heard in Circuit Court. I do not have records that include dates and case names.

Mr. DeBerry further reported the following regarding unsuccessful candidacies:

I ran in 2019 for Judge of South Carolina Circuit Court At-Large Seat 13 and was not elected.

(9) Judicial Temperament:

The Commission believes that Mr. DeBerry's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Mr. DeBerry to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee had no related comments.

Mr. DeBerry is married to Jessica Lynn White DeBerry. He has two children.

Mr. DeBerry reported that he was a member of the following Bar and professional association: Florence County Bar, I have held no offices.

Mr. DeBerry provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations.

Mr. DeBerry further reported:

Fairness, integrity, patience, equality, and impartiality are virtues and attributes that should accompany every judge. I care about our justice system operating as it is designed to do, which is to provide justice for all. Without the best judges possible, the State of South Carolina and our system of justice will not be the best it can be.

When elected, I will make out judiciary better. I will bring my life experiences and virtues of fairness, integrity, patience, equality, and impartiality to the bench with me. I will do so to ensure that justice is done, and done above all else, fairly.

During the opening argument of every trial I have tried in my legal career, I have always first thanked the jury for their services, and then asked them for a fair and impartial trial for all involved. In many cases I have harped on fairness excessively as it is important for a judge and a jury to understand the significance of an individual's day in court and their right to a fair and impartial trial. In my opinion, a fair trial is far more important than any verdict or outcome.

Integrity in our judicial system is imperative for fairness and impartiality to strive. My time spent earning my degree from The Citadel instilled in me a sense of integrity that I will never stray from. My time there taught me that doing the right thing, in all circumstances and situations, to the best of my ability, is the honorable and fair thing to do. I live my life by these values every day. I raise my children by these values every day. And when elected, I will carry out my duties as a Circuit Judge in the same way.

I have always felt a sense of duty to provide public service. I have served, and currently serve as a member of the Florence County Council. I do so to give back to my community, to

represent the people of my district and the people of Florence County, and to provide them with representation that ensures fairness, impartiality, and integrity as it relates to County Government in Florence County. I have enjoyed my service and take pride in what I have been able to accomplish for my district and for Florence County as a whole. I have strived to provide this service solely for the purpose of bringing my constituents a sense of inclusion and fairness, and not for any personal gain.

I am also a contract attorney with South Carolina Indigent Defense. I have remained in this capacity for a number of years. Although I am compensated for these cases, the fees paid are minimal in relation to the nature and level of many of the crimes. My time spent on these files varies according to the complexity of the matters, some of these conflict cases have been days and even weeklong jury trials, where others have been resolved by way of plea or dismissal. I often get questioned by the local bar as to why I remain on the conflict list, subjecting myself to complex cases for a small flat fee. The truth is that I enjoy the challenge, but above all else I feel that my remaining on the list is a form of serving the public. I feel that my experience and expertise can be used to help people that otherwise could not afford equivalent services. It is for the public service aspect, and the ability to help people in need to get a fair and impartial journey through our legal system, that I remain on the conflict list.

In conclusion, I believe that my life and career experiences make me the best possible candidate for the position that I seek. I come from a family of legal professionals that have helped mold me into the lawyer that I am today. I have vast experience in the court room on both sides of the criminal bar. My civil litigation experience is robust, and I have handled many kinds of civil actions as Plaintiff and Defense council, in cases ranging from personal injury to property disputes. My frequent appearances in Circuit Court through out my entire career give me the invaluable experience to be a great Circuit Court judge. However, the greatest attributes that I bring as a judicial candidate are my integrity, fairness, equality, impartiality, and a sincere and humble demeanor.

(11) **Commission Members' Comments:**

The Commission commented that Mr. DeBerry has the appropriate experience and they believe he would be an asset to the judiciary. The Commission also commented that they feel Mr. DeBerry's demeanor is well-suited to the bench.

(12) **Conclusion:**

The Commission found Mr. DeBerry qualified, and nominated him for election to Circuit Court, At-Large, Seat 12.

B. Alex Hyman
Circuit Court, At-Large, Seat 12

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

(1) **Constitutional Qualifications:**

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

Mr. Hyman was born in 1980. He is 41 years old and a resident of Conway, South Carolina. Mr. Hyman 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.

(2) **Ethical Fitness:**

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

Mr. Hyman 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. Hyman reported that he has not made any campaign expenditures.

Mr. Hyman 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. Hyman 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. Hyman to be intelligent and knowledgeable.

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

- (a) Intro to Criminal Justice, Horry Georgetown Technical College – adjunct professor
- (b) Constitutional Rights, Charges affecting College students and the ramifications of a Conviction, Coastal Carolina University Seminar

Mr. Hyman reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Hyman did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Hyman did not indicate any evidence of a troubled financial status. Mr. Hyman has handled his financial affairs responsibly.

The Commission also noted that Mr. Hyman 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. Hyman reported that his rating by a legal rating organization, AVVO Legal Rating, is 10; his rating by American Academy of Trial Lawyers, is Premier 100 Trial Attorney; and his rating by American Institute of DUI/DWI, is 10 Best.

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

Mr. Hyman reported that he has held the following public office:

I was elected to City Council for the City of Conway in January, 2020. I have timely filed my reports.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Hyman was admitted to the South Carolina Bar in 2006.

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

- (a) Law Clerk to the Honorable Judge Edward B. Cottingham August 2006 – July 2007
- (b) Associate Lawyer at The Law Office of Larry B. Hyman Jr. August 2007 – January 2008
- (c) Owner B. Alex Hyman Attorney at Law, PA January 2008 – January 2014 (fully responsible for administrative and financial management)
- (d) Owner Hyman Law Group, PA January 2014 – Present (fully responsible for administrative and financial management)

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

I began my legal career as a solo general practitioner. My practice was probably what you would expect from a smaller community general practitioner. I have handled everything from mechanic lien foreclosures, property disputes, auto accidents, real estate closings as well as a multitude of criminal cases ranging from drug offenses to murder. Additionally, I have served extensively as a mediator and arbitrator.

My criminal experience has allowed me to spend an extraordinary amount of time in the courtroom. Over the past 13 years I have defended clients in over twenty five murders or attempted murders and hundreds of other criminal matters in both State and Federal Courts. I have argued to a jury verdict numerous cases where my client could receive a punishment of life in prison. Generally, I appear before a Circuit Judge for criminal court 4-5 times a month.

My civil experience has ranged from all across the spectrum. In the majority of my civil cases, I have represented the plaintiff, but I have also, on occasion, defended local businesses. The bulk of my civil practice has generally been related to auto accidents, but I have also tried cases arising out of property disputes, construction defects, breach of contract, as well as other causes of action. In the past four years I have been blessed enough to hire two associates, allowing me to concentrate more on my criminal litigation practice. I still handle ten to twenty civil cases a year, but the majority of my time is now spent on criminal matters.

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

- (a) Federal: Depending on my case load it ranged from just a couple of times a year to monthly;
- (b) State: Generally, I am in court on an almost weekly basis.

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

- (a) Civil: 25%;
- (b) Criminal: 70%;
- (c) Domestic: NA%;
- (d) Other: 5% (wills, real estate, etc.).

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

- (a) Jury: 20%;
- (b) Non-jury: 80%.

Mr. Hyman provided that during the past five years he most often served as sole counsel.

The following is Mr. Hyman's account of his five most significant litigated matters:

- (a) *State of South Carolina v. Bridgett Lamon Moore* – Criminal – I served as sole counsel on this case, and my client was charged with murder, in the killing of a local drug dealer. The case was never a “who done it” but instead was a question of whether he acted in self-defense. Prior to trial he was offered to plea to Voluntary Manslaughter with a negotiated sentence of 25 years. After a four-day trial, the jury found him not guilty of Murder but guilty of Voluntary Manslaughter and he was sentenced to 12 years. He was recently released from the Department of Corrections and is doing well.
- (b) *State of South Carolina v. Heather Causey Sims* – Criminal – I served as co-counsel on this case. Our client was charged with murdering her husband. After a four-day stand your ground hearing and a five-day trial the jury found her not guilty of Murder and guilty of Manslaughter. She was sentenced to 10 years. The case was appealed, and the Court of Appeals overturned her conviction.
- (c) *State of South Carolina v. James Richard Rosenbaum* – Criminal – I served as sole counsel on this case and my client was charged with the murder of a man, he believed to be an intruder in his home. It was discovered in trial that the victim was a guest of his girlfriend. We argued that he was unaware of this and that he was acting upon a reasonable belief and should be protected by not only the “castle doctrine” but also the theory of self defense. He was given a 25-year plea offer but turned it down. We tried a multi-day stand your ground hearing and then a five-day trial. The jury found him not guilty of Murder but guilty of Voluntary Manslaughter. He was sentenced to 15 years and his case has been appealed.
- (d) *Johnny Anderson, et al. v Southeastern Investors Associates Limited Partnership et al.* 2008CP2601514 – Civil – I served as sole counsel on this case, and it was originally brought as a mechanics lien foreclosure. By the time the pleadings had been answered the case had morphed into an extremely technical construction litigation involving out of state experts and attorneys. Pursuant to the contract the case was transferred to an arbitrator and we spent four days arguing the case. My client was awarded a judgment in his favor.
- (e) *David Rankine v. Cox Equipment Repair LLC et al.* 2013CP2606632 – Civil – I served as sold counsel on this case. My client bought a CNC machine, and had it shipped from Ohio to his home. He contracted with a man claiming to work for Cox Equipment Repair LLC to move the CNC machine from the shipping trailer into his shop. The defendant dropped the machine rendering it a total loss. The defendant, Cox Equipment Repair LLC then claimed that the defendant did not work for them. It was shown at trial that while the man did not in fact work for the company, they were aware of him and allowed him to use their equipment. A jury awarded my client judgments against both of the defendants.

The following is Mr. Hyman's account of the civil appeal he has personally handled:

I am currently handling *Jimmy A. Richardson v. Travis Green* Case No. 2017-CP-26-07411 Appellate Case No. 2020-000092

Mr. Hyman reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Hyman's temperament would be excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualification found Mr. Hyman 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, professional and academic ability,

character, reputation, experience, and judicial temperament. The Committee did not have any related comments.

Mr. Hyman is married to Tammi Leigh (Barfield) Hyman. He has two children.

Mr. Hyman reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
- (b) Horry County Bar
- (c) SC Association for Justice
- (d) SC Association for Criminal Defense Lawyers
- (e) National College for DUI Defense
- (f) Coastal Inn of Courts

Mr. Hyman provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Waccamaw Sertoma Club President 2014 and 2020 Sertoman of the Year 2015
- (b) Trinity United Methodist Church – Church Council 2018-Present
- (c) Coastal Carolina Chrysalis – Lay Director 2013
- (d) City of Conway Board of Zoning Appeals 2009-2017 Chairman
- (e) City of Conway Downtown Alive
- (g) Conway Planning Commission 2017- 2019 Chairman

Mr. Hyman further reported:

I have been extremely blessed in my life to have parents and grandparents that pushed me to be the very best person that I can be. I was told that assets can come and go but the relationships that you cultivate are what lasts. Any positive character traits that I have developed are a direct result of the nurturing that I received. Patience, kindness, and the “golden rule” were instilled in me at a very early age, and I have always tried my best to treat my fellow man with respect and dignity.

I was taught that there is no substitution for hard work. I have built my practice and my life around that sentiment, and I try to raise my children with a similar work ethic. I often tell clients when they first meet me that “I can’t promise you that I will always be the smartest guy in the room, but I can promise you that I will not be outworked.” I will always go out of my way to be available to litigants, lawyers, court staff, and the law enforcement community in an effort to always keep cases moving. If elected I believe that I will be the kind of judge that goes the extra mile to ensure that our Judicial System is the best that it can be.

(11) Commission Members' Comments:
The Commission commented that Mr. Hyman is uniquely situated in that he works in a small town and has a diverse practice that reaches across several counties. He would bring this unique experience to the bench.

(12) Conclusion:
The Commission found Mr. Hyman qualified, and nominated him for election to Circuit Court, At-Large, Seat 12

**The Honorable Dale E. Van Slambrook
Circuit Court, At-Large, Seat 12**

(1) Constitutional Qualifications:

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

Judge Van Slambrook was born in 1958. He is 62 years old and a resident of Goose Creek, South Carolina. Judge Van Slambrook 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 1983.

(2) Ethical Fitness:

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

Judge Van Slambrook 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 Van Slambrook reported that he has made \$149.11 in campaign expenditures for stationary and postage.

Judge Van Slambrook 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 Van Slambrook 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 Van Slambrook to be intelligent and knowledgeable.

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

- (a) I have lectured at the April 26, 2018 Berkeley County Bar Day Court CLE
- (b) I made presentation on the topic of Partition Actions on December 15, 2017

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

(4) Character:

The Commission's investigation of Judge Van Slambrook did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Van Slambrook did not indicate any evidence of a troubled financial status. Judge Van Slambrook has handled his financial affairs responsibly.

The Commission also noted that Judge Van Slambrook 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 Van Slambrook reported that his last available rating was: BV.

Judge Van Slambrook reported that he has not served in the military.

Judge Van Slambrook reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Van Slambrook was admitted to the South Carolina Bar in 1983.

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

From 1983 to 2000, I engaged in a General law practice. I was involved in domestic cases, divorce, child custody disputes; Workers Compensation cases; Chapter 7 and Chapter 13 Bankruptcy cases; Personal Injury Litigation; Probate; Social Security; Real Estate Closings and Real Estate Litigation. Beginning in 2000, my practice narrowed to where I was primarily involved in personal injury, Social Security, Probate and Miscellaneous Litigation.

I was hired as an Associate with The Steinberg Law Firm, LLP in 1983, became a partner in 1986. I primarily practiced in the Goose Creek Office but also worked in the Ashley Phosphate office and later in the Summerville office located on Main Street then Old Trolley Road as the Managing Partner of the Office until taking the Bench in November 2014. All of these positions included the operating and trust accounts.

Judge Van Slambrook further reported regarding his experience with the Circuit Court practice area.

Criminal Matters: As a part of my private practice, I defended cases in the Magistrate Court, Municipal Court and General Sessions and tried cases in all Courts in Berkeley, Charleston and Dorchester County. Most recently, I presided over Jury Trials as Municipal Court Judge for the City of Goose Creek. I handled all matters relating to these criminal Trials. Primary focus was Driving Under the Influence, Shoplifting and Criminal Domestic Violence cases. Many cases involved Pro Se Defendants and majority of cases were prosecuted by the Arresting Officer. As a Special Circuit Court Judge, I presided over Guilty Pleas and Probation Revocation Hearings.

As Judge of the Berkeley County Adult Drug Court, I have advanced my depth of knowledge of the Criminal Court System immensely.

Civil Matters: As a part of my private practice, I handled numerous Civil matters in Magistrate Court and Common Pleas. I tried approximately one hundred (100) Jury Trial cases to verdict during my private practice. Further, I practiced in Bankruptcy Court as a Debtors Attorney in Chapter 7 and Chapter 13 cases until approximately 2006. I was practiced in Federal Court presenting Social Security Disability Claimants primarily from 2008 to 2014.

As Special Circuit Court Judge concerning Civil matters, I review and signed such routine matters as Default Orders, Dismissals, Publication and Appointment of Guardians. This constant review of procedural matters has also increased my breath of knowledge as to the day to day workings of the Court System from the Judicial and Administrative perspective.

Judge Van Slambrook reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 10 to 15 - including Social Security (per year)
- (b) State: 10 to 15 (per year)

Judge Van Slambrook reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 95% - Personal Injury, Social Security and Miscellaneous;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: 5% - Probate;

Judge Van Slambrook reported the percentage of his practice in trial court during the past five years as follows:

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

Judge Van Slambrook provided that during the past five years he most often served as sole counsel.

The following is Judge Van Slambrook's account of his five most significant litigated matters:

- (a) *Ruth Atkins (Pinckney vs. Atkins* 317 SC 340 (1995)
- I was retained after the Trial and filed an Appeal based upon numerous errors at the original Hearing. The published Opinion clarified numerous procedural issues relative to Real Partition Actions.
- (b) *Coleman Dangerfield vs. Rainbow Carpets, et al.* (2011)
- Personal Injury Trial in Berkeley County tried in May 2011 for four (4) days. Involved significant medical causation and psychiatric issues, multiple physician depositions and liability issues.
- (c) *Tamson Susor vs. Tommy Lee Schmidt* (2012)
- Personal Injury Trial in Dorchester Court of Common Pleas. Involved liability and medical causation issues. Significant due to novel issues raised regarding social media and its admissibility.
- (d) *Sheryl Elliot vs. Three D Metal, Inc., et al.* (2012)
- Personal Injury litigation case involving medical causation issues. Most significantly was the various experts regarding accident reconstruction and epidemiology. This matter was settled immediately prior to Trial during a second mediation.
- (e) *Estate of Catherine Wall vs. La Hacienda, et al.* (2011)
- Wrongful death premises liability claim resulting from a fall from which an eighty (80) year old woman died. Significant issues involved defective construction and proof of conscious pain and suffering. Successfully presented a video commemoration of Mrs. Wall's life to demonstrate damages. Also involved numerous Probate Court filings.

The following is Judge Van Slambrook's account of the civil appeal he has personally handled:

Ruth Atkins (Pinckney vs. Atkins 317 SC 340 (1995)

I was retained after the Trial and filed an Appeal based upon numerous errors at the original Hearing. The published Opinion clarified numerous procedural issues relative to Real Partition Actions.

Judge Van Slambrook reported that he has not personally handled any criminal appeals.

Judge Van Slambrook further reported the following regarding unsuccessful candidacies: Unsuccessful candidate for Circuit Court Ninth Judicial Circuit, Seat 2 in 2018.

Judge Van Slambrook reported the following regarding his employment while serving as a judge: My wife and I own two (2) rental properties which are handled by a Property Management Company and we have no day to day involvement.

(9) Judicial Temperament:

The Commission believes that Judge Van Slambrook's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Judge Van Slambrook 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, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also noted, "Extensive experience as a lawyer and judge. Has performed well as a special circuit judge. Great job as Drug Court Judge. Very well rounded; he is doing it all now. Substantial foundation for this position - natural transition for him - imminently qualified in every respect."

Judge Van Slambrook is married to Darlene J. Van Slambrook. He has three children.

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

- (a) South Carolina Bar Association 1983 to present
- (b) Charleston County Bar Association 1983 to present
- (c) Berkeley County Bar Association 1983 to present
Bar President 2011
- (d) South Carolina Master-In-Equity 2014 to present
Judges Association
President 2019-2020

Judge Van Slambrook provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Goose Creek International Triathlon Club - member
- (b) St. James United Methodist Church - former Lay Leader; former Finance Committee Chairman; former Trustee; Chair of Administrative Council
- (c) National Rifle Association – member

Judge Van Slambrook further reported:

I have lived in Berkeley County since 1974 and graduated from Goose Creek High School, Clemson University and University of South Carolina School of Law. I practiced law with The Steinberg Law Firm, LLP for more than thirty (30) years primarily out of the Goose Creek office and later in Summerville offices.

I began my legal career as general practitioner and handled a variety of cases including but not limited to domestic, criminal, probate, civil cases, high volume of real estate closing and real estate litigation and personal bankruptcy cases.

I have tried cases Jury and Non-Jury in various Courts in Charleston, Berkeley and Dorchester County Common Pleas, Family Court, General Sessions, Master-In-Equity, Magistrate and Municipal Courts. I have handled almost all manner of disputes in these various Courts.

For the last years of my private practice, I focused primarily on personal injury litigation and Social Security Disability.

I presided over Criminal Jury Trials as a Municipal Judge for the City of Goose Creek from 2009 to 2014.

I currently serve as Berkeley County Master-In-Equity primarily Non-Jury matters that frequently involved Pro Se Litigants during the extremely stressful Foreclosure process. I also have been able to serve as a Special Circuit Court Judge and handle routine matters and have accepted Guilty Pleas and Probation Revocations. As Judge of the Berkeley County Adult Drug Court, I interact on a weekly basis with participants and the Drug Court Team, including assistant solicitors, public defenders and health professionals.

My experience as a Master-In-Equity, Special Circuit Court Judge, Berkeley County Adult Drug Court Judge and as Municipal Court Judge has provided me an insight into the difficulties and enormous responsibilities which face every person serving on the Bench.

I believe that based upon my depth of experience as a practicing attorney, service as a Criminal Court Judge, Master-In-Equity, a Special Circuit Court Judge and as an Adult Drug Court Judge, I have the training, education and experience to effectively perform the duties of a Circuit Court Judge. I believe that I would be able to apply a common sense and practical approach to the many duties of a Circuit Court Judge.

(11) Commission Members' Comments:

The Commission commented that Judge Van Slambrook has an outstanding reputation amongst his peers, which is a direct reflection of the job that Judge Van Slambrook has done throughout his years as a Master-in-Equity and also a credit to his character.

(12) Conclusion:

The Commission found Judge Van Slambrook qualified, and nominated him for election to Circuit Court, At-Large, Seat 12.

FAMILY COURT

QUALIFIED AND NOMINATED

Jonathan W. Lounsberry
Family Court, Seventh Judicial Circuit, Seat 1

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

(1) **Constitutional Qualifications:**

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

Mr. Lounsberry was born in 1980. He is 40 years old and a resident of Spartanburg, South Carolina. Mr. Lounsberry 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 2009.

(2) **Ethical Fitness:**

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

Mr. Lounsberry 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. Lounsberry reported that he has made \$236.57 in campaign expenditures on postcards, postage, business cards and a name tag.

Mr. Lounsberry 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. Lounsberry 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. Lounsberry to be intelligent and knowledgeable.

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

- (a) I am a moderator and course planner at the 2020 SC Bar Program "CLE Essentials: Family Law";
- (b) I was a co-presenter for the 2020 Strafford Webinars "Dividing High Value Items in Divorce";
- (c) I was a panelist for "Trial Technology: Tricks of the Trade" panel at the 2019 American Bar Association Section of Family Law Fall CLE Conference in Austin, Texas;
- (d) I was a presenter on the topic of "Rule: What's Going On?" at the 2019 SC Bar Program Hot Tips from the Coolest Domestic Law Practitioners;

- (e) I was a moderator, course planner, and lecturer at the 2019 SC Bar Program “CLE Essentials: Family Law”;
- (f) I was a co-presenter for “Judge, What Do You Want to Hear? Presenting a Bench Trial” presentation at the 2019 American Bar Association Section of Litigation & Section of Solo, Small Firm, and General Practice Annual Conference in New York City, New York;
- (g) I was a moderator, course planner, and lecturer at the 2018 SC Bar Program “CLE Essentials: Family Law”;
- (h) I was a moderator, course planner, and lecturer at the 2017 SC Bar Program “CLE Essentials: Family Law”;
- (i) I assisted with the Legal Eagle Squares Game Show presentation at the 2017 Horry County Family Court CLE seminar;
- (j) I presented on the topic of investigative tools and their uses at the 2017 SC Bar Program “Guardian ad litem Annual Training and Update”;
- (k) I participated in researching and drafting the questions for and assisting with the Hollywood Squares presentation on domestic relations and mental health issues at the 2017 Annual SC Bar Meeting;
- (l) I participated in researching and drafting the questions for and assisting with the Hollywood Squares presentation on domestic relations and procedural and evidentiary issues at the 2016 Annual SC Bar Meeting;
- (m) I lectured at all three of the 2016 SC Bar Program “Bridge the Gap” for new lawyers;
- (n) I presented on the topic of tech tips for trial lawyers at the 2015 SC Association for Justice Annual Meeting;
- (o) I presented on the topics of proper procedure for filing and serving domestic relations actions and the litigation of contempt actions at the 2015 SC Bar Program “CLE Essentials: Family Law”;
- (p) I lectured at all three of the 2015 SC Bar Program “Bridge the Gap” for new lawyers;
- (q) I presented on the topic of courtroom etiquette with the Honorable Dorothy M. Jones as part of the 2014 Professionalism Series at the Charleston School of Law;
- (r) I presented a review of recent SCOTUS rulings that affected family law at the 2014 SC Bar Program “Hot Tips from the Coolest Domestic Law Practitioners”;
- (s) I lectured at all three of the 2014 SC Bar Program “Bridge the Gap” for new lawyers;
- (t) I was a program co-chair for a presentation on the topic of the 1980 Hague Convention on the Civil Aspects of International Child Abduction and its implementation in Asia for the 2014 ABA Section of International Law Program “International Families: Money, Children, and Long-Term Planning”;
- (u) I was a member of the planning committee for the 2014 ABA Section of International Law Program “International Families: Money, Children, and Long-Term Planning” Program;
- (v) I assisted James T. McLaren with a presentation entitled “How Litigation Apps Can Make You a Better Trial Lawyer” at the 2013 SC Association of Justice Annual Convention;
- (w) I assisted James T. McLaren with a presentation entitled “Using Technology to Present a Complex Equitable Division Case” at the 2013 American Academy of Matrimonial Lawyers Mid-Year meeting;
- (x) I presented on the topic of marital agreements and whether parties can contract out of the jurisdiction of Family Court for a 2013 SC Bar Distance Learning CLE Program;
- (y) I presented on the topic of being appointed a Juvenile Justice matter for a 2013 SC Bar Distance Learning CLE Program; and
- (z) I assisted James T. McLaren with a presentation entitled “Technology for iPads and PC Laptops at Deposition and Trial” at the 2012 American Academy of Matrimonial Lawyers Annual meeting.

Mr. Lounsberry reported that he has published the following:

- (a) J. Benjamin Stevens and Jonathan W. Lounsberry, *Family Law Essentials: A Primer for Private Practice Before the Family Court in SC* (SC Bar CLE 2018);
- (b) Jonathan W. Lounsberry, “The Family Court’s New Uniforms: Amendments to South Carolina’s Uniform Interstate Family Support Act and Adoption of the Uniform Deployed Parent Custody and Visitation Act” (SC Lawyer January 2017);
- (c) James T. McLaren and Jonathan W. Lounsberry, “Division of Assets Held by Third Party Legal Entities in Domestic Relation Cases” (International Academy of Family Lawyers Online News, June 2016);
- (d) Jonathan W. Lounsberry, “Tips for Using Technology Inside and Outside the Courtroom” (Family Law Litigation Newsletter, ABA Section of Litigation, March 2016);
- (e) Jonathan W. Lounsberry, *Using Technology Inside & Outside the Courtroom: Streamlining the Litigation Process and Enhancing the Impact of Evidence* (Family Law Advocate, ABA Section of Family Law, Spring 2015);
- (f) Kathryn Barton, LBSW, et al., *SC Children’s Law Manual* (Jonathan W. Lounsberry, Principal Editor, SC Bar CLE 2014); and
- (g) Jonathan W. Lounsberry, “Marital Agreements: Can You Really Contract Out of Family Court Jurisdiction?” (SC Lawyer 2013)

(4) Character:

The Commission’s investigation of Mr. Lounsberry did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Lounsberry did not indicate any evidence of a troubled financial status. Mr. Lounsberry has handled his financial affairs responsibly.

The Commission also noted that Mr. Lounsberry 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. Lounsberry reported that he is a Fellow with the International Academy of Family Lawyers (2020 - present).

Mr. Lounsberry reported that his rating by a legal rating organization, Martindale-Hubbell, is AV (2015 - present).

Mr. Lounsberry reported that he is listed in Super Lawyers, Rising Star, Family Law (2019 and 2020).

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Lounsberry was admitted to the South Carolina Bar in 2009.

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

- (a) Curphey & Badger, P.A. (Contract Attorney/Associate) (2009-2010): The general character of my practice was conducting real estate closings throughout the State of South Carolina. I was not involved in the administrative and financial management of the firm.
- (b) Hire Counsel (Contract Document Review Attorney) (2010): The general character of my practice was working on two document review projects for Nelson Mullins in Columbia, South Carolina between July 2010 and December 2010. I was not involved in the administrative and financial management of the firm.
- (c) Carolina Legal Associates (Contract Document Review Attorney) (2011): The general character of my practice was working on a document review project for Motley Rice Charleston, South Carolina in January 2011. I was not involved in the administrative and financial management of the firm.
- (d) McLaren & Lee (Contract Attorney/Associate) (2011-2013): The general character of my practice was assisting James T. McLaren and C. Dixon Lee, III, in litigating complex Family Court matters, including divorce, child custody, equitable division of property, multi-jurisdictional issues, 1980 Hague Convention matters, international family law issues, and the like. I was not involved in the administrative and financial management of the firm.
- (e) Melissa F. Brown, LLC (Associate Attorney) (2014): The general character of my practice was assisting Melissa F. Brown in litigating complex Family Court matters, including divorce, child custody, equitable division, multi-jurisdictional issues, and the like, as well as litigating my own Family Court matters. I was not involved in the administrative and financial management of the firm.
- (f) The Stevens Firm, P.A. (Senior Associate Attorney) (2015-present): The general character of my practice is assisting J. Benjamin Stevens in litigating and trying complex Family Court matters, divorce, child custody, equitable division of property, multi-jurisdictional issues, 1980 Hague Convention matters, 2007 Hague Convention matters, international family law issues and the like, as well as litigating my own Family Court matters. I am not involved in the administrative and financial management of the firm.

Mr. Lounsberry reported regarding his experience with the Family Court practice area:

- (a) Divorce: I have acted as lead counsel and associate and/or co-counsel in matters involving divorce, as a single issue and as part of matters that involve alimony, child support, child custody, visitation, and equitable division of property. I have represented both plaintiffs and defendants in divorce actions involving statutory fault grounds, such as adultery, physical cruelty, and habitual drunkenness. I have not represented any litigants in a divorce action involving the statutory fault ground of desertion, but I have represented both plaintiffs and defendants in actions involving a divorce being granted on the statutory ground of one-year's continuous separation. In the prosecuting and defending divorce actions, I am familiar with gathering requisite evidence to meet the various burdens of proof and with working with requisite experts necessary for the same.

My representation of litigants in divorce actions has included litigants who have been involved in both short-term and long-term marriages. I have regularly appeared before a Family Court judge on this issue in the past five years.

- (b) Equitable Division of Property: I have acted lead counsel and associate and/or co-counsel in matters involving equitable division of property. My experience with equitable division of property spans from the division of small marital estates to multi-million-dollar marital estates. In each of these instances I have dealt with the identification and valuation of various assets, including, but not limited to, real estate, closely held corporations, complex corporate structures, retirement accounts, pension plans, military retirement, stocks, professional practices, personal property,

foreign property, and the like. In identifying and valuing these assets, I am also familiar with employing the services of various experts (e.g., forensic CPAs, appraisers, etc.), as well as reviewing both personal and business tax returns.

I have also acted as lead counsel and associate and/or co-counsel in matters involving non-marital property, including, but not limited, real estate, personal property, and the like. In dealing with the issue of non-marital property, I have experience in identifying such assets, determining whether the assets have transmuted into marital property or whether a party has a special equity interest in that property. I also have experience in dealing with actions where one or both parties are the trustee and/or beneficiary of trusts.

I have regularly appeared before a Family Court judge on these issues in the past five years.

(c) Child Custody: I have acted as lead counsel and associate and/or co-counsel in matters involving child custody for parents (both male and female, married and unmarried) in child custody actions, including determinations of biological and legal paternity. I have also represented third parties seeking custody of children, including the complicated issues of psychological parents and de facto parents. My experience includes initial actions for child custody and modification actions of prior orders. I have dealt with child custody issues involving healthy children, children with special needs, and children ranging in ages from infancy to teenagers close to the age of emancipation. I have also prosecuted and defended litigants in matters involving the termination of parental rights.

I have experience in dealing with multijurisdictional issues under the Uniform Child Custody Jurisdiction Enforcement Act, including determining which State would have jurisdiction over the ensuing matter and the registration and enforcement and/or modification of foreign child custody orders.

I also have experience in litigating several 1980 Hague Convention on the Civil Aspects of International Child Abduction matters in both State and Federal Court.

Throughout the various types of matters discussed above, I have had to confront and address claims of physical abuse, neglect, parental alienation, parental gatekeeping, psychological parent, de facto custodians, and various jurisdictional issues. In doing so, I have worked with professionals (e.g., physicians, therapists, and teachers) and expert witnesses (e.g., psychological and forensic custody evaluators, counselors, etc.) in connection with these issues. I have also had to cross-examine expert witnesses regarding the above-referenced issues.

I have regularly appeared before a Family Court judge on these issues in the past five years.

(d) Adoption: I have both a professional (as lead counsel and associate and/or co-counsel) and personal experience with adoption actions, which I believe gives a unique perspective on the issues involved from the perspective of a lawyer, as well as a litigant. These actions have involved both blood-relative/stepparent adoptions, as well as private adoptions. These matters have been both uncontested and contested, one of which was a trial that involved a termination of parental rights that lasted for five days (see below). I have also taken consents for several private adoptions as well.

I have appeared before a Family Court judge on several occasions regarding these issues in the past five years.

(e) Abuse and Neglect: I have not served as counsel of record in any abuse and neglect matters. However, I have gained some knowledge and experience in this area through my work in private cases where the parties have made allegations warranting the involvement of DSS. In 2014, I acted as the Principal Editor for the SC Children's Law Manual, which covers the statutes and procedures involved in abuse and neglect cases. However, as this area has not been a large part of my practice, I would further educate myself in this area by reviewing relevant statutes, regulations and procedures; attending CLEs; meeting with DSS staff and observing DSS proceedings; and seeking the advice of other Family Court judges experienced in this area.

(f) Juvenile Justice: I served as sole counsel of record in several Juvenile Justice matters, where I was appointed under Rule 608, SCACR. These matters ranged from issues of simple assault to criminal sexual conduct. In representing these clients, I have been successful in utilizing discovery requests and motions to either reduce the number of charges or have the matter dismissed entirely. After being appointed my first juvenile justice matter, I worked with the SC Bar to develop a distance learning CLE regarding the representation of a juvenile client in an appointed matter as there were very few resources available regarding the same. While it has not been a large part of my practice, I would further educate myself in this area by reviewing relevant statutes, regulations and procedures; attending CLEs; meeting with DJJ staff and observing DJJ proceedings; and seeking the advice of other Family Court judges experienced in this area.

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

- (a) Federal: 1% My appearances in federal court have been limited to the litigation of 1980 Hague Convention on the Civil Aspects of International Child Abduction matters.;
- (b) State: 99% I have regularly appeared in Family Court in the past five years regarding matters of divorce, child custody, visitation, support, and other related issues..

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

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

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

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Mr. Lounsberry provided that during the past five years he most often served as sole counsel. During the past five years, I have carried a roster of clients where I served as sole counsel. During the past five years, I have also served as associate and/or co-counsel on various matters.

The following is Mr. Lounsberry's account of his five most significant litigated matters:

- (a) *State v. O., A Minor Under the Age of Seventeen*, Case No.: 2012-JU-18-09, 2012-JU-18-10, and 2012-18-JU-374 (Family Court, First Judicial Circuit, Dorchester County): I was appointed to represent a minor in a pending juvenile delinquency matter. My client was charged with criminal sexual conduct with a minor, lewd act on a minor, and assault and batter in the second degree. I was successful in having the charge for a lewd act on minor

nol prossed, as my client did meet the statutory age requirement for that charge. There was a motion hearing to deal with evidentiary issues (e.g., whether there should be a separate hearing to suppress certain evidence and requiring DSS to provide its file on their investigation into the matter) and two adjudicatory hearings. This matter also involved my client submitting to a psycho-sexual evaluation. After the evaluation, the Solicitor and I structure a plea where my client would plead to assault and battery in the second degree and the criminal sexual conduct was nol prossed. The plea was conditioned such that if my client completed certain requirements, he would not be required to register as a sexual offender.

(b) *A. v. S.*, 2015-DR-42-2977 (Family Court, Seventh Judicial Circuit, Spartanburg County): I represented the defendant in this matter, which was an action instituted by a third-party seeking custody of a minor child from the biological father. Prior to retaining me as his attorney in July 2016, my client was represented by two other attorneys.

Prior to the action being filed the child's mother committed suicide while living in South Carolina. The defendant was able to obtain custody of the minor child following the mother's death, which resulted in the child's maternal grandfather first filing an action in Florida and then filing an action in South Carolina. A Temporary Hearing was held, and the Court granted the minor child's maternal grandfather temporary custody and granted the defendant limited visitation, as well as appointing a guardian ad litem.

The matter was heavily litigated, with both parties propounding discovery. In July 2016, I was hired as co-counsel after the litigation began to assist with mediation and, if necessary, the trial on the merits. The parties were unable to reach a settlement during mediation, and a Pre-Trial hearing was requested.

I made my Notice of Appearance in August 2016. At the Pre-Trial hearing, the plaintiff requested the ability to take video-taped de bene esse depositions of the majority of his witnesses who resided in Florida. I was successful in arguing that the plaintiff should only be able to take a limited number of de bene esse depositions. Ultimately, the plaintiff was able to take nine videotaped de bene esse depositions (although the plaintiff only took six of these depositions over a period of two days, which were later used during the trial on the merits). Also, as a result of the Pre-Trial Hearing, I became the defendant's sole counsel of record.

Following the taking of the depositions, there were several other motion hearings prior to the trial. From March 20–30, 2017, the matter was tried over a period of nine days, with the appearances of approx. 18 witnesses. The trial of this matter involved complex child custody issues (e.g., psychological parent, de facto custodian, the constitutional right to parent), complex evidentiary issues (e.g., the minor child's mother was dead and the plaintiff sought the ability to use de bene esse depositions), and complex mental health issues (e.g., the plaintiff hired a nationally renowned mental health expert to conduct a parental fitness evaluation on the child's maternal grandfather). The court found in favor of my client and also granted him a \$10,000.00 award in attorney's fees and costs. The matter is currently on appeal, and I am not participating in the appeal.

(c) *B. v. L. et al.*, Case No.: 2016-DR-42-1006 (Family Court, Seventh Judicial Circuit, Spartanburg County): J. Benjamin Stevens and I represented one of the defendants (the biological father) in this matter (the other defendant appeared pro se), which was an action for a termination of parental rights and adoption, or custody in the alternative. An

Emergency Hearing was held, and the Court granted the plaintiffs temporary custody, with the defendants having visitation at the discretion of the plaintiffs, as well as appointing a guardian ad litem.

We were hired to represent the biological father following the Emergency Hearing, at which he appeared pro se. The matter was heavily litigated, and there were several motion hearings over the course of the litigation, which, among other issues, concerned the application of certain case law to the matter, as well as whether the matter should have been bifurcated. Prior to the matter being set for trial, the defendant's father filed a motion to intervene in the action, which was granted.

From October 30, 2017–November 6, 2017, the matter was tried over a period of five days, where I acted as lead counsel for our client. The trial of this matter involved the testimony of one mental health expert and one counseling expert, as well as various other witnesses. The court found in favor of the plaintiffs. The matter is currently on appeal, and I am participating in the appeal.

(d) *T. v. A.*, Case No.: 8:18-cv-02862-TMC (United States District Court for the District of South Carolina): J. Benjamin Stevens (Fellow, AAML/IAFL), Richard Min (Fellow, IAFL) and I represented the Petitioner as co-lead counsel in a 1980 Hague Convention matter seeking return of her minor child to Ireland (which was their last habitual residence).

The Petitioner is a citizen and resident of France and was married to the Respondent, who is a U.S. citizen in living in Ireland. The parties spent significant time living in both France and Ireland, and the Respondent ultimately filed a divorce action in Ireland. Prior to his filing a divorce action in Ireland, Ms. Torrent returned with the minor children to France.

As a result, the Respondent filed a 1980 Hague Convention in France seeking return on the minor children to Ireland. Following a lengthy trial-court process and appellate-court process, the minor children were ultimately returned to Ireland. Once the children were in Ireland, the Respondent absconded with the minor children to the United States, hiding in various States, until he was located in South Carolina.

After learning the minor children were in the United States, the Petitioner hired an attorney admitted to practice in New York and France, who associated Mr. Min based on his experience in trying 1980 Hague Convention matters. Mr. Min contacted Mr. Stevens and me, as he had determined that the Respondent was in South Carolina. We filed the appropriate pleadings in the U.S. District Court for the District of South Carolina, and the matter was tried over one day (December 2018), resulting in the minor children being returned to Ireland. The U.S. District Court also awarded the Petitioner an approximate total of \$67,247.46 in attorney's fees and travel costs.

(e) *R. v. S.*, Case No.: 2:19-cv-02521-RMG (United States District Court for the District of South Carolina): I represented the Petitioner in a 1980 Hague Convention Matter seeking return of minor child to Germany.

This matter consisted of one pre-trial hearing, the filing of several motions, including Motions to Make a Determination of German Law; Motion for Expedited Consideration and Issuance of Show Cause Order; and Motion for Summary Judgment.

The Court, *sua sponte*, sealed the record in this matter and appointed a Guardian ad Litem. The matter was resolved by a 1-day trial (November 2019), where, after the direct and cross-examination of my client, the Respondent settled the matter by agree to return the minor child.

Following Respondent's agreement to return the minor child, she subsequently refused to comply with the U.S. District's Order and obtained German counsel, who advised the U.S. District Court that Respondent did not need to return the minor child to Germany. This resulted in several telephonic hearings following the issuance of the final order; and, as a result, the Court allowed the Petitioner to come to South Carolina and pick-up the minor child.

The following is Mr. Lounsberry's account of two civil appeals he has personally handled:

- (a) *Burke v. Lusk*, Appellate Case No.: 2018-000377, South Carolina Court of Appeals, (Unpublished Opinion).
- (b) I acted as a consultant on *Grano v. Martin*, Case No.: 20-940-cv, which is pending in the United States Court of Appeals for the Second Circuit.

Mr. Lounsberry reported he has not personally handled any criminal appeals.

Mr. Lounsberry further reported the following regarding unsuccessful candidacies:

I was a candidate in 2018 judicial race for Family Court, Seventh Judicial Circuit, Seat 2, but withdrew from the race for personal reasons. Shortly after I withdrew from the race, my mother's battle with Stage 4 Pancreatic Cancer ended in December 2018.

(9) **Judicial Temperament:**

The Commission believes that Mr. Lounsberry's temperament would be excellent.

(10) **Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Mr. Lounsberry 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. The Committee stated in a related comment, "Based on comments from members of the Bar and the community, the committee is concerned that the candidate does not yet have the experience needed. While his current experience is vast, the candidate has only been practicing law approximately 11 years."

Mr. Lounsberry is married to Liza Juliet Lounsberry (Malone). He has two children.

Mr. Lounsberry reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
 - 1. Delegate, Seventh Judicial Circuit, House of Delegates (2017-present)
 - 2. Chair, Practice & Procedure Committee (2016-2020)
 - 3. Chair, NextGen Committee (2018-2019)
 - 4. Co-Chair, Technology Committee, Young Lawyer's Division (2017-2018)
 - 5. Member, Young Lawyer's Division (2009-2018)
 - 6. Member, Practice & Procedure Committee (2009-Present)
 - 7. Member, Family Law Section (2009-present)
 - 8. Member, South Carolina Bar Leadership Academy Committee (2016-2019)
 - 9. Member, Judicial Qualifications Committee (2015-2017)
 - 10. Member, International Law Committee (2014-present)

- (b) American Bar Association
 - 1. Vice-Chair (Membership), Family Law Committee, ABA Section of International Law (2018-present)
 - 2. Member, Section of International Law (2018-present)
 - 3. Subcommittee Chair/Newsletter Editor, Family Law Litigation Committee, ABA Section of Litigation (2016-present)
 - 4. Member, Section of Litigation (2015-present)
 - 5. Member, Section of Family Law (2010-present)
- (c) Spartanburg Bar Association; and
- (d) Greenville Bar Association

Mr. Lounsberry provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Leadership Spartanburg (2016-2017)
- (b) Board of Regents, Leadership Spartanburg (2017-2019)
- (c) Vestry, Episcopal Church of the Advent Spartanburg (2020-Present)
- (d) Liturgy Commission, Episcopal Church of the Advent Spartanburg (2020-Present)
- (e) Children and Young Families Commission, Episcopal Church of the Advent (2020-Present)
- (f) Seventh Judicial Circuit Pro Bono Committee (2017-2019)
- (g) Self-Represented Litigation Family Committee, South Carolina Access to Justice Commission (2017-2018)
- (h) I was awarded a Merit Award from the Charleston School of Law in 2008.
- (i) I have been invited to and attended the 2016, 2017 and 2018 Fall Leadership Meetings and Editor's Symposiums for ABA Section of Litigation. I was unable to attend the 2019 Fall Leadership Meeting and Editor Symposium, and I am not sure of the status of the 2020 Fall Leadership Meeting and Editor Symposium due to the COVID-19 pandemic.
- (j) I have been selected to participate in the ABA Collaborative Bar Leadership Academy and plan on attending an upcoming session.
- (k) I participated in the South Carolina Lawyer Mentoring Program in 2016-2017.
- (l) I participated in the 2016 MDA Lock-Up which raised funds for children with muscle-debilitating diseases.

Mr. Lounsberry further reported:

Throughout my career, I have been fortunate to work for very accomplished Family Court attorneys. Doing so has allowed me to improve my knowledge and experience of Family Court law and the rules of procedure and evidence. As a result, my practice focuses on litigation of difficult, complex, and, sometimes, novel Family Court issues. It has also required me to stay abreast of changes and trends in family law, which in turn has allowed me to develop a passion for and a deep understanding of the same.

I have set high standards for myself and my practice, and I strive to attain these standards every day with every client. If elected, I would continue to stay abreast of changes and trends in family law, with the goal of increasing my passion for and deepening my understanding of family law.

Early on in my career, a mentor gave me the following maxim: If you take care of the law, then the law will take care of you. After being given that instruction, I have devoted a significant portion of my time to writing about and presenting on substantive family law issues and family court litigation. As a result of this work, I have served as Chair of the South Carolina Bar Practice and Procedure Committee (2016-2020) and continue to as Vice-Chair and Subcommittee Chair for two

separate American Bar Association committees. I feel very honored and humbled by these experiences. If elected, I plan to remain committed to bettering and/or improving the practice of law.

(11) Commission Members' Comments:

The Commission commented that Mr. Lounsberry is extremely intelligent, and that he has been highly recommended by members of the Family Court Bar who are very well-respected state-wide. The Commission feels like he would be an excellent family court judge.

An affidavit was filed against Mr. Lounsberry by Mr. Wayne Keith Smith, Senior. The Commission reviewed the complaint and extensive documents provided by Mr. Smith. Mr. Lounsberry provided a written response, which the Commission also studied. Upon a thorough consideration of all of the material and testimony provided, the Commission does not find a failing on the part of Mr. Lounsberry in the nine evaluative criteria.

(12) Conclusion:

The Commission found Mr. Lounsberry qualified, and nominated him for election to Family Court, Seventh Judicial Circuit, Seat 1.

The Honorable Erika L. McJimpsey
Family Court, Seventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge McJimpsey was born in 1970. She is 50 years old and a resident of Boiling Springs, South Carolina. Judge McJimpsey 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 1996.

(2) Ethical Fitness:

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

Judge McJimpsey 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 McJimpsey reported that she has not made any campaign expenditures.

Judge McJimpsey 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 McJimpsey 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 McJimpsey to be intelligent and knowledgeable.

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

- (a) Classical Conversations, Home School Association, Mock Trial Judge(May 2020)
- (b) Spartanburg High School, Women's History Speaker(March 2020)
- (c) Church of the Advent, Introduction to Homeless Court, Speaker(March 2020)
- (d) Together-A Women's Day Celebration, Panelist(March 2020)
- (e) Dorman High School, Black History Program, Speaker(February2020)
- (f) South Carolina Bar, Mock Trial, Presiding Judge(February2020)
- (g) Adidas Lunch and Learn, Speaker(February2020)
- (h) Youth Institute, Role of Summary Court, Speaker(January2020)
- (i) Business and Professional Women Breakfast, Homeless Court, Speaker(January2020)
- (j) Dorman High School, Government Class, Due Process, Speaker(November 2019)
- (k) City of Spartanburg's Podcast, Introduction to Homeless Court(October 2019)
- (l) Spartanburg Citizens Academy, Municipal Court, Speaker(September 2019)
- (m) Garnard Middle School, Graduation Program, Speaker(May 2019)
- (n) Spartanburg Community College, Early College Students, Speaker(April 2019)
- (o) Spartanburg Community College, Induction Ceremony Phi Theta Kappa, Speaker(April 2019)
- (p) Fairforest Elementary School, Career Day, Speaker(March 2019)
- (q) Cowpens Middle School, Black History Program, Speaker(February 2019)
- (r) EP Todd Middle School, Black History Program, Speaker(February 2019)
- (s) Mary H. Wright, Black History Program, Speaker(February 2019)
- (t) South Carolina Bar, Mock Trial, Scoring Judge(February 2019)
- (u) Carver Middle School, Veteran's Day Program, Speaker(November 2018)
- (v) Spartanburg Citizens' Academy, Municipal Court, Speaker(October 2018)
- (w) Dorman High School, Government Class, Due Process, Speaker(April 2018)
- (x) Cowpens Middle School, Black History Program, Speaker(February 2018)
- (y) Criminal Justice Institute, Role of Summary Court, Speaker(January 2018)
- (z) Carver Middle School, School Assembly, Speaker(January 2018)
- (aa) Spartanburg Citizens' Academy, Municipal Court, Speaker(October 2018)
- (bb) SAIYL, Summer Program for City youth, Speaker(June 2017)
- (cc) Youth Empowerment, Speaker,(June 2017)
- (dd) Jesse Boyd Elementary, Graduation Speaker,(May 2017)
- (ee) Spartanburg Prepatory School, Volunteer Banquet, Speaker(April 2017)
- (ff) Leadership Spartanburg, Speaker(March 2017)
- (gg) Greenville County School District, Career Fair(May 2016)
- (hh) Classical Conversation, Home School Association, Mock Trial, Judge(May 2016)
- (ii) Carver Junior High School, Mock Trial Presentation(May 2016)
- (jj) Martin Luther King Day, Guest Speaker(January 2016)
- (kk) 11th Annual Interpersonal Violence Conference, Domestic Violence, Speaker(October 2015)
- (ll) Spartanburg High, Constitution Day, Speaker(September 2015)
- (mm) Spartanburg Chamber of Commerce Junior Leadership, Role of Municipal Court, Speaker (March 2012)
- (nn) Wofford College's Externship, Municipal Court System, Speaker(February 2012)
- (oo) Girls, Inc., Juvenile Justice System, Speaker(September 2009)
- (pp) Cherokee Trail Elementary School, Black History Program, Speaker(February 2009)
- (qq) Martin Luther King, Jr. Holiday Celebration, Speaker(January 2009)

- (rr) Old English Symposium, Jessica's Law/Confidentiality(October 2008)
- (ss) South Carolina Public Records Association, Juvenile Records(October 2008)
- (tt) Law School for Non Lawyers, Juvenile Justice/Child Protection Hearings(April 2008)
- (uu) Law School for Non Lawyers, Juvenile Justice/Child Protection Hearings(August 2007)
- (vv) Crime Victims' Ombudsman Best Practices Training(March 2007)
- (ww) Solicitor's Association Conference, Legislative Update, Juvenile Law(September 2006)
- (xx) SC Public Defender's Conference, Jessica's Law(September 2005)

Judge McJimpsey reported that she has published the following:

- (a) Law School for Non Lawyers, 2012,2013,2014, Juvenile Law Publication Materials
- (b) Juvenile Justice; Legal Lessons: A Series for the Public: update materials(2011)
- (c) Juvenile Justice: Law School for Non Lawyers;update materials(2010)
- (d) Truancy Guide, A Training Resource Manual for Truancy Intervention; Editorial Advice(2009)
- (e) Juvenile Justice; Law School for Non Lawyers: update materials(2009)
- (f) Juvenile Justice: Law School for NonLawyers, Co-editor(2008)

(4) Character:

The Commission's investigation of Judge McJimpsey did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge McJimpsey did not indicate any evidence of a troubled financial status. Judge McJimpsey has handled her financial affairs responsibly.

The Commission also noted that Judge McJimpsey 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 McJimpsey reported that she is not rated by any legal rating organization.

Judge McJimpsey reported the following military service:

United States Army Reserves, Judge Advocate General, Captain, August 1999-2010

Judge McJimpsey reported that she has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge McJimpsey was admitted to the South Carolina Bar in 1996.

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

- (a) Pyatt Law Firm, Law Clerk, August 1996-November 1996, I worked as a law clerk prior to my admission to the South Carolina Bar. I conducted client interviews and drafted pleadings under the supervision of an attorney
- (b) Seventh Judicial Circuit Solicitor's Office, Assistant Solicitor(December 1996-June 2005) I was the first(1st) full-time Criminal Domestic Violence prosecutor in Spartanburg County. I

served under a Violence Against Women grant. I served in this capacity for almost 18 months. Thereafter, for the next three years, I prosecuted various kinds of cases ranging from violence crimes, drug offenses, property crimes, and sexual assaults. I also served as the Chief Family Court prosecutor from 2000-2005. I handled juvenile matters ranging from misdemeanor and status offenses, to homicide and sexual assault cases. I worked very closely with several state agencies and non-profit agencies. These agencies are: the Department of Social Services, the Department of Disabilities and Special Needs, the Department of Mental Health, and the Spartanburg Children's Advocacy Center to name a few.

- (c) United States Army Reserves, Judge Advocate General Corp)February 1999-September 2010) I served as a Judge Advocate for eleven years. In my part-time capacity, I have held a number of positions and served in many capacities. I conducted numerous administrative separation boards for Reserve soldiers who were charged with having committed various acts of misconduct, illegal drug use, and conviction of crimes in civilian courts. I have provided legal assistance to over one thousand soldiers and their dependents in the areas of estate planning, debtor/creditor law, family law, and administrative law.
- (d) Spartanburg Methodist College, Adjunct Instructor,(August 2001-May2003) I served as an instructor in the Criminal Justice Department for the following courses: criminal law and criminal procedure
- (e) Converse College, Paralegal Certificate Program, Adjunct Instructor(October 2002- January 2003) I served as an instructor teaching legal writing and research to paralegal students.
- (f) Spartanburg Methodist College Paralegal Program, Adjunct Instructor,(January 2005-July 2005; May 2012-August 2016) I have taught the following courses to students seeking a certificate in this program: juvenile law, family law, criminal law, and an independent study course which analyzed recent court cases).
- (g) South Carolina Department of Juvenile Justice, Assistant Legal Counsel(July 2005-July 2009). I served as an attorney representing the Department of Juvenile Justice. I provided legal advice to the county offices. The Department of Juvenile Justice has 46 offices throughout the State. In addition, I served as the liaison with the State Law Enforcement Division in regard to the issue of dealing with DNA samples. I also served as the Agency's liaison with the Attorney General's Office of Human Resources, South Carolina Human Affairs Commission, and the Equal Employment Opportunity Commission. Many of these issues were resolved through mediation. In addition, I worked closely with lawyers hired by the South Carolina Insurance Reserve Fund who represented the Agency in lawsuits filed based on alleged violations of state and federal laws. I assisted in compiling records, depositions, mediation hearings, and other pre-trial and trial matters.
- (h) Greenville Technical College, Adjunct Instructor, (January 2008-July 2009). I served as an instructor teaching legal ethics based on South Carolina Appellate Court Rule 407.
- (i) City of Spartanburg Municipal Court, Associate Municipal Judge,(July 2009-June 2011). I presided over criminal, traffic, and quality of life cases. In addition, I presided over jury trials held four times a month. I worked a minimum of fifteen hours per week.
- (j) Greenville Technical College, Instructor, (July 2009-August 2011). I served as an instructor in the Paralegal and Criminal Justice Departments. In the paralegal department, I taught Legal Ethics and Legal Writing. I was the lead instructor for the Legal Ethics class. The primary focus of the class was the study and analysis of South Carolina Appellate Court Rule 407. I served as lead instructor for the following courses in the criminal justice department: criminal law, criminal evidence/procedure, and juvenile law.
- (k) City of Spartanburg, Municipal Court, Chief Municipal Judge(July 2012-present) I preside over the management of the court's docket. In addition, I handle misdemeanor criminal and traffic offenses, quality of life court, and jury trials. I also determine probable cause for the issuance of arrest and search warrants. In 2019, I worked to help institute a Homeless Court in the City of Spartanburg.

Judge McJimpsey further reported regarding her experience with the Family Court practice area:

I have had the privilege of gaining experience in a variety of legal arenas. I believe the depth and the breadth of my professional and personal experiences make me uniquely qualified to serve as a Family Court Judge. As a prosecutor, I excelled in the courtroom as a prosecutor in the Family Court. I was known as a principled, compassionate, fair and skilled attorney. I was able to balance a large caseload and worked well with fellow lawyers, judges, and others who played a role in the matters heard within the jurisdiction of the Family Court. I worked extensively with lay persons to include non-lawyer guardian ad litem, school officials, Department of Social Services, Department of Mental Health, education representatives just to name a few. As a judge, former prosecutor, attorney for the Department Juvenile Justice, military lawyer, mother, wife, therapeutic foster parent, and a member of the clergy, I have gained and developed a sensitivity, and a well-balanced perspective to the needs of children and families. I have the ability to relate and understand people from all walks of life. While I have limited experience in matrimonial cases, with the exception of my military service drafting separation agreements and determining financial responsibility of soldiers' to spouses and or children during a divorce, I believe that the length and the diversity of my legal career as an attorney and judge will assist me in gaining added competency in these areas. I am well-versed in fundamental legal principles and in procedural and evidentiary rules. I am honest, and always endeavor to operate with integrity in my personal and professional life. I am a committed public servant, and I would be honored to serve on the Family Court bench.

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

- (a) Federal: 2%;
- (b) State: 98%.

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

- (a) Civil: 20%;
- (b) Criminal: 60%;
- (c) Domestic: 0%;
- (d) Other: 20%.

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

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Judge McJimpsey provided that during the past five years prior to her service on the bench she most often served as sole counsel.

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

- (a) *In the Matter of Shaquille O'Neal*, 385 SC 243(2009) I represented the Department of Juvenile Justice in the Family Court where the defendant, who was the underage of seventeen at the time of the hearing, was seeking to remove his name from the sex offender registry. The Family Court ruled that he should be placed on the registry, but the Supreme Court reversed this decision. The defendant was registered as a sex offender in the State of North Carolina. The issue was whether the offense was comparable to an offense in South Carolina which would require registry. Although, the Supreme Court reversed the lower court's ruling it was the first ruling to provide the State Law Enforcement Division and

other state agencies with guidance regarding how to determine when an out-of-state resident juvenile should be subject to registration.

(b) *In re C.J-* I represented the State of South Carolina in a waiver hearing where the juvenile was charged with Murder and Armed Robbery. The juvenile shot the victim while he was in his car. Several days after the murder was committed, the juvenile robbed a pawn shop and stole four guns. This is significant because it was my first waiver hearing, I had to establish through witnesses' testimony whether the offender's charges should be waived to the Court of General Sessions based on the landmark Supreme Court case of *Kent v. US*, 383 U.S. 541(1966).

(c) *In re DH-* I represented the State of South Carolina in the Family Court in a case where a fifteen-year-old boy was charged with committing a sexual battery on his seven year old cousin. The victim went to the hospital after the assault because of vaginal bleeding. She had to have emergency to repair a vaginal tear that was causing significant bleeding. This case made a lasting impact on my life. I spent several months preparing this child victim for trial. This offender was placed on the sex offender registry. During this time period, there was influx in child sexual assault cases in Spartanburg. In (2002-2003), there were 173 children reported as victims of sexual assault, and 43 were assaults by other children. Dean, Sullen, Sexual Abuse: Juvenile Offenders show increase, Spartanburg Herald Journal, 27, April 2003. I was the sole prosecutor assigned to the Family Court during this time.

(d) *In re: Juvenile, minor under the age of 17-* I represented the State of South Carolina in a Family Court case where a fourteen-year-old boy, who was a client at a group home facilitated by the Charles Lee Center(serves children and adults with mental and physical disabilities), was allowed in the community for a home visit. During this time, he went to a neighbor's house and asked for a drink of water, and later stabbed the neighbor in the back with a pair of scissors. The offender was dually evaluated by the Department of Mental Health and the Department of Disabilities and Special Needs(DDSN). He was ruled incompetent to stand trial. I filed the paperwork to have him judicially committed through the Family Court. The court committed him into the custody of DDSN. This case is noteworthy because less than a year later he was charged with sexually assaulting his caregiver while at the group home. A subsequent evaluation was conducted and he was deemed incompetent and a judicial admission hearing was conducted. He was, again, involuntarily committed to the custody of DDSN. A guardian ad litem was appointed in this case, and upon the State's recommendation the family court judge ordered that he be committed to a secured facility and that he not be allowed home visits. He was committed until his twenty-first birthday. This case displays the intricacies in dealing with issues in Family Court. It is unusual to have a juvenile civilly committed twice. Unfortunately, it was only after the court ordered a high-management facility that the public was kept safe from this juvenile.

(e) *State of South Carolina v. Jeff Greer-* I represented the State of South Carolina in a Magistrate Court case where an off duty police officer was charged with an assault and battery against his former girlfriend. The defendant was found guilty and his employment was terminated. The victim in this case was very hostile and did not want to go forward because of outside pressures. It showed how important it is to respect the feelings of domestic violence victims, but how it is equally important that the State hold offenders accountable. It reaffirmed the principle that no one is above or beyond the law regardless of his/her position. The defendant appealed his case to the Circuit Court, but the appeal was later dismissed.

Judge McJimpsey reported she has not personally handled any civil or criminal appeals.

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

- (a) City of Spartanburg, Municipal Court, Associate Judge, (July 2009-June 2011) appointed
- (b) City of Spartanburg, Municipal Court, Chief Judge, (July 2011-until present) appointed

Judge McJimpsey reported the following regarding her employment while serving as a judge:

- (a) Greenville Technical College, Instructor, Criminal Justice and Paralegal Departments(July 2009-August 2011) I served as a full-time instructor at the college. I taught the following courses: criminal law, criminal procedure, juvenile law, legal writing, and legal ethics. In addition, I served as an academic coach for the college's Shining Star Merit Program which was designed to enhance the African American college experience by providing a comprehensive and focused program including, service learning, tutoring, and intrusive advising with an educational plan. I met with students on a weekly basis. I was actively involved on several hiring committees.
- (b) Spartanburg Methodist College Paralegal Program, Instructor(contractual position)(May 2012). I taught Juvenile Law, and an Independent Study Class

Judge McJimpsey further reported the following regarding unsuccessful candidacies:

- (a) Family Court, Seat 4, At-Large, August 2012(qualified but not nominated)
- (b) Municipal Judge, City of Spartanburg, November 1999
- (c) Family Court, At- Large, August 2016(withdrew)

(9) Judicial Temperament:

The Commission believes that Judge McJimpsey's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Judge McJimpsey 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 evaluative criteria of constitutional qualifications, physical health, and mental stability.

Judge McJimpsey is married to Ryan Valdez McJimpsey. She has two children.

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

- (a) South Carolina Bar(1996-Present)
- (b) South Carolina Women Lawyers Association, Member(2012-Present)
- (c) Municipal Court Homeless Court Committee, Chairwoman(2019-Present)
- (d) South Carolina Bar Speaker's Bureau(2007-Present)
- (e) South Carolina Bar's Children's Law Committee(2007-2009)
- (f) South Carolina Upstate Paralegal Association(2009-2011)

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

- (a) Delta Sigma Theta Sorority, Inc,(April 1990-Present)
- (b) SOAR Leadership and Mentor Summit, Founder(August 2018-Present)
- (c) Spartanburg County Foundation, Community Leadership Committee(2018-Present)
- (d) Municipal Court Homeless Court Committee, Chairwoman(2019-Present)
- (e) United Way Homeless Committee Task Force, Member(2019-Present)
- (f) Spartanburg Business and Professional Women, Member(2020-Present)
- (g) Ernest F. Hollings Award for Excellence in State Prosecution-Family Court(2004)
- (h) Lucas Foundation, Upstate Change Maker Award(2013)

- (i) Woman of Value Award Recipient(2016)
- (j) Beauty Marks 4 Girls Award Recipient(2019)
- (k) Mary L. Thomas Award for Civic Change, Recipient(2019)

Judge McJimpsey further reported:

One of the most critical and vital components of any society is the family. I am grateful that the value of serving others was instilled in me by my parents at an early age. I stand on the shoulders of a “village” who made tremendous sacrifices to make sure that I received a quality education, but most of all that I understood the importance of honesty and integrity. I have been blessed to be a member of the legal profession for almost 25 years, and I’m still as excited about my journey in this profession as I was on the day of my swearing in ceremony. It has been an amazing journey. I believe the quality and diversity of my experiences in the criminal, family, military, and educational arenas would be an asset to this Court. I have learned the importance of patience and kindness; hard work and diligence; and the importance of fairness, truthfulness, and integrity. It is my desire to continue growing, learning, and serving in this noble profession as a Family Court judge.

(11) **Commission Members’ Comments:**

The Commission noted that Judge McJimpsey is known for her strong work ethic. They also recognized that her years spent as a JAG officer and her current service as a city judge would serve her well on the family court bench.

(12) **Conclusion:**

The Commission found Judge McJimpsey qualified, and nominated her for election to Family Court, Seventh Judicial Circuit, Seat 1.

Angela J. Moss
Family Court, Seventh Judicial Circuit, Seat 1

Commission’s Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

Based on the Commission’s investigation, Ms. Moss meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Moss was born in 1968. She is 52 years old and a resident of Inman, South Carolina. Ms. Moss 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. She was also admitted to the Georgia Bar in 1994.

(2) **Ethical Fitness:**

The Commission’s investigation did not reveal any evidence of unethical conduct by Ms. Moss.

Ms. Moss 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. Moss reported that she has not made any campaign expenditures.

Ms. Moss 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. Moss 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. Moss to be intelligent and knowledgeable.

Ms. Moss reported that she has taught the following law-related courses:

I have made presentations regarding legal practice to high school students at Spartanburg Christian Academy and High Point Academy.

Ms. Moss reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Moss did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Moss did not indicate any evidence of a troubled financial status. Ms. Moss has handled her financial affairs responsibly.

The Commission also noted that Ms. Moss 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. Moss reported that she is not rated by any legal rating organization.

Ms. Moss reported that she has not served in the military.

Ms. Moss reported that she has never held public office.

(6) Physical Health:

Ms. Moss appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Moss appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Moss was admitted to the South Carolina Bar in 1994.

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

- (a) Albert V. Smith, P.A.; Associate; 1/95-11/96; General practice of law concentrating in civil, criminal and Family Court cases. No management responsibilities.
- (b) Seventh Judicial Circuit Solicitor's Office; Assistant Solicitor I, Assistant Solicitor II, Assistant Solicitor III; 11/96-11/00; Prosecution of General Sessions felony and misdemeanor caseloads; Prosecution of juvenile defendants in Family Court; Supervised/managed Cherokee County office (1998-1999).

- (c) Phillip K. Sinclair, LLC; Associate; 2000-2006; General practice of law, concentrating in civil, criminal and Family Court cases. Limited management responsibilities. No management of trust accounts.
- (d) Seventh Judicial Circuit Public Defender's Office; Senior Assistant Public Defender II; 11/00-present; Defending accused adults in Magistrate, Municipal and Transfer Courts. Defense of juveniles in Family Court and Juvenile Drug Court. No management responsibilities.
- (e) South Carolina Family Court Mediator; 2018-present; guardian ad litem; 2006-present; Mediation of Family Court cases and serving as guardian ad litem for children and adults in Family Court and Probate Court. Responsible for trust account.

Ms. Moss further reported regarding her experience with the Family Court practice area:

My experience in Family Court includes divorce (fault and separation grounds) and equitable division (simple and complex issues). Additionally, I have represented parents and guardians in child custody matters, including abuse and neglect cases, and served as guardian ad litem for children in private actions. I have also served as guardian ad litem for incompetent adults in Family Court. Regarding adoptions, I have served as guardian ad litem on uncontested as well as complex and vehemently contested cases. Early in my career, I prosecuted juveniles in Family Court. Currently, I am employed as an Assistant Public Defender representing juveniles in Family Court. These cases range from misdemeanors to the most serious felonies. Throughout all of these areas of Family Court, I have gained extensive trial experience.

As no week is the same in the practice of law, it is difficult to give an exact number regarding the frequency of appearances before a Family Court Judge. However, I am before a Family Court Judge regularly, approximately three to five times each week.

Ms. Moss reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: none;
- (b) State: Approximately 140 court appearances each year.

Ms. Moss reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 60% (including juvenile defense in Family Court);
- (c) Domestic: 39%;
- (d) Other: 1%.

Ms. Moss reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Moss provided that during the past five years she most often served as sole counsel.

The following is Ms. Moss's account of her five most significant litigated matters:

- (a) *The State v. Dantae M.*, Appellate Case No. 2020-000465, is a juvenile matter currently pending before the South Carolina Court of Appeals. I was co-counsel in this matter for the waiver hearing and for the trial. My client, Dantae M. was ultimately convicted of Criminal Sexual Conduct with a Minor 1st Degree in Family Court and ordered to register as a sex offender. This young man had no prior record, was a student in good-standing at a local high school and worked over twenty (20) hours per week at night while attending high school. Forensic psychologist, Dr. Geoffrey McKee evaluated the juvenile and found, among other

positive findings, that the juvenile was in the lowest risk category for re-offending and also found that testing suggested that there were no “quantitative or empirical grounds” for the child to be placed on the registry. Dr. Danielle Atkinson, Upstate Community Psychology Supervisor for the South Carolina Department of Juvenile Justice, agreed with Dr. McKee. However, the State attempted to transfer the juvenile to General Sessions Court. At the waiver hearing, Judge Usha Bridges denied the State’s Motion to Transfer and ordered that the juvenile’s case remain in Family Court. At trial, Dr. McKee and Danielle Atkinson testified, and expanded their testimony to include evidence regarding the substantial and significant differences between juvenile and adult sexual offenders. It is my hope that the South Carolina appellate courts will acknowledge this evidence regarding the differences between juvenile and adult sexual offenders and rule accordingly. This case is significant as it has the potential to affect the sex offender registry requirement for juveniles in South Carolina. I, along with co-counsel, spent countless hours preparing and pouring over the case law, searching for a novel approach to this issue.

- (b) Greer Municipal Court traffic case: I do not remember the caption of this case, but this case is one of the most significant cases in my career. At the time, I was a part-time Assistant Public Defender and my client was charged with a traffic charge in Greer Municipal Court. Early on, my client had requested a jury trial. On the date of the jury trial, my client did not appear. To this day, I do not know why he was not there. The Court denied my motion for continuance. Thus, I tried his case before a jury with an empty chair beside me. I gave my best effort, despite my absent client. Before the trial began, I really thought it was hopeless, but gave it my all anyway. Almost unbelievably, the jury returned with a “not guilty” verdict. I learned a lesson that day that has stayed with me and served me well through the years – treat every case like it is the most important one. There are no minor cases.
- (c) *Watson v. Watson*, 2017-DR-42-2411, was a divorce action complicated by the fact that the wife was incompetent. I was ordered to serve as guardian ad litem for the wife. There were numerous challenges throughout the case. The financial issues were complex and my ward was uncooperative. The case required almost daily attention on my part. However, working closely with the wife’s counsel, we were able to come to the best resolution possible in the situation. This case was significant as it involved uncommon issues, complicated financial issues, contact with the Probate Court and the involuntary commitment process.
- (d) Stepparent adoption case: I cannot recall the exact caption of this case and do not have access to the closed files as the firm I worked with at the time has been dissolved. However, this case was memorable and what happened in the courtroom at the final hearing has stayed with me since. In this case, the stepfather was adopting the wife’s elementary school aged son. As it was an uncontested matter, the child attended the hearing. Before the Judge ruled, being friendly, he asked the child what he thought of the stepfather adopting him and changing his last name. The little boy looked right at the Judge and began to slowly clap. Then he said, “I feel so special.” And he was - as is each child who is touched by our Family Courts.
- (e) *SCDSS v. Stapleton/Jane and John Doe v. SCDSS*, 2018-DR-42-1647, was a case wherein the foster parents sought to adopt the minor child who had been in their care since infancy. Both of the alleged biological parents were incarcerated. The alleged biological father’s relative eventually sought to adopt the child. The child was bonded to the foster parents and did not have a relationship with the relative. I was appointed to serve as guardian ad litem for the child. When I became involved in the case, I reviewed the facts and realized that it was questionable as to whether the alleged biological father was actually the child’s father as he was incarcerated at or about the time the child was most likely conceived. I asked the Court to order a paternity test. The testing revealed that the defendant was not the child’s biological father. The alleged relative eventually dropped from the case and the child was adopted by the foster parents. The child is thriving in their care. This case reminded me that, as an attorney, I should always go back to the beginning -to the basics. If the foundation of a case is weak, the case will crumble.

Ms. Moss reported she has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Moss's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Ms. Moss "Well-Qualified" in the following evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability.

Ms. Moss is married to Danny Winfred Moss. She has two children.

Ms. Moss reported that she was a member of the following Bar and professional associations:

- (a) Spartanburg County Bar
- (b) SCACDL

Ms. Moss provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

Boiling Springs First Baptist Church – student/children volunteer

Ms. Moss further reported:

With the exception of being a Judge, I have worked in practically every aspect of Family Court. From prosecution to defense, representing parties in divorce and custody actions and serving as guardian ad litem, I have had the unique experience of seeing the Family Court through various lenses. Although the types of cases vary, there is a common thread throughout Family Court. The decisions in Family Court have a real and significant impact on those involved, regardless of the case. I have had the privilege of practicing under extraordinary Judges who weave a knowledge of the law seamlessly with compassion, respect and common sense. I have learned from them, and day by day, case by case, I have steadily accumulated life experience that will be invaluable if selected for the Bench.

(11) Commission Members' Comments:

The Commission commented that Ms. Moss has excellent letters of reference, diverse experience, and is known as having a great temperament and a good reputation in the local legal community.

An affidavit was filed against Ms. Moss by Mr. Wayne Keith Smith, Senior, and the Commission reviewed the extensive documents regarding an on-going case. Ms. Moss provided a written response, which the Commission also reviewed. Upon reviewing the complaint, the response, and the documents provided, the Commission does not find a failing on the part of Ms. Moss in the nine evaluative criteria.

(12) Conclusion:

The Commission found Ms. Moss qualified, and nominated her for election to Family Court, Seventh Judicial Circuit, Seat 1.

ADMINISTRATIVE LAW COURT QUALIFIED AND NOMINATED

Stephanie N. Lawrence
Administrative Law Court, Seat 3

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

(1) **Constitutional Qualifications:**

Based on the Commission's investigation, Ms. Lawrence meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Lawrence was born in 1974. She is 46 years old and a resident of Columbia, South Carolina. Ms. Lawrence 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 2006.

(2) **Ethical Fitness:**

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Lawrence.

Ms. Lawrence 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. Lawrence reported that she has made \$173.04 in campaign expenditures, for candidate post cards, business cards, and postage.

Ms. Lawrence 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. Lawrence 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. Lawrence to be intelligent and knowledgeable.

Ms. Lawrence reported that she has taught the following law-related courses:

I have made presentations on the topic of South Carolina Workers' Compensation for insurance representatives, third-party administrators, and employers. These were client driven for annual updates, team training, and/or to satisfy continuing education requirements for insurance adjusters. The presentations generally included an overview of SC Workers' Compensation law, management of cases from inception to closure, forms training, best practices, case law updates and question/answer sessions.

Ms. Lawrence reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Lawrence did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Lawrence did not indicate any evidence of a troubled financial status. Ms. Lawrence has handled her financial affairs responsibly.

The Commission also noted that Ms. Lawrence 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. Lawrence reported that she is not rated by any legal rating organization.

Ms. Lawrence reported that she has not served in the military.

Ms. Lawrence reported that she has never held public office.

(6) Physical Health:

Ms. Lawrence appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Lawrence appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Lawrence was admitted to the South Carolina Bar in 2006.

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

(a) BOYKIN & DAVIS, L.L.C., Columbia, SC

Associate (Aug 2006 – July 2008) Senior Associate (August 2008 – February 2011)

- Practiced in the areas of Employment and Education Law with a client base consisting mainly of public entities. These include public school districts, public colleges and technical colleges, small towns, and municipalities.
- Advised clients on responsibilities under Title VII, Americans with Disabilities Act, Age Discrimination in Employment Act, Family Medical Leave Act, and other federal and state employment statutes.
- Responded to various federal and state agencies in connection with discrimination-based investigations, including preparation of position statements to the EEOC, S.C. Human Affairs Commission, and the U.S. Department of Justice.
- Conducted training for school districts regarding various personnel and student-related issues including teacher dismissal proceedings.

(b) MCANGUS, GOODELOCK & COURIE

Senior Associate (February 2011 – February 2012)

- Practiced in the area of South Carolina Workers' Compensation law.
- Managed litigation of cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.

- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act.

(c) MILLER LAWRENCE, L.L.C.

Owner/Partner (February 2012 –August 2013)

- Operated a boutique style litigation defense firm that provided legal representation in the areas of South Carolina Workers' Compensation law and liability defense to employers, insurance providers and Third-Party Administrators.
- Managed and litigated cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.
- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act.
- Direct and daily involvement with the administrative and financial management of this firm, including management of its trust account.

(d) DICKIE, MCCAMEY & CHILCOTE, P.C.

Of Counsel (August 2013 – December 2017) Shareholder January 2018 – January 2020)

- Practiced primarily in the area of South Carolina Workers' Compensation law, with some Employment law and Insurance Defense.
- Managed and litigated cases before the South Carolina Workers' Compensation Commission and the South Carolina Court System.
- Advised employers, insurance providers and Third-Party Administrators on responsibilities under the SC Workers' Compensation Act as well as some state and federal employment statutes.
- Direct and daily involvement with the administrative and financial management of the South Carolina office, with no involvement in any of the firm's trust accounts.

(e) AFR HEARING SERVICES, LLC

Owner (January 2020 – Present)

- Provide service as an attorney hearing officer to state and local entities in various due process/grievance proceedings.
- Analyze pre-hearing submissions to include Pre-hearing statements and proposed exhibits.
- Preside over full evidentiary hearings in accordance with South Carolina Rules of Civil Procedure and Evidence.
- Prepare Report and Recommendation(s) for final decision by authorizing agency.
- Direct and daily involvement with the administrative and financial management of the business.

Ms. Lawrence further reported her experience with the Administrative Law Court practice area: I was second chair in a couple of matters before the Administrative Law Court while employed with Boykin & Davis LLC. These entailed prosecuting OSHA citations on behalf of the South Carolina Department of Labor Licensing and Regulation. The issues discussed were analysis of serious versus other than serious violations relating to excavation and proper slope calculations. I have had no appearances within the last five years as my practice has been solely before the South Carolina Workers' Compensation Commission.

Ms. Lawrence reported the frequency of her court appearances during the past five years as follows:

(a) Federal:	None;
(b) State:	149 matters before the South Carolina Workers' Compensation Commission.

Ms. Lawrence reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

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

Ms. Lawrence reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100% before a South Carolina Workers' Compensation Commissioner.

Ms. Lawrence provided that during the past five years she most often served as sole counsel.

The following is Ms. Lawrence's account of her five most significant litigated matters:

- (a) *Karen Wilson, individually and as Personal Representative of the Estate of John Paul Taylor v. Horry Georgetown Technical College, et al.*

This was a wrongful death and survival action involving a 14-year-old student who drowned in a hotel swimming pool during a field trip to Asheville, North Carolina. The issues were many, but the most salient I recall was identification of the proper beneficiaries, recoverable damages, negligence standards in student supervision (Tort Claims Act), and evidence supporting conscious pain and suffering. There were also informal parenting designations and relationships that considerably impacted the case dynamics.

This case was significant for me because it was my first death case and because of the decedent's age. Also, the impact of the application of the Tort Claims Act on limitation of liability, evidentiary requirements, and damages.

- (b) *Strickland v. J. Frank Baker, et. al*

This was an employment discrimination action filed under Title VII of the Civil Rights Act of 1964. The claim was brought against multiple defendants including two school districts, and several named employees. The matter was initially filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission. After the EEOC issued a Dismissal and Notice of Rights, the Plaintiff filed suit in the United States District Court for the District of South Carolina

The case hinged on timeliness of the claim. The merits, though many, were never really addressed by the Courts. This case was significant for me because of the experience in litigating a claim beginning at a state level agency up to the United States Supreme Court.

- (c) *Donte Riddick v. Carolina Canners*

This was a denied, then later admitted back claim which ultimately morphed into a denied death claim before the Workers' Compensation Commission. The Claimant received some initial conservative treatment and was returned to work light duty, while awaiting a pending orthopedic evaluation. The Claimant engaged in light duty activities for half a day before complaints, which resulted in his return to out of work status the same day. The next day he died. The cause of death listed on the death certificate was diabetes mellitus. The issue was whether the half day of light duty work activities aggravated the Claimant's diabetic condition thereby causing or contributing to his death.

This case hinged on the medical evidence and expert endocrinologist testimony, which ultimately supported long-term noncompliance with diabetic treatment and a completely different non work-related cause of death – cardiac arrest with hypercholesterolemia. The case was significant for me because of the details involved in establishing whether a death is related or unrelated under the Workers' Compensation Statute. It was also a great lesson in medical expert strategy.

(d) *Travis L. Severson v. Pactiv Corporation*

This matter started out as what seemed like a standard admitted back claim where the Claimant sustained a T-spine fracture when he was using a pry bar to remove a gear box to repair a seal. The Claimant received orthopedic treatment and was eventually referred for oncological evaluation in response to his delayed healing and oncological history. He was ultimately diagnosed with multiple myeloma (bone cancer) and a tumor was identified in the fracture. The issue became one of obligation for continued medical treatment as the Claimant required pain management for his back but was pending a stem cell transplant for the cancer. The case turned on the medical reports and testimony of the oncologist and orthopedic specialists. They were unable to opine to a reasonable degree of medical certainty that the Claimant's continued pain management needs were caused by the work injury versus the underlying cancer condition, which causes bone pain.

Unfortunately, the Claimant's condition progressed rather quickly forcing him and his family to make difficult choices concerning the continued litigation of his claim. The case was ultimately worked out through an agreement of the parties concerning continued treatment obligation and permanency for back injury. This case was significant to me because of the underlying cancer issues which permeated the case. This required more robust discovery, substantial research on the subject matter, and a good amount of coordination across medical specialties in different states. That said, most noteworthy was witnessing the impact of life changing health conditions on litigation.

(e) *Joseph Black v. Miles Road Paint & Body, Inc.*

This was initially a right knee injury with a later included back claim that was straight forward in terms of acceptance and causally related medical care. The Claimant ultimately required surgery for his knee and physical therapy for the back. The prevalent issue concerned temporary disability payments. Defendants issued required weekly payments, but later requested a credit covering a four-month period when it was discovered the Claimant was also receiving wages from his employer.

The Claimant alleged he never received the temporary disability checks. After Defendants produced evidence showing the checks were cashed, then Claimant maintained the checks were stolen from his mailbox by his ex-wife who suffered a drug addiction. Ultimately, the credit issue was determined in favor of Defendants as there was no evidence to support the Claimant's allegations outside of his own testimony. The Commissioner also concluded the allegation of the Claimant's stolen checks should be pursued in a criminal court setting as the Commission lacked subject matter jurisdiction over such matters. This case is significant to me because it was the first time in a hearing where I had to actively work to manage my frustration with a witness and maintain a straight face in the midst of the testimony.

The following is Ms. Lawrence's account of two civil appeals she has personally handled:

- (a) *Sheila Hogan v. Culp, Inc. D/B/A Culp Woven Velvets, Inc., and Farming Casualty Company C/O Travelers* (W.C. C. File No: 1021103)
South Carolina Workers' Compensation Commission Appellate Panel, October 24, 2011
- (b) *Strickland v. J. Frank Baker, et. al*
United States Court of Appeals for the Fourth Circuit, April 27, 2010

Ms. Lawrence reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Lawrence's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Ms. Lawrence 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in its summary statement: "Very extensive experience of ALC."

Ms. Lawrence is married to Anthony T. Lawrence. She has two children.

Ms. Lawrence 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 Workers Compensation Education Association
- (d) South Carolina Black Lawyers Association

Ms. Lawrence provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Gamma Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc.
(Parliamentarian 2016 – 2018)
- (b) Ridgeview High School Improve Council
(Vice Chair 2018 -2019)

Ms. Lawrence further reported:

It would be my honor and pleasure to serve on the South Carolina Administrative Law Court. I see my service as a member of our judiciary to be the pinnacle of my legal career and how I wish to continue my contributions to our community until retirement. I feel my personality and temperament is well suited to the bench. My legal background evidences my ability to transition across practice areas, which will be necessary to successfully maneuver the learning curve of the Administrative Law Court given the scope of its jurisdiction. I am also confident I have the drive and work ethic to efficiently manage a docket and return decisions in a timely manner.

(11) Commission Members' Comments:

The Commission commented that Ms. Lawrence has a reputation for a strong work ethic. In addition, the Commission was impressed that Ms. Lawrence shifted her practice to test her suitability for this position.

(12) Conclusion:

The Commission found Ms. Lawrence qualified, and nominated her for election to Administrative Law Court, Seat 3.

Robert L. Reibold
Administrative Law Court, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Reibold meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Mr. Reibold was born in 1970. He is 50 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 made \$295.30 in campaign expenditures on a name tag, business cards, postage, and paper/envelopes.

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) I made a presentation as a speaker at the Automobile Torts CLE in the Fall of 2000; and
- (b) I make 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?" (SC Lawyer, May 20130 (Author);
- (b) *South Carolina Equity, A Practitioner's Guide.* (SC Bar Association, 2010) (Co-Author);
- (c) "Hidden Dangers of Using Private Detectives" (SC Lawyer, July 2005) (Author);
- (d) "Cutting the Fishing Trip Short: Protecting an Adjuster's Claim File" (SC Lawyer, July/August 2000) (Author); and

(e) "The Big Catch: An Adjuster's Claim File." (SC Lawyer, July/August 2005) (Author).

I am currently co-writing the 2nd Edition of South Carolina Equity, A Practitioner's Guide.

(4) Character:

The Commission's investigation of Mr. Reibold did not reveal evidence of any founded grievances or criminal 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:

<u>Year</u>	<u>Firm/Employer</u>	<u>Role</u>
(a) 1996	Honorable J. Ernest Kinard, Jr.	Law Clerk
	Circuit Court Judge	
(b) 1996-2000	Swagart & Walker, P.A.	Associate
(c) 2000-2002	Swagart, Walker & Reibold	Partner
(d) 2002-2005	Swagart, Walker, Martin & Reibold	Partner
(e) 2005-2008	Walker, Martin & Reibold	Partner
(f) 2008-2017	Walker & Reibold,	Partner
(g) 2017-present	Haynsworth, Sinkler, Boyd. P.A.	Shareholder

Following my judicial clerkship, I entered private practice, where I have remained. My practice has primarily involved litigation. I have not been responsible for these firms' trust accounts.

Mr. Reibold further reported regarding his experience with the Administrative Law Court practice area:

I have experience in the field of administrative law. I have assisted clients with a variety of matters before state agencies, including: (1) obtaining licenses to operate from state agencies; (2) resolving

complaints against clients' licenses made with the Department of Labor Licensing and Regulation; (3) resolving complaints against a clients' licenses made with the Department of Motor Vehicles; and (4) appearing before hearing officers and appellate panels in state agencies.

I have assisted another attorney in my firm with two cases pending before the Administrative Law Court in the past year.

I have not personally argued a case in the Administrative Law Court, but I have also recently attended certain matters in the Administrative Law court to observe the proceedings.

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

- (a) Federal: approximately 10 cases;
- (b) State: approximately 100 cases.

I entered appearances in these cases, but not all cases required physical appearances before a court.

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

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

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

- (a) Jury: 80%;
- (b) Non-jury: 20%.

Mr. Reibold provided that during the past five years he most often served as sole counsel. I served most often as sole counsel, but also commonly serve as co-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 former law partner and I represented an automobile dealership accused of charging documentation or procurement fees in violation of South Carolina. 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 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. This case was significant because it threatened the survival of my client's business, and a matter of public importance which was ultimately addressed by legislation.
- (b) *Roberts v. LaConey*. 375 S.C. 97, 650 S.E.2d 474 (2007). I sought permission to file an amicus brief in this case which was filed in the original jurisdiction of the South Carolina Supreme Court. The case was decided in favor of the parties represented by my firm and was significant because it helped define what constitutes the unauthorized practice of law in South Carolina.
- (c) *Brown v. Stewart*. 348 S.C. 33, 557 S.E.2d 626 (Ct.App. 2001). One issue involved in the case was the question of when a corporate shareholder may maintain a breach of fiduciary duty action against corporate board members or directors. I was co-counsel at trial of this case and argued the appeal. This case is significant because it helped to clarify an uncertain area of South Carolina law.
- (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 have crushed the business. We succeeded in striking down the larger company's noncompete agreement and successfully resolved the case. This case is significant to me because I was able to help preserve my client's business.

(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 which had been improperly sued in South Carolina. I sought and succeeded in getting the case dismissed and relocated to a proper forum. This case was significant to me because it prevented what appeared to be forum shopping and resulted in a published decision.

The following is Mr. Reibold's account of five civil appeals he has personally handled:

- (a) *Brown v. Stewart, et al.*, South Carolina Court of Appeals, November 19, 2001, 348 S.C 33, 557 S.E.2d 676 Ct..App. 2001);
- (b) *Hall v. Fedor*, South Carolina Court of Appeals, March 25, 2002, 349 S.C. 169, 561 S.E.2d 654 (Ct.App. 2002);
- (c) *OptimumPath, LLC. V. Belkin, et al.*, Patent appeal before the United States Court of Appeals for the Federal Circuit in Washington, D.C., May 7, 2012;
- (d) *Sign N Ryde v. Larry King Chevrolet*, South Carolina Court of Appeals, December 9, 2011;
- (e) *Diane Henderson v. Summerville Ford-Mercury*, South Carolina Supreme Court, September 11, 2013, 405 S.C. 440, 748 S.E.2d 221 (2013).

Mr. Reibold reported that he has not personally handled any criminal appeals.

Mr. Reibold further reported the following regarding unsuccessful candidacies:

I have previously been a candidate for circuit court in 2011, 2012, 2014, 2015, 2016, and 2017.

(9) **Judicial Temperament:**

The Commission believes that Mr. Reibold's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Mr. Reibold 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in summary, "Concerns about his previous 6 attempts at being elected to the Circuit Court bench."

Mr. Reibold is married to Shealy Boland Reibold. He has one child.

Mr. Reibold reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, House of Delegates 2008 to 2014 and 2018 to present;
- (b) Richland County Bar Association;
- (c) National Association of Dealer Counsel; and
- (d) S.C Defense Trial Attorneys Association.

Mr. Reibold provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Salvation Army of the Midlands, Member Advisory Board
- (b) Leadership South Carolina, Class of 2020

Mr. Reibold further reported:

Over the past 25 years, I have been and remain involved in community affairs. I began simply volunteering at public and charity events. I raised money for the American Cancer Society. I am a graduate of the 2002 Leadership Columbia class. Since that time, I have served as a board member for Keep the Midlands Beautiful. I received an award for board member of the year for all of the Keep America Beautiful affiliates in South Carolina. I have served on the City of Columbia's Tree and Appearance Commission. I currently serve as an Advisory Board Member for the Salvation Army of the Midlands. Finally, I am a recent graduate of the 2020 Leadership South Carolina class.

I have also given to my profession. Initially, I volunteered as South Carolina Bar Association activities. Since then, I have gone on to publish several articles and am the co-author of a legal reference textbook published by the South Carolina Bar. The 2nd edition of this book will be published in 2021. I served on the Bar Association's Practice and Procedure Committee for years. I am currently a member of the Bar Association's House of Delegates.

These activities demonstrate my commitment to public service. I have previously run for the office of Circuit Court judge on a number of occasions, and I continue to believe that service as a member of the judiciary is my calling. My focus on public service also shapes my attitude toward the bench. I feel that putting on the robe is putting on a mantle of responsibility and stewardship.

(11) Commission Members' Comments:
The Commission noted that while Mr. Reibold had less involvement with administrative law than other legal matters, he had sought out knowledge and practical experience since filing for this position and expressed a desire to work diligently to learn more about the Administrative Law Court process.

(12) Conclusion:
The Commission found Mr. Reibold qualified, and nominated him for election to Administrative Law Court, Seat 3.

Debra Sherman Tedeschi **Administrative Law Court, Seat 3**

(1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Tedeschi meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Tedeschi was born in 1967. She is 53 years old and a resident of Columbia, South Carolina. Ms. Tedeschi 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. She was also admitted to the Pennsylvania Bar in 1997.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Tedeschi.

Ms. Tedeschi 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. Tedeschi reported that she has not made any campaign expenditures.

Ms. Tedeschi 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. Tedeschi 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. Tedeschi to be intelligent and knowledgeable.

Ms. Tedeschi reported that she has taught the following law-related courses:

- (a) At a CLE entitled JAG Grab Bag, hosted by the SC Attorney General's Office on August 16, 2019, I presented on the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- (b) I presented at the annual South Carolina Administrative and Regulatory Law Association (SCAARLA) CLE in February 2018. My presentation was entitled: "The "DISH" on DEW, Overview of the Agency & A Short Primer on Unemployment Insurance Appeals."
- (c) At the July 2017 Employment Law Essentials CLE, I gave the following presentation: "Unemployment Insurance (UI) Claims and Appeals - Background on UI and Practical Tips".
- (d) I lectured about administrative appeals in June 2016 at a summer course on Administrative Law at the University of South Carolina School of Law.
- (e) I organized and presented at a CLE sponsored by the South Carolina Attorney General's Office entitled "Do the DEW" in August 2015. The CLE covered an overview of the Department of Employment and Workforce (DEW) and information about Unemployment Insurance Claims and Appeals.
- (f) I lectured on the topic of Unemployment Insurance and Drug Testing at the annual conference for the National Association of Unemployment Insurance Appeals Professionals (NAUIAP) in June 2014.
- (g) I lectured on the prosecution of Internet Crimes Against Children (ICAC) at the South Carolina Solicitors' Association annual Conference in September 2004.
- (h) I taught Legal Writing to first year law students as an Adjunct Professor at the University of South Carolina School of Law for the 1999-2000 and 2005-2006 school years.

Ms. Tedeschi reported that she has published the following:

- (a) "Identity Theft: A Primer," 19 S.C. Lawyer 20 (March 2008)
- (b) "The Predicament of the Transsexual Prisoner," 5 Temp. Pol. & Civ. Rts. L. Rev. 27 (1995)
- (c) "Federal Rule of Evidence 413: Redistributing 'The Credibility Quotient,'" 57 U. Pitt. L. Rev. 107 (1995)

(4) Character:

The Commission's investigation of Ms. Tedeschi did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Tedeschi did not indicate any evidence of a troubled financial status. Ms. Tedeschi has handled her financial affairs responsibly.

The Commission also noted that Ms. Tedeschi 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. Tedeschi reported that she is not rated by any legal rating organization.

Ms. Tedeschi reported that she has not served in the military.

Ms. Tedeschi reported that she has never held public office.

(6) Physical Health:

Ms. Tedeschi appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Tedeschi appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Tedeschi was admitted to the South Carolina Bar in 1998.

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

Litigation Associate in Private Sector, 1996-1998

(a) Upon my graduation from the University of Pittsburgh School of Law in 1996, I joined Pittsburgh's largest law firm, Kirkpatrick & Lockhart, as a litigation associate. This large, international law firm is now known as K&L Gates. While an associate, I assisted in several commercial litigation matters, including cases involving employment law, intellectual property, and insurance coverage issues.

(b) In 1997, my husband accepted a job as a Physics Professor at the University of South Carolina, and we moved from Pittsburgh, Pennsylvania to Columbia, South Carolina. I became a litigation associate with Nelson Mullins Riley & Scarborough. From 1997-1998, I assisted in several commercial litigation matters, with a focus on product liability litigation.

Staff Attorney/Judicial Law Clerk at South Carolina Supreme Court, 1998-2004

(c) I joined the South Carolina Supreme Court's Staff Attorney office in 1998 and served as a staff attorney for two years. My responsibilities included researching a wide variety of legal issues related to direct criminal appeals, petitions for writs of certiorari, and appellate motions. I drafted memoranda, opinions, and orders for the Court's review.

(d) In 2000, I began my service as a judicial law clerk for Associate Justice John H. ("Johnny") Waller, Jr. I analyzed issues in all areas of law for cases on appeal and in original jurisdiction matters. The cases included matters of civil, criminal, domestic, and administrative law. I reviewed the records on appeal and the advocates' legal briefs, performed additional research, and then drafted bench memoranda for Justice Waller with recommendations on the legal issues. These memoranda were distributed to the other Court Justices for their review. In addition, I attended oral arguments, and drafted majority, concurring, and dissenting opinions for Justice Waller's review.

Dedicated Prosecutor for Internet Crimes Against Children Task Force, 2004-2005

(e) In 2004, I was hired by South Carolina Attorney General Henry McMaster to be South Carolina's first dedicated prosecutor of Internet Crimes Against Children (ICAC). In this role, I developed procedures to assist South Carolina law enforcement officers and prosecutors with effectively investigating and prosecuting ICAC matters. As a member of the Attorney General's Prosecution and State Grand Jury divisions, I prosecuted both child pornography and internet criminal solicitation cases. I provided specialized legal advice to SLED at the Computer Crime Center, trained law enforcement, and did public speaking as part of the community outreach function of the ICAC Task Force.

Adjunct Legal Writing Instructor, 2005-2006 (and also part-time 1999-2000)

(f) I taught first-year law students at the University of South Carolina's School of Law legal writing and reasoning skills. The course topics included teaching students how to: (1) analyze and brief legal cases; (2) draft objective memoranda and persuasive briefs; and (3) effectively present an oral argument in court.

Judicial Law Clerk at South Carolina Supreme Court, 2006-2009

(g) I returned to Justice Waller's chambers and worked again as a judicial law clerk until Justice Waller's retirement at the end of 2009. For duties, see subsection (d) above.

Member of South Carolina Supreme Court's Committee on Character and Fitness, 2010-present

(h) Appointed by the Justices of the South Carolina Supreme Court. This Committee provides recommendations to the Court on whether applicants have the requisite qualifications and character to be admitted or reinstated to practice law in South Carolina.

Solo Practitioner, 2010-2012

(i) At the beginning of 2010, I started my own law firm, The Tedeschi Law Firm, P.A. I focused my practice on Appellate Law, Administrative Law, Veterans' Disability Law, and Civil Litigation. As the only employee at my firm, I was fully involved with the administrative and financial management of this entity, and was fully responsible for the management of the Firm's trust account.

Assistant/Deputy General Counsel and Director of Appeals at the South Carolina Department of Employment & Workforce, 2011-2018

(j) At the end of 2011, I returned to the public sector/State employment when I was hired as Assistant General Counsel for the South Carolina Department of Employment and Workforce (DEW). I was promoted to Deputy General Counsel in 2012, and in 2015, I was given supervisory/management duties. As an attorney with DEW's Office of General Counsel (OGC), I handled an appellate case load before the Administrative Law Court (ALC), which involved defending DEW's final agency decisions when they were appealed to the ALC. These cases on occasion were further appealed to the Court of Appeals and Supreme Court. For these appellate cases, I drafted briefs, motions, petitions for certiorari (or returns to petitions), and delivered oral arguments on behalf of DEW. Additionally, as Deputy General Counsel, I provided a wide variety of legal advice to the executive leadership team and other internal DEW clients on different matters including: state and federal regulatory/statutory compliance; information technology (IT) contracts and related issues, to include contract negotiation and management; legislation; and data privacy/confidentiality issues.

(k) In February 2017, I was promoted to be the Director of Appeals. In that position, I was the head manager and supervisor of DEW's internal unemployment Appeals Department. I also served as Contract Manager for a multi-state consortium IT project.

Attorney-Adviser for the United States Army at Fort Jackson, 2018 – present

(l) In July 2018, I became an Army Civilian with the Judge Advocate General (JAG) Corps. In this position, I serve as a civilian attorney alongside active duty JAG attorneys and paralegals in the Fort Jackson Office of the Staff Judge Advocate (OSJA) in the Administrative Law division. I provide legal advice and representation on federal employment and labor law matters affecting the Civilian workforce at Fort Jackson. These administrative law matters include Equal Employment Opportunity (EEO) issues related to allegations of discrimination, collective bargaining, and grievance matters, Merit Systems Protection Board (MSPB) cases, and various other federal employment and administrative law issues. I serve as Agency representative in proceedings litigated before the EEO Commission (EEOC) and the MSPB, as well as in mediation proceedings. In addition, I frequently provide legal counsel directly to the commanders at Fort Jackson; negotiate and draft settlement agreements; and work closely with Human Resource personnel on employee discipline matters.

Ms. Tedeschi further reported regarding her experience with the Administrative Law Court practice area:

From 2011 through 2017, I appeared frequently and consistently before all the current judges of the Administrative Law Court (ALC). These cases primarily involved appellate review of final DEW unemployment insurance (UI) decisions. Most of these were related to UI benefits, but some also involved businesses litigating an appeal on UI tax issues. I argued a wide range of issues at the ALC, both factual and legal. Additionally, on behalf of DEW, I litigated a Setoff Debt Act contested case hearing and appeared for a public hearing before the ALC on a DEW regulation that was being amended. As a result of this experience, I am familiar with the ALC Rules, which were also the frequent subject of motions filed in these cases. Also, when I was in solo practice, I litigated an appeal before Judge McLeod involving a social worker's license which was regulated by the South Carolina Department of Labor, Licensing, and Regulation.

Since 2018 as a civilian Army lawyer, I have appeared before federal Administrative Law Judges, including ALJs with the EEOC and the MSPB.

Ms. Tedeschi reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: ongoing appearances with federal administrative law judges since 2018 in labor and employment matters for the Army;
- (b) State: frequent appearances before the SC ALC judges from 2011-2017, as well as occasional oral arguments at the SC Court of Appeals and SC Supreme Court.

Ms. Tedeschi reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil:
- (b) Criminal:
- (c) Domestic:
- (d) Other: 100% Administrative Law

Ms. Tedeschi reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Tedeschi provided that during the past five years she most often served as sole counsel.

The following is Ms. Tedeschi's account of her five most significant litigated matters:

- (a) *Rest Assured, LLC v. S.C. Dep't of Emp. & Workforce*, Mem. Op. No. 2015-MO-072 (S.C. Sup. Ct. filed Dec. 9, 2015).

In this unemployment insurance (UI) tax liability matter, the issue was whether Rest Assured's home health care assistants were misclassified as independent contractors by the business. At the agency level, DEW held the workers to be employees, and therefore, their wages were subject to UI tax contributions. This matter is significant to me because it was one of my first assignments when I began working at DEW. I litigated many procedural aspects of this case in the circuit court, ALC and the Court of Appeals. Then, the substantive matters were heard by the ALC, which upheld DEW's decision. The business appealed, and the Court of Appeals reversed in an unpublished decision. I drafted the petition for writ of certiorari, which was promptly granted by the Supreme Court. I then subsequently briefed and argued the case at the Supreme Court, where DEW's decision prevailed.

- (b) *Nucor Corp. v. S.C. Dep't of Emp. & Workforce*, 410 S.C. 507, 765 S.E.2d 558 (2014).

This case is significant because it reinforces the important principle of administrative law that when an appellate court is reviewing an agency's final decision under the substantial evidence rule, the appellate court is constrained to affirm when reasonable minds could reach the same result -- even if the appellate court itself would have come to a different decision as factfinder.

- (c) *AnMed Health v. S.C. Dep't of Emp. & Workforce*, 404 S.C. 224, 743 S.E.2d 854 (Ct. App. 2013).

In this case, a hospital discharged a human resources employee for failing to get a flu shot under the hospital's mandatory flu shot policy. When the employee applied for unemployment insurance (UI) benefits, DEW found her eligible for benefits. The hospital appealed to the ALC which affirmed DEW's decision. The hospital then appealed to the Court of Appeals. The Court of Appeals found that the hospital's policy was reasonable, but also found that the substantial evidence supported DEW's decision holding the UI claimant was eligible for benefits. This decision is significant for UI law because it establishes that even while an employer may properly discharge an employee pursuant to its reasonable health and safety policy, the employee may nevertheless be entitled to UI benefits if the employee's reason for non-compliance with the policy was reasonable under the circumstances. This is significant decision for me personally because it was one of the first times I argued to the Court of Appeals.

- (d) *Jackson v Sanford*, 398 S.C. 580, 731 S.E.2d 722 (2011).

In this appeal, I (along with James E. Smith, Jr.) represented Petitioner Darrick Jackson, Mayor of the Town of Timmonsville. This was a declaratory judgment action brought in the South Carolina Supreme Court's original jurisdiction to determine whether Governor Mark Sanford's veto of certain appropriations was unconstitutional. The Court held in favor of Mayor Jackson, finding that a Governor's line-item veto power allows a governor to veto "'items,' which comprise both the designated funds and the object and purposes for which the appropriation is intended." Therefore, where the Governor had vetoed only the funds-related part of an item, that veto was held unconstitutional. This matter is significant to me because it involved an issue of major public importance -- the interpretation of a

constitutional power of the executive branch. It also was the first time I argued a case in front of the South Carolina Supreme Court -- I presented the Reply portion of Petitioner's argument.

(e) *Yonemura v. Tom Sawyer Productions, Inc.*, Case Number: 2010-CP-40-01188. This case is significant to me because the plaintiffs, two young women, were my very first clients when I hung a shingle in 2010. It is also significant because it became my first (and only) civil jury trial. My clients ultimately did not prevail at trial, but they were pleased with my representation because they truly felt they had their day in court.

The following is Ms. Tedeschi's account of five civil appeals she has personally handled:

- (a) *Rest Assured, LLC v. S.C. Dep't of Emp. & Workforce*, Mem. Op. No. 2015-MO-072 (S.C. Sup. Ct. filed Dec. 9, 2015).
- (b) *AnMed Health v. S.C. Dep't of Emp. & Workforce*, 404 S.C. 224, 743 S.E.2d 854 (Ct. App. 2013).
- (c) *Nucor Corp. v. S.C. Dep't of Emp. & Workforce*, 410 S.C. 507, 765 S.E.2d 558 (2014).
- (d) *Lippincott v. S.C. Dep't of Emp. & Workforce*, Op. No. 2013-UP-056 (S.C. Ct. App. filed Jan. 30, 2013).
- (e) *Jackson v Sanford*, 398 S.C. 580, 731 S.E.2d 722 (2011)

Ms. Tedeschi reported that she has not personally handled any criminal appeals:

During my almost ten years of employment with the South Carolina Supreme Court as a staff attorney/judicial law clerk, I reviewed probably hundreds of criminal appeals matters, including direct appeals and state habeas corpus actions in death penalty cases. However, I have not personally litigated any criminal appeals.

Ms. Tedeschi reported the following regarding an unsuccessful candidacy:

In 2016, I applied for Administrative Law Court, Seat # 2. The JMSC found me qualified and nominated me as one of the three candidates. On January 26, 2017, I withdrew, and the Honorable Milton G. Kimpson ultimately won that seat.

(9) **Judicial Temperament:**

The Commission believes that Ms. Tedeschi's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Ms. Tedeschi to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" as to the evaluative criteria of constitutional qualifications, physical health and mental stability. The Committee commented that Ms. Tedeschi is "Very well qualified. Some concern as to whether she could not let her political views influence her decisions."

Ms. Tedeschi is married to David John Tedeschi. She has two children.

Ms. Tedeschi reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
Served on the SC Bar's Professional Potential Task Force (2008-2011)
- (b) South Carolina Women's Law Association

Ms. Tedeschi provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Columbia Jewish Federation, current Board Member and co-chair of the Jewish Community Relations Council
- (b) Tree of Life Congregation, Member; served on Board of Directors (2016-2019, and previously 2002-2013)

Ms. Tedeschi further reported:

My parents grew up in Brooklyn, New York, and I myself was born and raised in New Jersey. My dad never went to college; my mom went to community college to become a teacher after my two older brothers and I were all enrolled in school. I never imagined that someday I would move to South Carolina and plant my family roots here. I certainly never entertained the thought that I would become a South Carolina lawyer who would someday apply to become a judge. But, in 1992, after living and working for several years in New York City as a computer professional, I decided I wanted to change my life. I set my sights on going to law school, with the long-term goal of serving the public in some manner. That was the first step in a journey that led me to living in, and serving, the great state of South Carolina.

In 1993, I moved to Pittsburgh, Pennsylvania, and began law school. I thoroughly enjoyed law school. This is not always an easy thing to do given the rigor and competition inherent in the law school experience. However, I thrived in the environment and succeeded academically. Meanwhile, on a personal level, my boyfriend (who coincidentally also grew up in New Jersey) became my fiancé and then my husband during those three years of law school. After graduation, I began practicing as a lawyer in the private sector at the largest Pittsburgh law firm (K&L Gates). During my first year of practicing law, my husband was offered a job as an Assistant Professor in the Physics Department at the University of South Carolina. I was so happy and proud that he was fulfilling his career aspirations. Plus, I got a great job with Nelson Mullins, so we happily moved to Columbia, South Carolina in the summer of 1997.

One of the first things I learned about Columbia is how General Sherman burned it down on February 17, 1865. Well, with a middle/maiden name of Sherman, I started to wonder if I would fit in as a transplant in South Carolina. A wonderful thing happened though -- my husband and I embraced South Carolina and South Carolina embraced us. Within a year of moving to Columbia, I was working for the South Carolina Supreme Court, and I had attained my goal of practicing law and serving the public in some fashion.

Over the years, I learned to really live the state motto of "Dum spiro spero." South Carolina taught this Jersey girl to slow down a little bit and generally just be more optimistic about life. My law career has predominantly been focused on trying to use my law license to do good work. After having the honor and privilege of serving the S.C. Supreme Court for about six years, I left and began working as a dedicated prosecutor for the Attorney General's Office with the Internet Crimes Against Children (ICAC) Task Force. The Attorney General at the time, Henry McMaster, wanted to tackle this tough issue and make quick and steady progress. I wanted to combine my background in computer science with being a lawyer. The idea that I would be protecting children also appealed to me given that I was now a mother of two young boys. Even though my work at the AG's office was over many years ago, I am extremely proud of the abundance of good work we got done in my relatively brief tenure as the first dedicated ICAC prosecutor.

From there my legal career took some more turns, all good ones. I taught legal writing, returned to the Supreme Court to again clerk for Justice Waller, and then after Justice Waller retired, I opened

my own law firm. This certainly was another step in my journey that I had not envisioned even a couple of years earlier. Being a solo practitioner taught me so much about how wonderful the members of the South Carolina Bar are -- collaborative, professional, and helpful. I became a better attorney, a more resourceful and confident lawyer. I was able to help our veterans get the disability benefits they deserved, and also continued developing as an appellate advocate. Yet I missed serving the State of South Carolina, and at the end of 2011, I happily returned to state employment with the South Carolina Department of Employment and Workforce (DEW). This new cabinet agency, statutorily created in 2010, had formerly been the Employment Security Commission. My new job required a variety of legal skills -- appellate work, some criminal prosecution, and a variety of "general counsel" on other issues, many involving computer technology. All the steps of my legal career started to make sense to me, and I threw myself into working for DEW.

At DEW, I was promoted from Assistant General Counsel, to Deputy General Counsel, and ultimately became Director of Appeals. My many years of service to DEW enhanced my skills as an appellate advocate and further developed my proficiency in Administrative Law. In 2018, I was offered a new way to publicly serve and became an Army Civilian Attorney-Adviser with the Office of Staff Judge Advocate (OSJA) at Fort Jackson. Since becoming an Army lawyer, I have continued to hone my skills as a practicing attorney in federal sector Administrative Law.

Having worked with many of this State's top judges for a good portion of my legal career, I am aware that being a judge is no easy task. Yet it would be a tremendous honor and privilege to be appointed as an Administrative Law Judge, thereby allowing me again to serve the great State of South Carolina.

(11) **Commission Members' Comments:**

The Commission commented that Ms. Tedeschi has a strong legal background. They noted that her great intellect, excellent writing skills and sense of humility would make her an outstanding addition to the Administrative Law Court.

(12) **Conclusion:**

The Commission found Ms. Tedeschi qualified and nominated her for election to the Administrative Law Court, Seat 3.

**The Honorable S. Phillip "Phil" Lenski
Administrative Law Court, Seat 6**

Commission's Findings: QUALIFIED AND NOMINATED

(1) **Constitutional Qualifications:**

Based on the Commission's investigation, Judge Lenski meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Lenski was born in 1963. He is 57 years old and a resident of Columbia, South Carolina. Judge Lenski 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 also admitted to the Colorado Bar in 1989.

(2) **Ethical Fitness:**

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

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

Judge Lenski 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 Lenski 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 Lenski to be intelligent and knowledgeable.

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

- (a) Limestone College and St. Leo University, (1996 – 2015) – Taught undergraduate criminal law, Constitutional law, business law, labor law, and street law courses.
- (b) Bridge the Gap, (2012 – 2016), Lectured on Administrative Law;
- (c) University of SC School of Law, (2014 - present) Annual lecture on Administrative Law to Administrative Law class;
- (d) SCAARA Annual Conference (2020) – Presentation on practice tips before ALC;
- (e) U.S. Army Reserves (1996 – 2014) – taught courses in military law, military justice, international law of war, and Geneve Conventions;
- (f) Paralegal Association Conference (2014) – Lectured on Administrative Law;
- (g) SC Homeschool Network (2016 – 2019) – presided over mock-trial competition for high school students.
- (h) SC Dept of Health and Human Services, Division of Appeals (April 2015) – Lectured on administrative law.

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

(4) Character:

The Commission's investigation of Judge Lenski did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Lenski did not indicate any evidence of a troubled financial status. Judge Lenski has handled his financial affairs responsibly.

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

(5) Reputation:

Judge Lenski reported that he is not rated by any legal rating organization.

Judge Lenski reported the following military service:

I was a Judge Advocate in the US Army from 1990 – 1995 (active duty), and then in the Army Reserves from 1996 through June of 2014, when I retired. I retired at the rank of Lieutenant Colonel. I retired (was not discharged) honorably.

Judge Lenski reported that he has never held public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

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

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

- (a) Judge Advocate, U.S. Army (active duty) (1990 – 1995). I served as both a trial counsel (prosecutor) and trial defense service (public defender) during those years. I also was an administrative law attorney for the Army for two of those five years. I tried dozens of courts-martial involving misdemeanor type offenses (larceny, tardiness for duty) to felony offenses (murder, illegal drug distribution, fraud). My position did not involve the administration or management of funds or trust accounts.
- (b) Judge Advocate, U.S. Army Reserves (reserve duty) (1996 – 2014). After leaving active duty I served as a Judge Advocate in the Reserves until my retirement in 2014. During that time, I taught courses in military law and international law, assisted Soldiers with legal issues to include family matters, financial matters, trust and estate planning, etc. I also served as a training officer for a military unit, ensuring that the members completed all mandatory military training each year. During my time in the Reserves, I was mobilized to active duty twice. Once, I was mobilized and deployed to Iraq (2003) for nine months at the beginning of Operation Iraqi Freedom. I served as a trial counsel there, trying the first five courts-martial in a combat theater since Vietnam. I prosecuted cases involving assault, prisoner abuse, attempted murder, larceny, and manslaughter. Then, in 2011, I was mobilized a second time to Fort Bragg, North Carolina, where I and 19 other Reserve Judge Advocates replaced the active duty officers who went to Iraq for one year. During that year, I was the Chief of Administrative Law for the 18th Airborne Corps, handling all legal matters surrounding the operation of Fort Bragg, the second largest Army post, with a population of sixty thousand soldiers, dependents and federal employees. I supervised an office of 12 attorneys and staff. My position did not involve the management or administration of funds or trust accounts.
- (c) Staff Attorney, South Carolina Department of Insurance (1995 – 1997). I worked in the General Counsel office of the Department of Insurance for approximately eighteen months. I prosecuted insurance agents and brokers for violations of the law, and I handled insolvencies and other licensing issues for insurance companies. My position did not involve the administration or management of funds.
- (d) Staff Attorney, South Carolina Department of Labor, Licensing, and Regulation (1997 – 2002). I worked as a litigation counsel for the Department of Labor, Licensing and Regulation, prosecuting at state boards various licensed professional accused of violating the laws governing their profession. These included, real estate agents and brokers, real estate appraisers, contractors, accounts, engineers, architects, nurses, doctors, cosmetologists, residential builders, etc. I handled the cases from the trials before boards all the way through the appellate process. My position did not involve the administration or management of funds or trust accounts.

- (e) Counsel to the Clerk, South Carolina Senate, and Senior Staff Attorney, South Carolina Senate Judiciary Committee, (2002 – 2010). I served first as the counsel to the Senate Clerk, and then moved to become the senior staff attorney on the Judiciary Committee of the South Carolina Senate. During those years, I conducted legal research, drafted legislation and amendments, prepared summaries of bills and amendments for Senators, and served on various committees and subcommittees. During that time, my position did not involve the management or administration of funds or trust accounts.
- (f) Administrative Law Judge, South Carolina Administrative Law Court (2010 – present). Since 2010, when I was elected to the bench, I had the honor to serve as an Administrative Law Judge on the court. My duties involve hearing and deciding cases assigned to me by the Chief Judge that involve matters that fall under the jurisdiction of this court. Those cases include hearings involving most state agencies in South Carolina with the exception of Worker's Compensation cases and public utility matters. In my position, I sometimes sit in a trial capacity, and sometimes in an appellate capacity, depending upon the agency and type of case involved.

Judge Lenski reported that he has held the following judicial office(s):

I am currently an Administrative Law Judge on the South Carolina Administrative Law Court. I have held this position since being elected in 2010. The jurisdiction of the Administrative Law Court is statutory, and the limits of its jurisdiction are found in Chapter 23 of Title 1 of the South Carolina Code of Laws.

Judge Lenski reported five of his most significant orders or opinions:

- (a) *SC Department of Revenue v. BI-LO, LLC, d/b/a BI-LO Store #5612*, Docket Nos. 160-ALJ-17-0221-CC; 17 ALJ-17-0113-CC (S.C. Admin. Law Ct. Nov. 21, 2017), appeal filed, No. 2017-002568 (S.C. Ct. App. Aug 2, 2017). This was a beer and wine violation case where I exercised my discretion and did not revoke the licensee's permit;
- (b) *J. Annette Oakley v. Beaufort County Assessor*, Docket No. 18 ALJ-17-0233-CC (S.C. Admin. Law Ct. Nov 7, 2019), appeal filed, No. 2018-002153 (S.C. Ct. App. Dec 6, 2018). A residential tax assessment case involving an ambiguous provision in state law.
- (c) *Richard J. Hook v. S.C. Dept. of Health and Envtl. Control and Phillip Patterson*, Docket No. 17-ALJ-07-0085-CC (S.C. Admin. Law Ct. July 2, 2019) appeal filed, No. 2019-001282 (S.C. Ct. App. Aug 2, 2019). A dock permitting case where I held that the Department had willfully disobeyed this court's prior order and awarded damages to the aggrieved party.
- (d) *MRI at Belfair, LLC, d/b/a 3T MRI at Belfair v. S.C. Dep't of Health and Envt'l. Control and St. Joseph's/Candler Imaging Ctr. – Bluffton*, Docket No. 17-ALJ-07-0144-CC (S.C. Admin. Law Ct. July 31, 2019). A Certificate of Need case involving numerous novel procedural issues. Not appealed.
- (e) *Amisub of SC, Inc. d/b/a Piedmont Medical Center d/b/a Fort Mill Medical Center v. S.C. DHEC and Charlotte Mecklenburg Hospital Authority d/b/a Carolinas Medical Center – Fort Mill*, Docket No. 11-ALJ-07-0575-CC (S.C. Admin Law Ct. December 15, 2014). The matter involved competing hospital systems seeking a Certificate of Need to construct a hospital in Fort Mill. The matter has been to the South Carolina Supreme Court, which remanded the matter to the South Carolina Court of Appeals, which again affirmed my decision. (424 S.C. 80, 817 S.E.2d 633 (Ct. Appeals 2018), cert. denied February 20, 2019).

Judge Lenski further reported the following regarding unsuccessful candidacies:

Prior to being elected to the Administrative Law Court bench in 2010, I was an unsuccessful candidate for the Administrative Law Court in 2008.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee found Judge Lenski "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, "[Judge Lenski's] experience on the Administrative Law Court makes him well-qualified."

Judge Lenski is married to Laura Brant Lenski (nee Laura Ann Brant). He has three children.

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

- (a) Richland County Bar Association, member since 1996;
- (b) Colorado Bar Association, member since 1990;
- (c) American Bar Association, member since 1987.

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

Judge Lenski further reported:

I have spent virtually my entire professional career in public service. First, in the service of my nation as a Judge Advocate for the U.S. Army. Then as an attorney for various state agencies in South Carolina. Finally, for the last ten years, I have had the great honor to serve as an Administrative Law Judge. I still remember, when I first began working as an attorney, the words of my first supervisor, who told me that public service is a public trust requiring all who engage in it to place loyalty to the Constitution and laws, and to ethical principles, above private gain. I have worked my entire career to live by that admonishment. I have also come to understand, especially now that I am an Administrative Law Judge, that a civil servant must adhere to all laws and regulations and ensure that they are applied equally and fairly to all Americans regardless of race, color, religion, sex, national origin, age, or disability. I spend every day trying to live up to these principles, and I hope to be given the honor to do so for another term.

(11) Commission Members' Comments:

The Commission commented that Judge Lenski has an outstanding reputation. They noted his great intellect, which has ably served him in discharging his responsibilities as an Administrative Law Court judge.

(12) Conclusion:

The Commission found Judge Lenski qualified, and nominated him for re-election to Administrative Law Court, Seat 6.

QUALIFIED, BUT NOT NOMINATED

Steven Edward Buckingham
Circuit Court, Thirteenth Judicial Circuit, Seat 3

Commission's Findings: **QUALIFIED, BUT NOT NOMINATED**

(1) **Constitutional Qualifications:**

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

Mr. Buckingham was born in 1981. He is 39 years old and a resident of Greer, South Carolina. Mr. Buckingham provided in his application that he has been a resident of South Carolina for at least the immediate past five years, and he has been a licensed attorney in South Carolina since 2006.

(2) **Ethical Fitness:**

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

Mr. Buckingham 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. Buckingham reported that he has not made any campaign expenditures.

Mr. Buckingham testified that 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. Buckingham 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. Buckingham to be intelligent and knowledgeable.

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

- (a) Furman University, Trial Advocacy (Greenville, SC, each May, 2011-2016) (undergraduate course designed to teach students the basic aspects of trial advocacy);
- (b) South Carolina Bar Association, It's All a Game: Top Trial Lawyers Tackle Evidence (Columbia, SC, February 2018) (lecturer on trial strategy of evidentiary objections);
- (c) South Carolina Bar Association, Law School for Non-Lawyers (Greenville, SC, March 2012) (lecturer on structure, organization, and jurisdiction of state and federal courts);
- (d) Association of Corporate Counsel, Privatizing Public Business: Ethics in Pursuing & Protecting Government Contracts (Greenville, SC, February 2012) (ethics lecturer);
- (e) SCDTAA Corporate Counsel, Joint Defense Agreements: Strategy, Ethics & Practicality (Greenville, SC, September 2011) (ethics lecturer).

Mr. Buckingham reported that he has published the following:

“The Kelo Threshold: Private Property & ‘Public Use’ Reconsidered,” 39 U. Rich. L. Rev. 1279 (2005).

(4) Character:

The Commission’s investigation of Mr. Buckingham did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Buckingham did not indicate any evidence of a troubled financial status. Mr. Buckingham has handled his financial affairs responsibly.

The Commission also noted that Mr. Buckingham 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. Buckingham reported his rating by legal rating organizations: for Martindale-Hubbell, it is AV (Preeminent); and for Super Lawyers, it is Rising Star.

Mr. Buckingham also reported recognition by the following organizations:

- (a) Best Lawyers, 2019-Present;
- (b) U.S. News & World Report, Best Law Firms, South Carolina, 2020;
- (c) Greenville Business Magazine, Legal Elite, 2016-Present;
- (d) America’s Top 100 Bet-the-Company Litigators, South Carolina, 2019-Present;
- (e) America’s Top 100 High-Stakes Litigators, South Carolina, 2019-Present.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Buckingham was admitted to the South Carolina Bar in 2006.

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

- (a) September 2006-September 2007: Served as a law clerk to the Honorable James R. Spencer, Chief United States District Judge for the Eastern District of Virginia, in Richmond, Virginia. Advised as to the disposition of civil and criminal motions and criminal sentencing matters; analyzed memoranda filed in furtherance of pending civil and criminal matters and conducted independent research of applicable law; prepared orders and opinions of the court.
- (b) September 2007-June 2008: Employed as an associate attorney with Nelson, Mullins, Riley & Scarborough, LLP in Greenville, South Carolina. Practice focused mainly on civil litigation, with particular emphasis on business and commercial disputes.
- (c) June 2008-August 2008: Served as a temporary law clerk to the Honorable Henry M. Herlong, Jr., United States District Judge for the District of South Carolina, in Greenville, South Carolina. Advised as to the disposition of civil and criminal motions and criminal sentencing

matters; analyzed memoranda filed in furtherance of pending civil and criminal matters and conducted independent research of applicable law; prepared orders and opinions of the Court.

- (d) September 2008-February 2011: Employed as an associate attorney with Nelson, Mullins, Riley & Scarborough, LLP in Greenville, South Carolina. Practice focused mainly on civil litigation, with particular emphasis on business and commercial disputes.
- (e) March 2011-December 2013: Employed as an associate attorney with Gallivan, White & Boyd, P.A. in Greenville, South Carolina. Practice focused mainly on civil litigation, with particular emphasis on business and commercial disputes.
- (f) December 2013-September 2014: Employed as a partner with Gallivan, White & Boyd, P.A. in Greenville, South Carolina. Practice focused mainly on civil litigation, with particular emphasis on business and commercial disputes. Upon election to partner, I took on some, but not significant, management functions, as those functions were largely handled by the Firm's executive committee.
- (g) September 2014-December 2015: Employed as an attorney with the Perkins Law Firm, LLC in Greenville, South Carolina. Practice focused mainly on civil litigation, with particular emphasis on business and commercial disputes. Had some, but not significant, management functions, as those functions were largely handled by Mr. Perkins.
- (h) January 2016-Present: Self-employed as an attorney with the Law Office of Steven Edward Buckingham, LLC. Practice focuses mainly on civil litigation, with particular emphasis on business and commercial disputes. I exercise total oversight of all management functions, including but not limited to management of the firm's trust account.

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

Criminal Experience

The vast majority of my direct criminal experience was acquired during the time that I spent as a law clerk to Judge Spencer and Judge Herlong, through which I participated in several criminal trials and dozens of criminal sentencing.

In terms of direct criminal experience as a practicing attorney, that is limited primarily to my participation in the appeal of *State v. Graddick*, Appellate Case No. 2013-2665, which I handled in connection with the Office of Indigent Defense's Appellate Practice Project. The case involved the appeal of a conviction for armed robbery, and presented issues involving the federal Sixth Amendment right to cross-examination of adverse co-conspiratorial witnesses (who were unavailable to testify due to invoking their Fifth Amendment right to refrain from providing self-incriminating testimony), as well as Rules 403 and 404, SCRE, pertaining to evidence that is substantially more prejudicial than probative and propensity for criminal conduct, respectively.

In terms of indirect criminal experience as a practicing attorney, I have litigated several business cases involving embezzlement, theft of property, and theft of trade secrets, which have intersected with the criminal bar. I have also been appointed, primarily by federal courts, on several occasions to represent indigent defendants (generally incarcerated) in their civil claims against the South Carolina Department of Corrections for circumstances arising from their incarceration.

Civil Experience

The vast majority of my experience as a private practitioner has involved civil litigation. Beginning with my clerkship in 2006, I have personally participated in hundreds of civil cases at various stages of their lifespan, including more than a dozen trials, many of which I have personally conducted. As a law clerk, the most significant case in terms of amount in controversy that I have participated

in involved several billion dollars; as a private practitioner, several tens of millions. Presently, and for the past five years, most of my cases involve amounts in controversy ranging between \$50,000-\$500,000. However, I regularly litigate cases—and presently have several cases—where the amount in controversy exceeds \$1 million. Because of the nature of business litigation, I routinely represent both plaintiffs and defendants.

Over the course of my career thus far, I have handled civil cases from as early as their inception to as late as perfecting appeals with the South Carolina Supreme Court. Relatedly, on the federal side, I have litigated dozens of cases, and have personally taken one appeal of a case I tried to the Fourth Circuit. In both state and federal court, I have prepared and filed pleadings, preliminary motions, motions for temporary and preliminary injunctive relief, and for summary judgment; I have also conducted extensive amounts of written discovery and depositions; I have participated in more mediations than I can remember. I have also conducted six mediations for which I served as the mediator.

In terms of trial experience, in 2013, I personally tried a case in York County before Judge Kimball, in which my client—a bank—was litigating with another bank over which had priority in a mortgage foreclosure action. In 2015, I personally tried a case in Horry County before Judge Howe, in which my client—who sold a restaurant—was seeking to collect the balance due on the transaction from the buyer. The primary issue in this case was the imputation of contractual liability from the buyer (an LLC) to its sole member. Both of these cases were tried without a jury.

In 2016, I personally tried a case in federal court in Greenville County involving the religious freedom rights of an inmate who was, at the time of the wrongful conduct complained of, incarcerated at Kershaw Correctional Institution. At that time, to the best of my knowledge, I was the only lawyer in the United States who had ever tried a case under the federal Religious Land Use & Institutionalized Persons Act, as these types of cases are typically resolved at summary judgment. Later in 2016, I was lead trial counsel in a case tried in federal court in Buncombe County, North Carolina involving trademark infringement under the federal Lanham Act. Both of these cases were tried to a jury.

More recently, if the cases I handle are not resolved through mediation (which are the vast majority), they tend to be referred to arbitration. In 2019, I litigated a case involving a South Carolina public charter school from inception to the final arbitration hearing, and am presently challenging the legitimacy of those proceedings in South Carolina Circuit Court. The issues I am challenging involve whether and to what extent a South Carolina state actor—like a public charter school—is subject to the jurisdiction of an arbitration panel. I have three other business cases that will be arbitrated between now and the end of the second quarter in 2021.

With regard to my presence in Circuit Court, I am there frequently. Pre-COVID, it was not unusual for me to be in Circuit Court in Greenville County several times a month. I have appeared before each Circuit Court judge on multiple occasions. I am in federal court less frequently, not because I have fewer cases there, but generally because federal judges tend to hold fewer hearings on motions.

Additional Relevant Experience

I have spent a significant amount of time both learning how to try cases effectively and teaching others how to do so. In 2010, I attended the South Carolina Defense Trial Attorneys week-long Trial Academy. In 2013, I attended the week-long Trial Academy hosted by the International Association of Defense Counsel at Stanford University. From 2007 until 2013, I coached Furman

University's award-winning college mock trial teams. And, each May from 2011 until 2016, I taught an undergraduate course at Furman on Trial Advocacy.

More recently, I have endeavored to hone my negotiation and dispute-resolution skills. In 2017, I completed the South Carolina Bar's week-long mediator certification program. In 2018, I attended the three-day intensive Advanced Negotiation Strategies workshop hosted through the Harvard Extension School in Cambridge, Massachusetts.

Further Experience

On balance, and without question, I have less relevant direct experience as a criminal practitioner. In the event I am elected to serve as a judge, I would endeavor to learn as much about the practice of criminal law and procedure in South Carolina as I reasonably could. Not only would I read every respectable treatise available through the South Carolina Bar, I would spend time talking with my friends in the criminal bar—both solicitors and defense attorneys—to understand how criminal law is practiced in our State.

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

- (a) Federal: Despite having cases fairly consistently in federal court, I would only be required to appear for hearings in federal court once every few months.
- (b) State: Generally several times per month

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

- (a) Civil: 99%;
- (b) Criminal: <1%;
- (c) Domestic: <1%;
- (d) Other: 0%.

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

- (a) Jury: <1%;
- (b) Non-jury: <2%.

- He noted that all of his other cases were resolved by mutual agreement prior to trial or arbitration, whether through mediation or otherwise.

Mr. Buckingham provided that during the past five years he almost always served as sole counsel.

The following is Mr. Buckingham's account of his five most significant litigated matters:

- (a) In re: [Anonymous]. In this case, the client—a 4 year old—witnessed his father brutally murder his mother. The family were Indian immigrants. Because of immigration regulations, upon mother's death, the father and child were subject to immediate deportation. Through the representation, and in coordination with federal offices and agencies, the father's parental rights with respect to the child were terminated, the child was placed in the home of his maternal uncle, who had just attained U.S. Citizenship, and the child was ultimately adopted and attained his own U.S. Citizenship.
- (b) In re: [Anonymous]. In this case, the clients were the wife and step-daughter of a local law enforcement officer who specializes in drug interdiction. Wife and daughter immigrated from a Latin American country legally, where they were threatened with execution at the hands of a certain drug cartel, but subsequently lost their lawful status and were facing

deportation. Had they been deported, husband would have followed, which would likely have resulted in the execution of all three individuals. Through the representation, and in coordination with federal offices and agencies, the wife and daughter attained lawful status as U.S. residents, and the husband continues to interrupt drug and human trafficking in South Carolina.

- (c) *Plummer v. Riley*; rights of religious freedom in penal institutions. Plaintiff, an inmate at a South Carolina correctional institution, brought suit under the First Amendment and a separate federal religious freedom statute to declare that the prison's chaplain violated his rights of religious freedom by unreasonably restricting his ability to attend the worship services and religious study groups of his choosing.
- (d) *Ahmad v. Belangia*; voting rights. Plaintiffs were students at a local university who were prohibited from registering to vote in the 2016 general election by the Greenville County Election Commission. On behalf of Plaintiffs, I obtained a preliminary injunction directing the Commission to register the Plaintiffs to vote.
- (e) *Newton v. James*; First Amendment. Plaintiff was the branch manager of a local library system who was terminated from his employment for failing to prohibit a group of citizens from using library facilities. Suit was filed, and a settlement was reached shortly thereafter.

The following is Mr. Buckingham's account of five civil appeals he has personally handled:

- (a) *Theisen v. Theisen*, 394 S.C. 434, 716 S.E.2d 271 (2011);
- (b) *Hollman v. Woolfson*, 404 S.C. 385, 745 S.E.2d 105 (2013);
- (c) *Plummer v. Riley*, Case No. 16-6340 (4th Cir. Jan. 31, 2018);
- (d) *Granatino v. SC DOT*, Case No. 2018-2166 (S.C. Ct. App.) (pending);
- (e) *Associated Receivables Funding, Inc. v. Classic Indus. Servs. Inc.*, Case No. 2020-320 (S.C. Ct. App.) (pending).

The following is Mr. Buckingham's account of the criminal appeal he has personally handled:

State v. Graddick, Op. No. 2017-UP-201 (S.C. Ct. App. May 17, 2017)

(9) **Judicial Temperament:**

The Commission believes that Mr. Buckingham's temperament would be excellent.

(10) **Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Mr. Buckingham to be "Well-Qualified" in the evaluative criteria of experience, judicial temperament, ethical fitness, professional and academic ability, character, and reputation; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Buckingham is married to Caitlin Elizabeth Buckingham (nee Coyle). He does not have any children.

Mr. Buckingham reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, Nov. 2006-Present
Member, House of Delegates, June 2018-June 2020
- (b) Greenville County Bar Association, Nov. 2006-Present
- (c) American Inns of Court / Haynsworth-Perry Chapter, Apr. 2013-Present
President, Sept. 2019-Present
Treasurer, Sept. 2017- Sept. 2019
Programs Chair, Jan. 2015- Sept. 2017
Young Lawyer Liaison, Apr. 2013-Dec. 2015

Mr. Buckingham provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Greater Greenville Chamber of Commerce, Member of the Board of Directors & General Counsel;
- (b) Greenville Chamber Foundation, Inc., Member of the Board of Directors;
- (c) Leadership South Carolina, Participant in Class of 2016;
- (d) Leadership South Carolina Alumni Association, Member of the Board of Directors;
- (e) Leadership Greenville, Chairman of the Class Selection Committee, Vice-Chairman of the Class Selection Committee;
- (f) Riley Institute, Diversity Leaders Initiative, Member, Class XXIII;
- (g) The Warehouse Theatre, Member of the Board of Directors;
- (h) Rebuild Upstate, Member of the Board of Directors & Past Chairman;
- (i) American Inns of Court / Haynsworth-Perry Chapter, Member, President, Treasurer, Programs Chairman, and Young Lawyer Liaison;
- (j) South Carolina Bar Association, Member and Member of the House of Delegates;
- (k) Greenville County Bar Association, Member;
- (l) All Good Things, Inc., Member of the Board of Directors, Vice-President, and Secretary;
- (m) Federal Bar Association, Member;
- (n) South Carolina Lawyers Weekly, Leadership in Law Award;
- (o) Greenville Business Magazine, Best & Brightest 35 & Under;
- (p) Dancing with the Carolina Stars, Competitor;
- (q) Honorable Order of the Kentucky Colonels;
- (r) Honorable Order of the Tennessee Aides de Camp;
- (s) Greater Greenville Chamber of Commerce, Chairman's Award.

Mr. Buckingham further reported:

As I read the Judicial Merit Selection Commission's memorandum on evaluative criteria, I was surprisingly moved by its description of the qualities that an ideal judicial candidate should possess. I was moved not so much by the comprehensive list of characteristics that the Commission seeks, but much more so by the fact that I have had the privilege of knowing judges who lived up to those lofty aspirations. In fact, I worked for one, and was friends with another. Candidly, I had forgotten how much those experiences meant to me until I was in the midst of completing this application.

As a judge, I would hope that I could give younger lawyers a fraction of the inspiration those judges gave me, just by watching them work. I would hope that I could command a courtroom so quietly, as they did, by my mere presence. I would hope that I could project a sense of unshakeable fairness to those who appeared before me. I would hope that I, like them, could give a sense of peace to folks in their darkest hours, even as I may impose significant terms of incarceration. I would hope that I, too, could build a family of clerks and colleagues who will go on to lead noble lives in the law.

I may never live up to the Commission's aspirations and the examples that were set for me. But that is not a reason not to try.

I appreciate your consideration of this application, and am grateful for the opportunity provided.

(11) Commission Members' Comments:

The Commission noted Mr. Buckingham's strong letters of recommendation from pillars of the legal community. The Commission commented that Mr. Buckingham is an extraordinary person and a great lawyer in his own right at a young age.

(12) Conclusion:

The Commission found Mr. Buckingham qualified, but did not nominate him for election to Circuit Court, Thirteenth Judicial Circuit, Seat 3.

Will Grove
Circuit Court, Thirteenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Grove was born in 1983. He is 37 years old and a resident of Greenville, South Carolina. Mr. Grove 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 2009.

(2) Ethical Fitness:

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

Mr. Grove 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. Grove reported that he has not made any campaign expenditures.

Mr. Grove 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. Grove 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. Grove to be intelligent and knowledgeable.

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

I worked on the faculty for PD 103, a multi-day CLE for assistant public defenders aimed at improving trial advocacy, in 2019.

Mr. Grove reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Grove did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Grove did not indicate any evidence of a troubled financial status. Mr. Grove has handled his financial affairs responsibly.

The Commission also noted that Mr. Grove 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. Grove reported that he is not rated by any legal rating organization.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Grove was admitted to the South Carolina Bar in 2009.

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

- (a) November 2009 – August 2010. Litigation Attorney, Anastopoulo & Clore, LLC. I worked on civil cases which were in active litigation. I participated fully in the discovery process by requesting and responding to interrogatories, conducting depositions, etc. I filed and argued motions, and argued a case to verdict.
- (b) August 2010 – April 2012. Assistant Public Defender, Fourth Judicial Circuit. I represented some clients in each county of the Fourth Judicial Circuit, but my office and the majority of my clients were in Marlboro County. I handled all manner of General Sessions' offenses and represented clients at a variety of proceedings: bond hearings, preliminary hearings, motions hearings, arraignments, pleas, trials, etc.
- (c) April 2012 – July 2015. Assistant Public Defender, Twelfth Judicial Circuit. I represented some clients in both counties of the Twelfth Judicial Circuit, but my office and the majority of my clients were in Florence County. I handled all manner of General Sessions' offenses and represented clients at a variety of proceedings: bond hearings, preliminary hearings, motions hearings, arraignments, pleas, trials, etc.
- (d) July 2015 – February 2019. Assistant Public Defender, Thirteenth Judicial Circuit. Representing clients in Greenville County in both General Sessions' and Magistrate Court. Represented clients at a variety of proceedings: bond hearings, preliminary hearings, motions hearings, arraignments, pleas, trials, etc. Mentored incoming Assistant Public Defenders to the practice of law and, specifically, the intricacies of public defense.
- (e) February 2019 – May 2020. Senior Level Lawyer, Thirteenth Judicial Circuit. In addition to the duties described in section (d), I worked toward improving the efficiency with which our office handled court activities to include coordinating with the Thirteenth Judicial Circuit Solicitor's Office and the members of the judiciary for the Thirteenth Judicial Circuit. Served as a team leader on a team with up to 5 lawyers and a legal assistant. Teams were created to improve intra-office efficiency with collaboration through regular meetings and better organizational structure.
- (f) May 2020 – present. Deputy Public Defender, Thirteenth Judicial Circuit. In addition to the duties described in sections (d) and (e), I now work in a managerial capacity and handle some

administrative tasks. Through regular meetings with the Circuit Defender, an administrative assistant, our office manager, and the Deputy Public Defender for Pickens County, we discuss, manage, and plan for the future of the office circuit-wide and try to anticipate needs while maintaining a client-centered approach. I provide input on administrative and budgetary decisions.

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

My career for the past ten years has been dedicated exclusively to the practice of criminal law. In the past five years, I have defended hundreds of clients, including many trials in General Sessions Court. I have tried a number of cases as sole counsel, and others as lead counsel or co-counsel. I have had the opportunity to present a number of different issues to the Circuit Court, including but not limited to: challenging the admissibility of clients' statements under *Jackson v. Denno*; arguing for suppression based on violations of the Fourth Amendment; arguing for (and having granted) a mistrial based on inappropriate comments by a solicitor during closing arguments, and; preparing expert witnesses to testify. I have tried several cases to verdict in the past five years, and resolved more cases mid-trial or on the morning trial was scheduled to begin. Over the course of my ten-year criminal law career, I have tried cases to verdict as sole or lead counsel with charges including: murder; armed robbery; burglary first degree; burglary second degree; criminal sexual conduct second degree; criminal domestic violence of a high and aggravated nature; felony DUI resulting in great bodily injury; reckless homicide; pointing and presenting a firearm; trafficking in cocaine base; and distribution of cocaine base, among others.

While my past ten years has been dedicated to the practice of criminal law, my first year of practice was dedicated exclusively to the practice of plaintiff civil litigation. I had the opportunity to practice in the Circuit Court by arguing motions and trying a case to verdict. In my civil litigation practice, I also spent a significant amount of my time preparing files for litigation. I responded to discovery and conducted depositions. I interacted with opposing counsel and discussed strategic legal decisions with co-counsels.

My practice in both civil and criminal law has created a multitude of different scenarios through which I have had to navigate. My experience has created opportunities for me to establish an expansive base of knowledge from which I can draw while serving on the Circuit Court. I have also proven to myself, my colleagues, and my co-counsels, I have the work ethic and the intelligence to identify those things which I do not know and then learn and apply those things quickly.

My practice over the past five years has required an appearance before the Circuit Court two to five times per week during terms of General Sessions Court. The Thirteenth Judicial Circuit's terms of General Sessions Court in Greenville County are typically the first two weeks of a month. This means I appear in front of a Circuit Court judge anywhere from four to ten days per month.

Mr. Grove reported the frequency of his court appearances during the last five years as follows:

- (a) Federal: I have never made an appearance in federal court.
- (b) State: I appeared several times a week, almost every week, during the past five years. In Greenville County, General Sessions Court operates two weeks per month, on average. A public defender can expect to appear in court at least two or three days out of those weeks, if not all five. In weeks when General Sessions Court is not operating, Transfer Court, preliminary hearings, bonds, motions, and dispositions in Magistrate Court are all potential appearances which could be expected to occur multiple times per week.

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

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

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

- (a) Jury: 5%
- (b) Non-jury: 95%

Mr. Grove provided that he most often served as sole counsel.

Sole counsel, though on more significant cases it is common for sole counsel to select a second chair, so I have also frequently acted as either chief counsel or co-counsel on matters in the past five years.

The following is Mr. Grove's account of his five most significant litigated matters:

- (a) *State v. William Charles Chapman*, 2014-GS-23-05820. This case was originally charged, indicted, and tried as Attempted Murder. Based on a prior conviction for a Most Serious offense, Mr. Chapman had been noticed by the State of their intent to pursue Life Without Parole (LWOP) were he to be convicted of Attempted Murder. Midway through the trial, Mr. Chapman and I were able to negotiate an agreement for the State to withdraw their LWOP notice and allow him the opportunity to enter a guilty plea to Assault and Battery of a High and Aggravated Nature with no recommendation from the State as to sentencing. After hearing mitigation on behalf of Mr. Chapman and hearing input from the victim of the assault, the Court sentenced Mr. Chapman to ten years of active incarceration. This case was significant in that, had Mr. Chapman not entered his plea, the defense was prepared to qualify an expert witness to present testimony regarding the credibility of eye-witness testimony, which was a significant portion of the State's case. This case was also served as a reminder that advocacy for a suitable resolution should not end simply because a trial has begun. A lawyer can both zealously represent a person in a trial and simultaneously advocate on their behalf for a reasonable compromise.
- (b) *State v. Estella Ruiz Gomez*, 2019-GS-01771A. This case involved an undocumented immigrant from a rural part of Mexico who was charged in the homicide of her newborn child. She was directly indicted for Voluntary Manslaughter and eventually entered a guilty plea and received an eleven year sentence. This case was significant as it was incredibly complex from many different angles: her native language was an indigenous Central American dialect which originally presented many challenges in communication; the nature of her original charge (Homicide by Child Abuse) is an incredibly sensitive charge with high emotions on every side, and; her undocumented status in this country created another challenge in advocating a suitable resolution for her and another layer of complexity to consider in terms of mitigation presented to the Court. As the father of young children, I could have easily been overcome with emotion at the facts or circumstances of this case. Instead, this case proved I have the ability to not allow my personal life to interfere with my duties at work, a trait that I will gladly bring with me to the bench if elected.
- (c) *State v. Jason Lamont Andrews*, 2013-GS-21-0726. A case which began as a Felony DUI Resulting in Death went to trial as a Reckless Homicide where I acted as sole counsel. I inherited this case from an assistant public defender who left to enter private practice. A great amount of effort had already been put into this case prior to my assignment, and Mr. Andrews and I built upon that work. We were ultimately successful in convincing the solicitor he would

be unable, due to evidentiary issues, to successfully present the case as a FDUI and it was directly presented as a Reckless Homicide. Mr. Andrews elected to proceed to trial and, after a trial which lasted several days, he was acquitted. This case allowed me my first opportunity into the complex realm of DUI case law and the procedures required to acquire, preserve, and present evidence in a DUI case. This case also required me to call a witness and qualify him as an expert for the purposes of entering the victim's toxicology report into evidence, which proved critical to our defense. My client in this case expressed continued confidence in my abilities, even as we waited on pins and needles for the verdict to be delivered, which in turn gave me confidence in myself as a trial lawyer.

(d) *State v. Wayne Albeon Scott, Jr.*, 2013-GS-21-0391. Mr. Scott was charged, indicted, tried, and convicted of murder. As sole counsel on this case, I raised a claim of immunity under the Protection of Persons and Property Act (the Act). At the time of the pre-trial hearing, there was very little case law available regarding the Act, which proved challenging. Ultimately, our motion for immunity under the Act was denied and we proceeded to trial. At a trial which lasted several days, we were able to present a self-defense claim and were able to block the State's request to charge for Voluntary Manslaughter, effectively creating an "all or nothing" scenario for the jury in its deliberation. This case was significant as it gave me experience in researching and presenting to a judge a defense in a then-new area of the law. It also provided an opportunity for creativity and critical thinking, to anticipate how the State would respond to our actions in presenting their case and simultaneously making sure Mr. Scott's defense was as clearly presented to the jury as possible.

(e) *State v. Elisha Townsend*, 5102P0062867. Ms. Townsend was charged with Driving Under the Influence, .16 or more, 2nd Offense. After a review of the evidence and some negotiation, I filed a motion to dismiss the DUI case for the State's violation of 56-5-2953 of the S.C. Code. The Court heard argument, took the case under advisement, and ultimately dismissed the charge for the reasons set forth in my motion and argument. This case was a reminder that even with charges which may not carry lengthy prison sentences, it is imperative to ensure statutes are complied with and the law is followed. This case was also an opportunity to see a judge who, faced with a potentially unpopular ruling of dismissing a DUI charge, did not hesitate to apply the law as it is written.

Mr. Grove reported he has not personally handled any civil or criminal appeals.

(9) **Judicial Temperament:**

The Commission believes that Mr. Grove's temperament would be excellent.

(10) **Miscellaneous:**

The Upstate Citizens Committee on Judicial Qualification found Mr. Grove 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 evaluative criteria of constitutional qualification, physical health, and mental stability. The Committee had no related comments.

Mr. Grove is married to Kathleen Lyall Grove. He has two children.

Mr. Grove reported that he was a member of the following Bar and professional associations:

- (a) Greenville County Bar Association, Member 2015-present, Legislative Liaison, 2018-present
- (b) South Carolina Bar Association, House of Delegates, Member, 2020-present
- (c) South Carolina Association of Criminal Defense Lawyers, Member 2010-present
- (d) Public Defender Association, Board Member 2019-present
- (e) Haynesworth Perry American Inns of Court, Member, 2019-present.

Mr. Grove provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Christ Church Episcopal Parish Choir
- (b) The Poinsett Club

Mr. Grove further reported:

As a general rule, if you are involved in Circuit Court, you are likely there for an unpleasant reason. You might have been injured in or are alleged to be at fault in an accident, are involved in a contract dispute, are either charged with a crime, alleging a crime has occurred against you, or are some sort of witness to either the alleged criminal or civil incident. The past eleven years have afforded me hundreds, and likely thousands, of opportunities to help resolve such disputes. On their face, some cases may appear small; perhaps the dollar amount in question is relatively low or the potential punishment for an alleged crime carries little-to-no jail time. In these instances, it would be easy to treat a case and, by extension, a party to such a case, flippantly. Over the past eleven years, I have always remained mindful that, even if a criminal case may not end up as a headline or if the value at stake in a civil case might appear insignificant to the untrained eye, to the parties involved the case is fiercely important and often personal. With that in mind, I have made a concerted effort to treat each case, whether it involved \$50 or \$50,000 and whether it involved the possible punishment of a small fine or life in prison, with diligence, empathy, and an abiding appreciation for the impact it will have upon my client. I intend to take this same approach with all parties appearing before the Circuit Court if I am fortunate enough to be found worthy of a seat on the bench.

(11) **Commission Members' Comments:**

The Commission commented that Mr. Grove has given a tremendous amount of service to the Bar through his engagement in the profession which has led to collegial growth in the practice of law. The Commission further noted that the survey responses included a lot of positive comments that go beyond his eleven years of practice.

(12) **Conclusion:**

The Commission found Mr. Grove qualified, but did not nominate him for election to Circuit Court, Thirteenth Judicial Circuit, Seat 3.

Erin E. Bailey
Circuit Court, At-Large, Seat 12

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) **Constitutional Qualifications:**

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

Ms. Bailey was born in 1980. She is 40 years old and a resident of Mt. Pleasant, South Carolina. Ms. Bailey 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 Ms. Bailey.

Ms. Bailey 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. Bailey reported that she has not made any campaign expenditures.

Ms. Bailey 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. Bailey 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. Bailey to be intelligent and knowledgeable.

Ms. Bailey reported that she has taught the following law-related courses:

- (a) Winter 2012- co-led a small group at the Prosecutors Bootcamp program, sponsored by the South Carolina Commission on Prosecution Coordination.
- (b) February 5, 2016, Panel member for a round table discussion at the Criminal Law 101 seminar sponsored by the South Carolina Association of Criminal Defense Lawyers.
- (c) January 19, 2018, Course planner and moderator for Criminal Law Part I section of the South Carolina Bar Convention.
- (d) January 19, 2018, Course planner, moderator, and presenter for Criminal Law Part II section of the South Carolina Bar Convention. This section was both a continuing legal and continuing judicial education program. I presented on social media and its potential use and admissibility as evidence in the courtroom.
- (e) August 2018, Presented to the Family Court section of the South Carolina Association for Justice at their Annual Convention on Dealing with Family Court Cases when there is a companion criminal case.
- (f) Volunteer coach of Mock Trial Competition Team at Academic Magnet High School, 2007-2008.
- (g) Volunteer speaker to Mock Trial Competition Team at Georgetown School for Arts and Sciences, 2018.

Ms. Bailey reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Bailey did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Bailey did not indicate any evidence of a troubled financial status. Ms. Bailey has handled her financial affairs responsibly.

The Commission also noted that Ms. Bailey 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. Bailey reported that her rating by a legal rating organization, Martindale-Hubbell, is AV Preeminent.

Ms. Bailey reported that her rating by a legal rating organization, National Trial Lawyers, is Top 40 under 40 in Criminal Defense.

Ms. Bailey reported that she has not served in the military.

Ms. Bailey reported that she has not held public office.

(6) Physical Health:

Ms. Bailey appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Bailey appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Bailey was admitted to the South Carolina Bar in 2007.

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

- (a) Temporary Law Clerk, Special Project, Administrative Law Court (September 2007- February 2008). I created materials for the general public describing the function and process of the Administrative Law Court.
- (b) Law Clerk, The Hon. Larry B. Hyman, Jr. (March 2008-August 2009). I served as Judge Hyman's first law clerk. I drafted jury charges and verdict forms for General Sessions and Common Pleas trials. I performed legal research for Common Pleas non-jury terms and legal issues as they arose in a variety of contexts. I reviewed motions for default judgment for sufficiency in documentation.
- (c) Assistant Solicitor, Fifteenth Circuit, Georgetown Office (August 2009-August 2012). Handled a variety of General Sessions cases, including a wide range of issues ranging from DUI to Murder. My case load varied from 200-600 warrants at a time.
- (d) Senior Assistant Solicitor, Fifteenth Circuit, Georgetown Office (August 2012-March 2016). Continued to handle a full variety of General Sessions cases, also supervised other lawyers and their caseloads. Handled a variety of other matters for the office including probate commitment proceedings for incompetent defendants, civil forfeiture proceedings, and brief writing (including Horry County) when complex legal issues arose. In 2013, I earned the award for Prosecutor of the Year for the Fifteenth Circuit Solicitor's Office.
- (e) Owner and sole attorney, The Law Office of Erin E. Bailey LLC (March 2016-present). I handle a variety of private pay and appointed criminal cases in the magistrate, municipal, and General Sessions courts. I contract with the South Carolina Commission on Indigent Defense to provide conflict representation to indigent clients in Georgetown County. I contract with the Georgetown County Public Defender to provide representation to indigent clients. I contract with the City of Georgetown to provide representation to indigent clients in the municipal court. I represent clients in injury claims including automobile collisions and premises liability. I represent clients in the Court of Common Pleas in civil forfeiture cases and general litigation. I represent clients in small business disputes. I represent a Homeowners Association in filing liens, collecting dues, and updating Covenants and Restrictions. I serve as a guardian ad litem in the Probate Court and have represented clients in involuntary commitment proceedings in the Probate Court. I draft and execute simple wills and other end of life documents. I have litigated an appeal arising out of a civil forfeiture matter. I am currently litigating a criminal

appeal. I represent clients in Post-Conviction Relief hearings in the Court of Common Pleas. I have one associate to assist me in all of these matters. I am solely responsible for the administrative and financial management of this firm, including the trust account.

Ms. Bailey further reported regarding her experience with the Circuit Court:

In General Sessions Court, I have litigated cases from start to finish as both a prosecutor and defense attorney, having handled thousands of warrants, ranging from Driving Under the Influence and property crimes to Murder. I have been sole counsel in twenty-two jury trials in General Sessions, and lead counsel in one jury trial in General Sessions Court. I have assisted in over thirty other trials as a Senior Assistant Solicitor. As a prosecutor, I handled fourteen murder charges, three of which required a trial; eleven resulted in a guilty plea. All three murder trials resulted in a conviction. As a Defense attorney, I have handled three additional murder charges, two of them resulting in a plea, and one of them in a trial, with a not-guilty verdict. I currently have three pending murder cases. I have also litigated nearly every type of crime for both sides, including but not limited to: white collar crimes, felony driving under the influence, sexual assault of both minors and adults, property crimes, armed robbery, home invasions, and embezzlement. As a prosecutor, I appeared before a Circuit Court Judge at least five days every month. As a defense attorney, I appear before a Circuit Judge at least one day every month.

I also regularly appear in magistrate and municipal courts in multiple jurisdictions in South Carolina. I have tried six cases before juries in the lower courts.

As Judge Hyman's law clerk, I became well versed in the minimum and maximum sentences under South Carolina law. I also drafted jury charges and verdict forms for thirty-seven terms of General Sessions Court in eight different counties.

In Common Pleas Court, I handled a civil forfeiture on behalf of the Solicitor's office that resulted in a bench trial. I have represented one Defendant in a civil forfeiture action, which is currently pending, and have argued a motion before a Circuit Court Judge in that case. I represented a client who was a Defendant in Common Pleas court in a Claim and Delivery action, argued motions in that case before a Circuit Court Judge, and represented my clients at a six hour mediation that successfully resolved the case. I represented a client at a Post-Conviction Relief bench trial in Common Pleas Court before a Circuit Court Judge.

I have represented plaintiffs who have been injured as a result of negligent premise owners and automobile collisions in their claims with insurance companies.

I became a Certified Circuit Court mediator in 2016. In that capacity, I mediated one case involving an automobile collision. My practice has grown since that time, and in 2018, I let my certification lapse so that I could focus on my caseload.

As Judge Hyman's law clerk, I assisted with legal research and order preparation for eleven terms of Common Pleas Non-Jury Court. I also assisted with legal research, drafted jury charges and verdict forms, and observed fourteen terms of Common Pleas Jury Court, resulting in three jury trials and numerous bench trials and damages hearings.

Ms. Bailey reported the frequency of her court appearances during the last five years as follows:

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

Ms. Bailey reported the percentage of her practice involving civil, criminal, and domestic matters during the last five years as follows:

- (a) Civil: 25%
- (b) Criminal: 70%
- (c) Domestic: 0%
- (d) Other: 5%

Ms. Bailey reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: 15%
- (b) Non-jury: 85%

Ms. Bailey provided that she most often served as sole counsel.

The following is Ms. Bailey's account of her five most significant litigated matters:

- (a) *State v. [REDACTED]*, 2015-GS-26-0250, 2016-GS-26-00343 (S.C. Cir. Ct. Feb. 15, 2018). I served as sole counsel for the Defendant at this murder trial in Horry County. The trial lasted 4 days. I successfully argued a *Batson* Motion, requiring that the jury be re-drawn. I successfully argued a *Jackson v. Denno* motion, requiring that portions of my client's statement be excluded. I secured a not guilty verdict for my client.
- (b) *State v. Terron Dizzley*, 2009-GS-22-00778 (S.C. Cir. Ct. Apr. 3, 2014). I served as sole counsel at this murder trial for the State. The trial lasted 5 days. This was the second murder trial on this charge for Mr. Dizzley. The first trial was handled by the then Deputy Solicitor, and resulted in a mistrial due to a hung jury. The Deputy Solicitor was then promoted to Chief Deputy for the Circuit, and I was assigned the case for a re-trial. I started over from scratch in my preparation, investigation, and trial strategy. In this second trial, Mr. Dizzley was convicted of Murder. As sole counsel in this case I handled over twenty witnesses and admitted over 350 pieces of evidence. Mr. Dizzley is currently serving a 35 year sentence.
- (c) *State v. Rondell Carter*, 2009-GS-22-00557, 2009-GS-22-00556, 2009-GS-22-00560, 2009-GS-22-00561, 2011-GS-22-00645 (S.C. Cir. Ct. Jun. 29, 2011), *aff'd State v. Rondell Carter*, Op. No. 2013-UP-157 (S.C. Ct. App. Filed April 17, 2013). I served as sole counsel for the State in this trial for Armed Robbery, Burglary, Assault with Intent to Kill, and Kidnapping. Mr. Carter, along with three other co-defendant's were accused of breaking into an occupied home, shooting a woman in the leg, and holding the residents hostage for over twelve hours. Mr. Carter had a previous conviction for Manslaughter, so as an agent of the state, I sought a sentence of Life Without Parole under our state's "two strikes" law. Mr. Carter was convicted after a 3 day jury trial and is serving a sentence of Life Without Parole.
- (d) *State v. Tamar Bryant*, 2011-GS-22-00495 (S.C. Cir. Ct. Mar. 13, 2013), *aff'd State v. Tamar Bryant*, Op. No. 2014-UP-440 (S.C. Ct. App. Filed Dec. 3, 2014). I served as sole counsel for the State in this trial for Murder. Mr. Bryant, along with four co-defendants, was accused of a murder at a nightclub in the Plantersville community of Georgetown County. After a three day trial, Mr. Bryant was convicted of murder, and is currently serving a 35 year sentence.
- (e) *State v. Eric Perry*, 2017-GS-22-01104, 2017-GS-22-01105 (S.C. Cir. Ct. July 22, 2019). I served as sole counsel for the Defendant in this Murder and Arson case. This was a very high profile case as it involved the live streaming of a boat chase in Murrells Inlet, and the murder of the owner of a popular bait and tackle shop. Mr. Perry was accused of murdering his ex-wife and the mother of his children and attempting to burn down the bait and tackle shop. The details of the case were such that the State considered seeking the death penalty. I negotiated a sentence of 45 years on the charges of Arson and Murder for this client.

The following is Ms. Bailey's account of the civil appeal she has personally handled:
Jimmy Richardson v. Michael Hatten, 2018-UP-316 (S.C. Ct. App. July 11, 2018).

The following is Ms. Bailey's account of the criminal appeal she has personally handled: *The State v. Daemon M. Crim*, 2018-001915 (S.C. Ct. App. pending).

Ms. Bailey further reported the following regarding unsuccessful candidacies: Circuit Court, At-Large Seat 13, 2019.

(9) **Judicial Temperament:**

The Commission believes that Ms. Bailey's temperament would be excellent.

(10) **Miscellaneous:**

The Lowcountry Citizen's Committee on Judicial Qualification found Ms. Bailey 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. The Committee stated in summary, "excellent criminal trial experience; level headed; committed; not much civil experience; passionate about the law."

Ms. Bailey is married to T. David Hoyle. She has two children.

Ms. Bailey reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association, Member (2007-present); Member, House of Delegates, representing the Fifteenth Circuit (2010); Secretary, Criminal Law Council (2014-2015), Vice-Chair, Criminal Law Council (2015-2016), Chair-Elect, Criminal Law Council (2016-2017), Chair, Criminal Law Council (2017-2018), Immediate Past Chair, Criminal Law Council (2018-2019), Section delegate to the House of Delegates, Criminal Law Council (2019-2020).
- (b) Georgetown County Bar Association, Member (2009-present).
- (c) South Carolina Association of Criminal Defense Lawyers. Member (2016-present).
- (d) South Carolina Association for Justice, Member (2016-present).
- (e) South Carolina Women Lawyers Association, Member (2009-present).
- (f) Council of Parent Attorneys and Advocates, Member (2016-present).

Ms. Bailey provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) St. Stephen's Episcopal Church. Member, 2008-present. Chair, Rector Search Committee, 2016-2017. Vestry Member, 2009-2011.
- (b) The Episcopal Church in South Carolina. Member, Standing Committee 2013-2016. Member, Constitutions and Cannons Committee, 2018-present.

Ms. Bailey further reported:

I grew up middle class. I worked and borrowed my way through my undergraduate degree and law school. I have held a job since I was 16 years old. Every bit of success I have achieved in my career I owe to hard work and my deep, abiding faith in God.

I spent my formative intellectual years as a competitive debater. In fact, after debating for all four years of high school, and winning the North Carolina state championship in policy debate, I was recruited to debate for the University of South Carolina, and awarded a scholarship. While an undergraduate at the University of South Carolina, I fell in love with this beautiful state, and knew it would be my home. For three years, I represented the Gamecocks at intercollegiate debate tournaments all over the country. The format used for competitive debate required that in

alternating rounds, debaters advocate for the opposite side of the same topic. Practicing this intellectual exercise for seven years gave me a unique ability that has served me well as a practicing lawyer. I am able to see beyond my own advocacy to consider both sides of the issues. These abilities will serve me well if I am elected.

As I have spent my days in busy courtrooms for the last 13 years, I have noticed that court personnel, including solicitors, public defenders, private bar lawyers, bailiffs, judges, and all those who report there for work every day, often forget the sanctity and solemnity of the courtroom. Each person who works in court every day is concerned with efficiency and outcome of the courtroom proceedings. But to the average person in this state -- the victim whose home was burglarized, the claimant injured in an automobile collision, the mother of a murder victim, the debtor whose manufactured home is being repossessed, the young offender who made a terrible choice -- court is formal, frightening, and foreign. This will likely be the only time in their entire life that these citizens appear in a courtroom. As important as it is for Judges to efficiently dispense with the caseload before them, the highest duty of a Judge is to give every matter the attention to detail and respect it deserves. While some matters may seem insignificant to the Judiciary given the grave matters Judges are asked to undertake each day, every matter is significant to its litigants. If elected, I intend to be a Judge who never forgets that fact, and gives every single matter before the court a full and fair hearing. Faith in the Judiciary and the Judicial system is essential to our functioning Democracy, and adherence to the rule of law.

I am not only a lawyer, but as a small firm lawyer, I am also a small business owner. I understand the pressures placed on the bar by the roster system that expects many lawyers to be in three places at once. If elected, I intend to treat lawyers who are doing their best to diligently represent their clients with dignity and respect, to let them make their record, and argue their case.

In many cases, the role of a Judge in the courtrooms is that of a referee. The Judge makes the calls in procedural and evidentiary disputes, serves as neutral facilitator of the proceedings, and starts and stops the clock. But it's the lawyers' courtroom, and the litigants' case. The lawyers and litigants are the players on the field. They are the ones that win or lose. They should be able to present their case as they see fit so long as their presentation comports with the rules.

As Chief Justice John Roberts so eloquently said, in his opening statement during his nomination hearings before the United States Senate Judiciary Committee:

Judges and justices are servants of the law, not the other way around.

Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. And judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States, 109th Cong. 55-56 (2005) (statement of nominee, John G. Roberts, Jr.).

I do not intend to be a Judge who lectures or gives long speeches. I believe that a Judge cedes the floor to the lawyers when they seek election to the other side of the bench.

Finally, if elected, I intend to be a Judge who serves as a neutral arbiter of the cases before me. I would conduct myself, both inside and outside of the courtroom, in a way that gives no appearance of impropriety, both professionally and personally.

(11) Commission Members' Comments:

The Commission commented that Ms. Bailey has a wealth of experience in both civil and criminal issues and that is exactly what the Commission is looking for in a judicial candidate. Unfortunately, many attorneys do not often get the opportunity to gain experience in both areas and it is a special thing that Ms. Bailey is a person who has both.

(12) Conclusion:

The Commission found Ms. Bailey qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 12.

**Brett H. Bayne
Circuit Court, At-Large, Seat 12**

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Bayne was born in 1986. He is 34 years old and a resident of Blythewood, South Carolina. Mr. Bayne 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 2011.

(2) Ethical Fitness:

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

Mr. Bayne 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. Bayne reported that he has not made any campaign expenditures.

Mr. Bayne 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. Bayne 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. Bayne to be intelligent and knowledgeable.

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

- (a) I teach Trial Advocacy at the USC School of Law. I have taught this course since 2013 and have taught more than 200 students through this course. This course focuses on the elemental

learning related to the art of trial advocacy. I train students on the trial process from start to finish—complaint to verdict. We spend majority of our time focused on opening statements, direct examination, cross examination, closing arguments, evidentiary arguments, pre-trial motions, mid-trial motions, and expert witnesses.

(b) I am the Director/Head Coach of the USC Law Mock Trial Program. The program is comprised of 40-50 2L and 3L students each year who go through intensive trial advocacy training and competition.

- a. We accept 2L students in the fall of their 2L year and then I spend the next four semesters training them through their graduation. By the time my students graduate, they will spend on average more than 400 hours training in the art of trial advocacy. The average student will try more than 10 trials to “verdict” in a full competition setting and more than 50 trials in a scrimmage/practice setting. This is in addition to hundreds of practices, lessons, and trainings. Through the program. I have trained and graduated dozens of solicitors, public defenders, and assistant attorneys general. In addition, about half of our 3L graduates each year receive judicial clerkships and our bar passage rate as a program is over 99%. The program is intensive and complex but the students who choose to participate gain experience that is not available anywhere else in the law school. I believe that our alumni are courtroom-ready the day they graduate. As I have noted in other portions of this application, about 75% of our training is criminal based because of the fact patterns and cases we receive. Because of that, a majority of my time spent training students (more than 900 hours per year) is spent teaching and training law students the art of criminal trial practice and advocacy.
- b. The USC Law Mock Trial Program is currently ranked #4 in the country out of more than 200 law schools. In the past several years, we have brought home five national championships, six regional championships, and had numerous finalist and semifinalist finishes. In addition, we've had eighteen students receive awards for “best overall” or “outstanding” advocate at competitions.

(c) Cont. Education Speaker for Columbia, SC Adjuster’s Organization on the topic of Mediation and Arbitration

(d) The Art and Science of Trial Objections, CLE Speaker, South Carolina Bar (2016, 2017, 2018)

(e) SCDTAA Trial Academy – Speaker and Trainer on Cross-Examination Techniques, Group Leader (2017-2019)

(f) Emory Law KEPTT Trial Advocacy Training Program – Presenter and Faculty Member (2018, 2019, 2020)

(g) South Carolina School of Law Admitted Students Day – Speaker on Trial Advocacy (2017 and 2018)

(h) NBI Civil Trial Practice CLE – Speaker on Direct and Cross Examination (2020)

(i) American WCL Coaches Conference – Presenter (2019)

Mr. Bayne reported that he has published the following:

- (a) *Winning the Battle and Losing the War: Sending Subpoenas Across State Lines* (WCI 360, Published on December 5, 2012), Author
- (b) “South Carolina’s 1,000 Year Flood” (CLM Magazine December 2015), Co-Author

(4) Character:

The Commission’s investigation of Mr. Bayne did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Bayne did not indicate any evidence of a troubled financial status. Mr. Bayne has handled his financial affairs responsibly.

The Commission also noted that Mr. Bayne 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. Bayne reported that his rating by a legal rating organization, Martindale-Hubble, is AV Preeminent.

Mr. Bayne reported that he was rated by a legal rating organization, Best Lawyers in America on the Ones to Watch 2021 list.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Bayne was admitted to the South Carolina Bar in 2011.

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

(a) Judicial Law Clerk – The Honorable G. Thomas Cooper, Jr.

August 2011-July 2012

I served as a judicial law clerk for Judge Cooper in the year following graduation from law school. During this time, Judge Cooper was the Chief Administrative Judge for General Sessions in the Fifth Judicial Circuit. The entirety of the time that Judge Cooper was the Chief Administrative Judge was spent managing the criminal docket and handling criminal matters including, but not limited to, pleas, bond setting, criminal jury trials, and motions. During this time Judge Cooper presided over two murder trials and we were preparing to preside over a death penalty trial when the parties reached a plea agreement prior to jury selection. We also heard numerous PCR and multiple SVP hearings. In the latter part of my term, Judge Cooper completed his term as Chief Administrative Judge for General Sessions and we resumed both civil and criminal dockets including Common Pleas Non Jury motions and Common Pleas Jury trials in Richland, Kershaw, York, and other counties.

(b) Attorney – McAngus, Goudelock, & Courie

a. Workers' Compensation – July 2012-June 2014

i. I started my career representing employers and their insurance carriers in contested workers' compensation matters. In just under two years of work in this field, I tried more than two dozen contested worker's compensation matters to conclusion through Commission hearings, Full Commission appeals, Circuit Court appeals, and any appeals to the Court of Appeals and Supreme Court. This practice included numerous depositions and mediations.

b. Civil Litigation – June 2014-Present

i. In June 2014 I transitioned to our litigation team and began work exclusively on civil litigation matters ranging from liability claims, auto accident, premises liability, class action defense, and a variety of other matters including

trademark litigation, equine immunity litigation, and construction defect litigation. In December 2019, I became a partner in the firm. In the past six years, I have tried twenty-two jury trials. Eighteen of these trials went to jury verdict, three of these trials settled before closing, and one resulted in a mistrial. I have tried two additional cases to bench trial verdict for a total of twenty four trials in six years. I am a certified Circuit Court Arbitrator and have been called upon to preside over one arbitration. While the majority of my practice has been defense based, I have also handled several plaintiff side matters including a qui tam case and several plaintiff side business and personal disputes.

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

(a) Civil Matters

- a. My civil litigation practice is diverse in subject matter. While I most often work on cases involving personal injury arising from automobile accident and premises liability claims, I also engage in civil litigation practice in the areas of construction defect, contract/business disputes, class action, toxic tort, HOA/property matters, and trademark litigation. While a majority of my practice is defense based, I have handled several plaintiff side matters involving business disputes, property damage, personal injury counterclaims, and a qui tam claim.
- b. I have tried twenty-four total cases to jury or bench trial. Twenty-two of these cases were jury trials and two were bench trials. Of those twenty-two cases, eighteen obtained a jury verdict and four resulted in either settlement during trial but before verdict (three) or a mistrial during closing argument (one).
- c. I have extensive practice in numerous Circuit Courts within the state as well as federal courts. I have handled trials in Richland, Charleston, Anderson, Newberry, Orangeburg, Abbeville, York, City of Columbia, and the United States District Court.
- d. In addition to extensive trial work, I have participated in multiple appeals involving the Court of Appeals and Supreme Court. I have participated in these appeals both as primary counsel and as supervisory/contributory counsel following the appeal from the trial court level. These matters include workers' compensation appeals, declaratory judgments, discovery appeals, and verdict/dismissal appeals. One of these appeals was a federal appeal to the Fourth Circuit Court of Appeals.
- e. Finally, as noted above, I spent approximately two years handling workers' compensation matters from inception to conclusion. This involved handling dozens of contested hearings, Full Commission appeals, Circuit Court appeals, and Court of Appeals/Supreme Court appeals.

(b) Criminal Matters

- a. My criminal experience is unique among judicial candidates. I have not had the honor of serving as a Solicitor or Public Defender. However, I have spent thousands of hours training law students, solicitors, public defenders, and assistant attorneys general in the art and skill of criminal trial advocacy.
- b. First, during my time in law school I participated in the Criminal Trial Clinic and took a course called "Criminal Trial Practice." The Criminal Trial Practice course was taught by Lee Coggiola and Kat Hudgins and involved intensive training in handling criminal trials from start to finish with an emphasis on South Carolina courts. More importantly, I participated in the Criminal Trial Clinic. The Clinic is a functional criminal defense law firm and each student is assigned criminal clients to assist with low level offenses in City and Magistrate Court. I handled two criminal domestic violence defendants. One case was dismissed and the other was tried to verdict. I obtained a "not guilty" verdict on behalf of my client. In the process of representing my clients in the Clinic, I met with clients,

victims, family members, and court officers. It was an invaluable experience that provided a glimpse into the realities of our criminal justice system including work related issues, victim issues, and family interplay issues.

- c. Second, during my time as a Judicial Law Clerk for Judge Cooper, he served as the Chief Administrative Judge for General Sessions in the Fifth Judicial Circuit. This was a fully immersive experience from day one. Judge Cooper managed the docket, accepted pleas, set bonds, interacted with law enforcement on warrant related issues, conducted bond revocation hearings, presided over criminal trials, and sentenced defendants. As his clerk, I handled or was involved in many of those matters including managing and coordinating the docket and interacting day to day with solicitors, public defenders, private criminal defense attorneys, and pro se defendants. These matters ran the gamut from scheduling trial, arranging pleas, and coordinating motions. During my time, we tried two murder trials and we were preparing for a death penalty trial when the parties reached a plea agreement. I learned an immense amount watching how Judge Cooper patiently and empathetically listened to cases, heard from victims and families of both victims and defendants, and accommodated all parties in a manner that was fair, equitable, and just.
- d. Finally, since January 2013 I have served as an Adjunct Professor of Trial Advocacy and the Director/Head Coach of the USC School of Law Mock Trial Bar. For anyone who is unaware of the program, I teach and train forty to fifty 2L and 3L students each year in the art of trial advocacy. By the time a student graduates from the program, the average student has conducted ten full trials in a competitive setting, more than fifty trials in a scrimmage setting, and spent more than four hundred hours learning, honing, and perfecting their trial skills. In any given year, I spend more than 1,250 hours training my students—from lessons to practices to competitions. Roughly 75% of the fact patterns used for training and competition are criminal in nature. In a given year I spend more than 900 hours training law students specifically in the art of criminal trial advocacy and criminal trial practice. This includes handling various issues in a criminal case from start to finish after the initial arrest. Many of these include dealing with arrest, interview, constitutional rights, investigation, and other matters elemental to criminal trial practice. All of these include handling pre-trial motions and criminal trial practice. Since 2013, I estimate I have spent more than 5,000 hours teaching criminal trial practice and training future lawyers in the art of criminal trial practice. In that time, I have trained more than three dozen solicitors, prosecutors, public defenders, private criminal defense attorneys, and assistant attorneys general. I am regularly contacted by my solicitor and public defender alumni to give advice, vet or bounce ideas, and generally assist them with their criminal practice—usually as trial is approaching. I view my obligation to my current and former students as an obligation to help with any matter at any time, to the extent I am able. While I am aware that “teaching” is not the same as “doing”, I believe that my extensive experience and dedication to teaching and training our next generation of lawyers in the art of criminal trial advocacy and criminal trial practice is material and qualifies me to serve as a Circuit Court judge.
- e. As an additional point of consideration, in preparation for the bench and after taking the bench, I have taken several and plan to continue participating in as many criminal law based CLEs and programs as I can. I believe the job of a judge is to never stop learning, improving, and growing and one way of showing that is by continually gaining new knowledge, learning new skills, and hearing new viewpoints.

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

- (a) Federal: 10%;
- (b) State: 90%.

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

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

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

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

Mr. Bayne provided that during the past five years he most often served as chief counsel.

The following is Mr. Bayne's account of his five most significant litigated matters:

- (a) *Patrick Mohan v. Crockett Facilities Services, Inc.*, 4:15-cv-04268-RBH. This case involved a slip and fall by a bankruptcy court clerk at the federal bankruptcy courthouse in Columbia, South Carolina. My client (the defendant) was the maintenance company responsible for cleaning and maintaining the courthouse. During Thanksgiving, Defendant removed a number of stair treads from the marble staircases in the courthouse and failed to replace them prior to employees returning to the courthouse. As a result, Plaintiff slipped and fell going down the stairs. This case is significant to me for the course it took and, specifically, the trial, cross examinations, and resolution prior to jury verdict. Plaintiff presented medical bills and future treatments in excess of \$2,000,000. Following cross examination of Plaintiff and before closing argument, the case settled for \$750,000. My client was a veteran and minority owned business and any verdict, judgment, or resolution in excess of \$1,000,000 would have crippled or, most likely, shuttered their business. The end goal was to ensure that their business was not bankrupted by one error and I was able to accomplish that while also providing fair compensation to Plaintiff.
- (b) *Haley A. Gulley v. Anne Aull*, 2015-CP-38-01251. This case involved an injury to Plaintiff arising from horseback riding and the breaking of a "green broke" horse. The horse in question belonged to Defendant, who also happened to be Plaintiff's mother. Defendant asked Plaintiff to assist in the training and breaking of a rescue horse on the family farm. This case implicated the South Carolina Equine Immunity Act as well as unusual theories and principles of negligence related to animals. There are no cited or reported cases in South Carolina utilizing the Equine Immunity Act and handling of this case required a nationwide survey and analysis of Equine Immunity Act jurisprudence. This matter was tried to jury verdict in Orangeburg County and the jury returned a verdict reflecting a 50/50 split of liability between Plaintiff and Defendant and a verdict that ultimately reflected the cost of medical bills only. My client only had minimal coverage on her homeowner's insurance policy and any full liability result would have bankrupted her including likely having to sell her farm and/or other assets. The resulting jury verdict meant my client was protected from a personal and excess verdict and was able to keep her farm and horses.
- (c) *Allison Colter, on behalf of herself and all others similarly situated vs. Omni Insurance Company and Omni Indemnity Company*, 3:15-cv-4171-JMC. This was a class action case arising out of the deduction of "betterments" from property damage claims to automobiles. Plaintiff asserted that my client (Omni) illegally deducted "betterments" for property damage repairs. Specifically, Omni would adjust a property damage claim and deduct any betterment like new tires or other new items that were depreciable (in other words if a car had bald tires and new ones were put on through the repair, they would reduce the valuation of the repair by the original value of the tires because South Carolina law requires repairs of like value). This matter was heavily litigated in federal court. Eventually, the court

rejected all of the proposed classes and dismissed the claims pursuant to Rule 12(b)(6). The dismissal and rejection was granted because Plaintiff's property damage claims had not been reduced and, therefore, Plaintiff did not meet the class definitions or have any justiciable claims sufficient to confer Article III standing. I also obtained recognition, through the decisions of the court, that the practice of deducting "betterment" is not illegal and is consistent with South Carolina law. An adverse ruling on that matter would have resulted in a class action case involving tens of thousands of parties over matters specifically authorized by South Carolina law and bargained for in contract.

(d) *Fast Growing Trees, LLC vs. TYTY Plant Nursery, LLC*, 0:19-cv-00464-MGL. This was a trademark litigation case involving disputes over the phrase "fast growing trees." Plaintiff is a large plant nursery in South Carolina who attempted to trademark the phrase "fast growing trees" on four occasions. They were rejected each time. In response, Plaintiff sought to establish its claim to the phrase "fast growing trees" by suing competitors in the market place. My client, TyTy, is a much smaller nursery located in Georgia. The resulting litigation was complex and extensive. I had the pleasure of representing my client who, while financially strained, felt it important to stand up to a larger competitor. Giving in would have materially harmed his business as a majority of his sales and customers came to him searching for trees that "grow fast." Through the course of the litigation, we engaged an expert to perform nationwide trademark survey work and were able to show the phrase "fast growing trees" was, in fact, generic and/or merely descriptive. In addition, we were able to identify instances of copyright theft by Plaintiff and filed a comprehensive cancellation petition with the USPTO. The case settled after a lengthy mediation where Plaintiff agreed to drop all of its claims rather than continue to pursue the case and risk losing any claims to the phrase "fast growing trees". Plaintiff also agreed to stop using my client's stolen copyrighted materials. My client was able to keep his website, business, and marketing program and continues to grow his sales. This case was about the "little guy" being able to stand up and defend himself in the face of long odds.

(e) *Samuel Stevenson v. Home Depot*, WC555-889736, 2014-CP-23-04780. This matter was originally a workers' compensation claim that turned into a Circuit Court civil contempt proceeding. This case is important to me because it involved a novel area of law and a series of statutes that had no prior precedent in South Carolina. Plaintiff sought to enforce a workers' compensation order through Circuit Court civil contempt proceedings. Essentially, Plaintiff wanted the court to take jurisdiction of medical provision orders from the Workers' Compensation Commission and use the contempt powers of the Circuit Court to require the authorization of medical care. This matter was tried in a multiday bench trial. The resulting verdict reflected a positive outcome for my client and the value of the judgment was a fraction of the damages being sought by Plaintiff.

The following is Mr. Bayne's account of five civil appeals he has personally handled:

(a) *Allison Colter, on behalf of herself and all others similarly situated vs. Omni Insurance Company and Omni Indemnity Company*, No. 17-1071(L), 17-1104 (4th Cir. 2018). Decided February 15, 2018.

(b) *Clarence Winfrey v. Archway Services*, Appellate Case Nos. 2017-002251, 2014-001788, 2014-001815; 2014-001816; Opinion Nos. 2017-UP-336 (S.C. Ct. App. August 2, 2017, cert. denied March 29, 2018), 2017-UP-337 (S.C. Ct. App. August 2, 2017), 2017-UP-338 (S.C. Ct. App. August 2, 2017)

(c) *Sharon Denise Anderson vs. Linda Jenkins Holmes*, Appellate Case No. 2015-002074; Case settled prior to decision by Court of Appeals and the appeal was dismissed by Order of the Court of Appeals on June 20, 2017.

(d) I am presently handling two other active appeals in the Court of Appeals at the time of this application.

Mr. Bayne reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Bayne's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Mr. Bayne 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. In related comments, the Committee commented, "Young and needs more experience-very pleasant with good temperament."

Mr. Bayne is married to Laura Joanne Bayne. He has three children.

Mr. Bayne reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar
 - a. South Carolina Bar Trial and Appellate Advocacy General Council Elected Member (2020 to present)
 - b. South Carolina Bar Law Related Education Committee (2014 to present)
 - c. South Carolina Bar Practice and Procedure Committee (2014 to present)
- (b) Richland County Bar Association
- (c) American Board of Trial Advocates
- (d) South Carolina Defense Trial Attorneys' Association
- (e) Defense Research Institute
- (f) Claims & Litigation Management Alliance
- (g) American Association for Justice

Mr. Bayne provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) South Carolina Bar Trial and Appellate Advocacy Award – 2018
- (b) South Carolina Lawyer's Weekly Lawyer of the Year – 2019
- (c) South Carolina Lawyer's Weekly Leadership in Law – 2019
- (d) Columbia Business Monthly Best and Brightest Under 35 – 2018
- (e) Midlands' Legal Elite – Insurance Law – Top Attorney Vote – 2017, 2018, 2019
- (f) Upstate Legal Elite – Insurance Law – 2018
- (g) South Carolina Bar Leadership Academy – 2019
- (h) American Washington College of Law Ethical and Professional Coach Award – 2019
- (i) NMRS Mentoring USC School of Law Mentor Program for 1L and 3L students (2012-Present)
- (j) South Carolina Bar First Year Attorney Mentor (2019-Present)
- (k) SC Bar LRE Middle School Mock Trial Volunteer Coach
- (l) SC Bar LRE Middle and High School Mock Trial Volunteer Judge
- (m) Wills for Heroes Volunteer
- (n) Legal Eagles Scouting Day Speaker (2019)
- (o) Eagle Scout
- (p) Order of the Arrow, Brotherhood Honor and Outstanding Arrowman Recipient
- (q) Eastminster Presbyterian Church, Member 2014-Present
- (r) Westminster Presbyterian Church, Member 2009-2014

Mr. Bayne further reported:

Since a young age, I have wanted to do something to serve the public. For a long time, I believed that would be serving my country through military service. My grandfather was a Brigadier General in the Army Air Corps and Air Force and my father was a Lieutenant Colonel and JAG Officer in the Air Force. Accordingly, I set the goal of getting accepted to the United States Air Force Academy. However, in 2003 I fractured three vertebrae in five places playing high school football. Despite this setback, I applied to the Academy and earned a congressional nomination to begin at the Academy in fall of 2004. Unfortunately, as a result of the multiple vertebral fractures, I was ultimately medically disqualified by DODMERB just a few weeks before I was set to leave for the Academy. In response, I pivoted and was able to accept my prior admission offer from Baylor University where I graduated four years later with two degrees in Sociology and Political Science.

While at Baylor, I set a goal to pursue a law degree. I had spent summers growing up at my father's office and immersed, as much as a child could, in the practice of law. I also was able to attend court on many occasions with him and realized I had fallen in love with the law and becoming a lawyer. I made the decision to move to South Carolina and attend USC School of Law where I made it a priority to involve myself in every course, clinic, program, and opportunity to learn trial advocacy. I wanted to be in a courtroom and I made that my goal. I have accomplished that goal so far in my career with more than 20 trials to date and through my work with the School of Law.

During my time both in high school and throughout college, I worked full time or nearly full time. In high school I worked at a hardware store and refereed youth soccer games on the weekends. I spent my final summer as a camp counselor for youth with the YMCA. In college, I worked full time in two jobs while maintaining a full school schedule. This balance of work and school instilled in me the ability to balance an often overfull plate at all times. For better or worse, I have taken this skill into my professional life as an attorney and professor.

In a given week, I meet all of my duties and responsibilities as a partner at MGC including interacting with clients, attending hearings and depositions, and managing young associates. When I finish my "day job", from August to May, I spend my evenings and weekends teaching at the law school and training law students in the art of trial advocacy. In any given week, I will spend 50+ hours with my students between training and scrimmages until 10 or 11 PM or working on editing and marking up their latest drafts until 1 or 2 AM. They routinely get emails from me well into the night with notes for the next day or next meeting. I don't do this because I loathe sleep but, rather, because I firmly believe in my obligations to my students and to the legal community to do everything I can to make it better than it was the day before—to leave it better than when I found it.

In between all of those various activities, I cherish time with my three daughters and my wife. She is a rock who cheerfully handles our home while maintaining her own successful career in state service. Without her, everything that I have been able do and accomplish in my career and for our legal community would not be possible.

As a final point, I am someone who is curious by nature—especially when it comes to the law. If I don't know something, I go and find out. I am usually not satisfied with just an answer—I need to understand it and master it. By way of example, when I was first asked to handle a trademark matter for my client, I offered to bring in an IP firm to assist. My client, through our relationship, wanted me to handle the matter. In response, I bought a two volume trademark textbook and over the next five days read it cover to cover—twice. I took copious notes and learned every bit of case law and precedent related to the specific issues facing my client. I used that knowledge gained to prepare cancellation pleadings and other pleadings and documents. Some of those documents I prepared have been borrowed from by a large, national firm engaged in similar litigation. I share this because

this is exactly how I will handle anything that comes before me that I do not know. I will seek to learn as much as possible about the issue through education by the parties and a review of relevant case law and secondary sources. Any gap I may have in a substantive area of law, I will make up for in the same way I learned how to handle trademark litigation—through a tireless effort to learn the intricacies and nuances of the subject matter in as little time as possible.

(11) **Commission Members' Comments:**

The Commission commented that Mr. Bayne has an abundance of experience and great judicial temperament. The Commission further commented that Mr. Bayne has extensive knowledge of the law.

(12) **Conclusion:**

The Commission found Mr. Bayne qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 12.

The Honorable Daniel McLeod Coble
Circuit Court, At-Large, Seat 12

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) **Constitutional Qualifications:**

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

Judge Coble was born in 1987. He is 34 years old and a resident of Columbia, South Carolina. Judge Coble 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 2012.

(2) **Ethical Fitness:**

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

Judge Coble 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 Coble reported that he has made campaign expenditures in the amount of \$776.84, including, postage, mailers/postcards and letters/envelopes.

Judge Coble 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 Coble 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 Coble to be intelligent and knowledgeable.

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

- (a) I filmed a CLE with the S.C. Bar in conjunction with my published article on the rules of evidence. It is called *Ever Evolving Evidence* (1 MCLE).
- (b) No-Knock Search Warrants: On-Demand CLE – S.C. Bar (June 2020)
- (c) 2020 SCSCJA Staff Seminar: Evidence (*Postponed due to COVID-19*)
- (d) 2020 It's All a Game: Top Trial Lawyers Tackle Evidence: Evidence in Magistrates Court (February 2020)
- (e) South Carolina Impaired Driving Assessment: Adjudication of DUI Cases (October 2019)
- (f) Leadership Columbia: South Carolina Judicial Systems (October 2019)
- (g) Midlands Tech, Guest Speaker: Judicial Systems CRJ 220 (September 2019)
- (h) A Guide to Prelims: On-Demand CLE – S.C. Bar (Fall 2019)
- (i) S.C. Victims' Rights Week: The Bond Hearing Process – A Creative Approach (April 2019)
- (j) South Carolina Bar Leadership Academy: Attorneys in Public Service (Running for Office) (March 2019)
- (k) Orientation School for Magistrates and Municipal Judges: Landlord/Tenant (March 2019)
- (l) Direct Examination Podcast: Episode 3: Judge Daniel Coble (March 2019)
- (m) Midlands Tech, Guest Speaker: Judicial Systems CRJ 220 (October 2018)
- (n) 2018 SCSCJA Judge's Seminar: Discovery (Brady/Rule 5) (September 8, 2018)
- (o) S.C. Victims' Rights Week: A Walk Through the Criminal Justice System (April 2018)
- (p) 2018 SCSCJA Staff Seminar: Criminal/Civil Trial Objections (March 2018)
- (q) Columbia Homeless Court Training, Panelist (December 2014)
- (r) Columbia Rotary Club, Guest Speaker: Columbia Homeless Court (June 2014)

Judge Coble reported that he has published the following:

- (a) Published Books
 - i. *Pocket Prelims: A guide book to preliminary hearings in South Carolina* (S.C. Bar Publications, 2019)
 - ii. *Florida Rules of Evidence: Annotated for State and Federal Court* (Lawyers & Judges Publishing, 2020) (I am also working on two more books for L&J Publishing: *South Carolina Rules of Evidence* and *Texas Rules of Evidence*)
 - iii. *Precedents: Annotated and Abridged Cases from the Supreme Court 1793-2019* (Submitted for publication)
- (b) Self-Published Books
 - iv. *Federal Rules of Evidence: An Introduction to Trial Evidence* (Harvard Law School's Library Innovation Lab H2O, 2020)
 - v. *Federal Rules of Evidence: Annotated for the Fourth Circuit* (Independently published 2018)
 - vi. *South Carolina Rules of Evidence: Annotated* (Independently published 2019)
 - vii. *The 4th: Fourth Amendment Law in South Carolina* (Independently published 2018)
 - viii. *Everyday Evidence: State Court* (Independently published 2018)
 - ix. *Everyday Evidence: Federal Court* (Independently published 2018)
 - x. *Deconstructing the DUI: A guide book to DUI law in South Carolina* (Independently published 2018)
 - xi. *Traffic Court in South Carolina: Offenses and Definitions* (Independently published 2018) (Terry Leverette is coauthor)
 - xii. *Court Rules of South Carolina: A Compilation of Legal Rules 2020* (Independently published 2020)
- (c) Published Articles, Essays, and Book Reviews

- xiii. "Ever Evolving Evidence S.C. Lawyer" (Forthcoming September 2020)
- xiv. "@Posner_Thoughts - The Verified Account: A Review of Judge Posner's The Federal Judiciary: Strengths and Weaknesses" 41 La Verne Law Rev. 2 (2020)
- xv. "Not Your Scalia's Textualism JOTWELL (July 9, 2019) (reviewing Jeffrey Bellin, Fourth Amendment Textualism, Mich. L. Rev. (2019), available at SSRN)
- xvi. "A Prosecutor's Credo, Robed Oracles, and Gideon's Angels: A Review of Doing Justice" Harvard L. & Pol'y Rev. Notice and Comment Blog (May 28, 2019)
- xvii. "Discretionary Life Sentences for Juveniles: Resolving the Split Between the Virginia Supreme Court and the Fourth Circuit" 75 Washington & Lee Law Rev. Online 101 (2019)
- xviii. "The Time in Between: A Response to A Theory of Civil Problem-Solving Courts" 67 Buff. Law Rev. D1 (2019)
- xix. "Severing the Severability Doctrine: Why It's Time the Supreme Court Finally Acknowledges, Clarifies, and Severs this Doctrine" 88 UMKC Law Rev. (2020)
- xx. "Permissible Inference or Impermissible Burden Shift: How the Supreme Court Could Decide *State v. Glover*" Washburn L.J. Blog (Mar. 18, 2019)
- xxi. "Following Friendly or Running to Rehnquist? A Review of Joan Biskupic's 'The Chief'" 52 Ind. Law Rev. Blog (April 19, 2019)
- xxii. "Heart-Wrenching, Yet Hopeful: A Review of Judge William Alsup's 'Won Over'" The Recorder on Law.com (April 5, 2019)
- xxiii. "I Recommend: Theodore Roosevelt for the Defense Judicature" Bolch Judicial Institute, Duke Law School (May, 2020)
- xxiv. "Chasing the Chiefs: A Review of 'The Chief Justices' by Daniel A. Cotter" Everyday Evidence Legal Blog (May 13, 2019) (From my personal blog)
- xxv. "A Letter from the Editor: When Can a Judge Write?" 1 Cts. & Just. L.J. 9 (2019) (From my law journal)

(d) I write extensively for my legal blog, *Everyday Evidence*, which focuses on the rules of evidence, Fourth Amendment, civil/criminal case law, and more. I am also the founder and editor of the *Courts & Justice Law Journal*.

(e) Magistrate Court Series Judge Kenneth Southerlin (SC Bar Publications forthcoming 2020), Editorial Board.

(4) **Character:**

The Commission's investigation of Judge Coble did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Coble did not indicate any evidence of a troubled financial status. Judge Coble has handled his financial affairs responsibly.

The Commission also noted that Judge Coble 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 Coble reported that he is not rated by any legal rating organization.

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

Judge Coble reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Coble appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Coble appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Coble was admitted to the South Carolina Bar in 2012.

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

- (a) From July 2012 to November 2012, I was a law clerk for the Fifth Judicial Circuit.
- (b) From November 2012 to July 2017, I was an assistant solicitor for the Fifth Judicial Circuit. I handled a wide range of cases ranging from drug offenses and DUIs to armed robbery and kidnapping. I co-counseled three murder cases and tried several other felony and misdemeanor cases. From 2014 until 2017, I was the lead prosecutor for the Columbia Homeless Court. I also organized a committee of health care professionals to address the chronically homeless in seeking solutions for their recovery, which was called Homeless Coordination.
- (c) From July 2017 until the present time, I have been appointed as a full-time Magistrate Judge in Richland County. In this capacity, I handle both civil and criminal cases, which includes bond settings, preliminary hearings, mediation, civil and criminal jury trials, transfer court, and more. In June 2018, I was appointed as the Associate Chief Judge for Richland County. As the Associate Chief Judge, I handle the majority of administrative issues at our Central Court. I was appointed as the Municipal Judge for Arcadia Lakes in May 2020.

Judge Coble further reported regarding his experience with the Circuit Court practice area:

As an assistant solicitor, I spent nearly every single week in the court room handling criminal cases. In criminal court, I managed different cases from beginning to end – from bond settings, to preliminary hearings, to guilty pleas and motions, to jury trials. I tried three murder cases with co-counsel, and I also co-counseled a “castle hearing” to determine immunity from prosecution of a murder. I tried multiple other cases to verdict.

The most rewarding experience of my time as an assistant solicitor was being part of the creation of South Carolina’s first Homeless Court. This partnership among prosecutors, judges, public defenders, and many more, helped folks transition out of homelessness and back into society. Because of the great work the court did, I worked with local health officials to create Homeless Coordination, which was focused on the top homeless folks in the City of Columbia. Our group coordinated together to create a list of the 20 most frequently arrested and hospitalized homeless people and to help them get off the streets and give them an opportunity to seek treatment.

As a full-time Magistrate Judge, I also handle criminal cases from beginning to end. I preside over both jury trials and bench trials for criminal court, bond settings, preliminary hearings, guilty pleas, and motions. As a Magistrate, I also handle civil cases. This ranges from civil motions, mediation, bench trials and jury trials. I have presided over dozens of full-length jury trials with attorneys on both sides. These trials require knowledge of the rules of evidence and an efficient application of those rules.

In addition to the civil experience from Magistrate Court, I have received almost 50 CLE hours in civil credits over the past three years of reporting. I also taught a Magistrate CLE on criminal and civil trial objections.

Whether I am presiding over a summary judgment motion, castle hearing, guilty plea, etc., I have come to understand that a judge might not have all the answers, but they need to be able to know where to find the answers, and do so quickly. Every day in court, I have to say no, yes, guilty, not guilty, and much more. Being decisive and making decisions that upset people is not easy, but I have been doing this for over three years as a Magistrate.

I think it is extremely important for all judges to be very knowledgeable about the court rules and also empathetic to attorneys appearing before them. One area I constantly focus on is understanding what an attorney is going through as they represent a client. I am always aware of the issues that arise with attorneys and running a law practice. This includes uncooperative clients, the family of clients, running a small business, and many other issues. By understanding and seeing the attorney's position, I will be a better judge and make the system as a whole more effective and judicious.

I am extremely fortunate to have some of the most respected lawyers in our state as both close friends and mentors. They have taught me since my first day as an assistant solicitor to treat other attorneys with respect and understand where they are coming from. This advice and mentoring will continue for the rest of my career.

Judge Coble reported the frequency of his court appearances prior to his service on the bench as follows:

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

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

- (a) Civil: 30%;
- (b) Criminal: 70%;
- (c) Domestic: 0%;
- (d) Other: 0%.

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

- (a) Jury: 75%;
- (b) Non-jury: 25%.

Judge Coble provided that during the past five years prior to his service on the bench he most often served as co-counsel.

The following is Judge Coble's account of his five most significant litigated matters:

- (a) *State v. William Wallace*, 2013GS4004554; 4548; 8/15/14. I was second seat in this double murder case. It was a weeklong trial that involved dozens of witnesses and lengthy motions.
- (b) *State v. Frankie Brown*, 2012GS4001088; 10/24/13. This was my first trial as first chair. I was able to strategize about the trial and make the final decisions. The jury deliberated for several hours, but we worked out a plea deal with the defense attorney before the jury returned a verdict.
- (c) *State v. Adrian Lawrence*, 2012GS4006014; 7/6/15. I second seated this castle hearing with the Deputy Solicitor, where the defendant was charged with murder. We were successful with the castle hearing and the defendant ultimately ended up pleading to a reduced charge.
- (d) *State v. Nickolas Richardson*, 2013GS4006592; 10/31/16. I second seated this murder trial and gave opening statement and handled many witnesses.

(e) *State v. Frank Singleton*, 2013GS2800251; 3/12/14. I second seated this murder trial and gave opening statement and handled many witnesses.

Judge Coble reported that he has not personally handled any civil or criminal appeals.

Judge Coble reported that he has held the following judicial office(s):

I was appointed as a full-time Magistrate Judge for Richland County in July, 2017, and I am serving presently. Magistrates generally have jurisdiction in criminal cases that do not carry more than a \$500 fine or 30 days in jail. In civil cases, Magistrates are generally limited to cases not exceeding \$7,500 in the amount in controversy.

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

Because Magistrate Court operates very quickly, I usually rule from the bench and place any orders on the record from there. Over the past years as a judge, it is rare that I write orders, however these are a few significant ones.

- (a) *State v. Haggins*, Order 5469-2017-3 (Not Reported). The public defender filed a motion to dismiss for failure to comply with a speedy trial motion, Langford violation, and Rule 5 violation. I held a hearing and ultimately denied the motion to dismiss.
- (b) *State v. Andrzejewski*, Order 5469-2018-3 (Not Reported). In this case, I held a castle hearing on an assault charge. I wrote an order denying immunity under the Protection of Persons and Property Act.
- (c) *Rodriguez v. McDaniel*, Order 5469-2017-5 (Not Reported). After a civil trial, one party moved for sanctions against the other claiming that they violated ADR Rules. I denied the motion.
- (d) *Rowe v. Osbourne*, Order 5469-2018-14 (Not Reported). After a restraining order hearing, I granted the restraining order against the defendant. The defendant moved for a new trial based on new evidence. I denied the motion for a new trial after analyzing the required factors. This order was overturned on appeal by the Circuit Court Judge.
- (e) *Neil v. Edelmayer*, 2018CV4010600603 (Order from the bench). In this claim and delivery action, I awarded a judgment of \$200 to the plaintiff.

Judge Coble reported no other employment while serving as a judge:

Judge Coble further reported the following regarding unsuccessful candidacies:
In 2012, I ran unsuccessfully for Columbia City Council District Three.

(9) **Judicial Temperament:**

The Commission believes that Judge Coble's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Coble to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, experience and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation and judicial temperament. The Committee stated in summary that Judge Coble is "well qualified but young with limited experience."

Judge Coble is married to Kristen Karr Coble. He has one child.

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

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

- (c) S.C. Bar: CLE Publications Committee
- (d) S.C. Bar: Ethics Advisory Committee
- (e) South Carolina Summary Court Judges Association, Member
- (f) Richland County Magistrate Association, Treasurer

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

- (a) Summary Court Judge Mentoring Program (mentoring three new judges)
- (b) S.C. Bar: CLE Publications Committee (Present)
- (c) S.C. Bar: Ethics Advisory Committee (Present)
- (d) 1L Mentoring Program (2016, 2017, 2018, 2019)
- (e) UofSC Mock Trial Judge (2019, 2020)
- (f) Affordable Housing Resources
- (g) Midlands Housing Trust Fund
- (h) United Way Financial Stability Council
- (i) Community Relations Council
- (j) Chair of CRC Young Contemporaries
- (k) Animal Mission
- (l) Shandon Neighborhood Council
- (m) Tarantella Club
- (n) Richland County Magistrate Association, Treasurer
- (o) Purple Ambassador, Mayor's Walk Against Domestic Violence
- (p) Trial Advocacy Certification, NDAA

Judge Coble further reported:

Since the summer of 2016, I have known that I would like to one day run for a Circuit Court seat. In the winter of that same year, I was fortunate enough to be approached by Senator John Courson about my interest in replacing Judge Kirby Shealy upon his retirement as a full-time Richland County Magistrate. At the time, I was considering the daunting task of starting a solo firm so that I could broaden my experience and become a better candidate for Circuit Court. However, I knew that an appointment as a full-time Magistrate Judge was the best opportunity for me to not only receive judicial experience and preside over jury trials but also to continue to serve in the public sector.

It was extremely humbling for Senator Courson to think of me for this position, and even more humbling that he believed that I could follow in the footsteps of such a respected judge. Knowing the high bar that Judge Shealy set, I have tried hard to work every single day to improve myself personally as a judge. There are many qualities that make a great judge, but I believe some of the most important ones are to know the court rules, have extensive trial experience, and to be empathetic and understanding to attorneys who appear before them. Over the past four years, I have focused every day on improving these qualities.

After a few jury trials as a presiding judge, I quickly learned that the judge keeps the trial moving and that they must know the court rules fluently. Especially the rules of evidence. I began to heavily study these rules and understand them as fluidly as possible. I first started a legal blog, www.EverydayEvidence.org, so that I could blog about the rules of evidence and share it with other judges. I then self-published four separate books on the rules of evidence (two for state and two for federal). These books are meant to simplify the rules of evidence and be used for trial attorneys: quick and easy references. Working with a book publisher, I have now written and published a book on the rules of evidence, Florida Rules of Evidence Annotated for State and Federal Court. I

am also working with this publisher to write books for South Carolina and Texas on their rules of evidence. When it comes to the rules of evidence, I am most proud of being invited last year by Justice Few to present at his annual CLE It's All a Game: Top Trial Lawyers Tackle Evidence. I have self-published several other books on court rules, search and seizure, DUI and more. I use these books to constantly improve my knowledge, understanding, and capability in court matters. During these past few years, I have also published nearly a dozen legal articles on a wide range of issues.

Knowing the court rules by heart doesn't mean much if you cannot apply them in an efficient and timely manner. While I tried many cases as an assistant solicitor, it was a complete shift to preside over a jury trial. Presiding over a jury trial is an entirely different experience, and one that takes time and repetition. I have presided over dozens of trials to verdict, both criminal and civil, with attorneys representing at least one side. I have presided over hundreds of bench trials, usually rendering verdicts immediately, but other times taking them under advisement. I am the mentor to three new summary court judges for the Supreme Court's Mandatory Mentoring Program, and the first thing I talk to them about is moving trials along. You won't always get it right, but you need to be efficient and knowledgeable so that every litigant has a fair day in court.

But what I believe is most important, more important than knowing the rules or the law, is the character and temperament of a judge. This means having empathy for attorneys who appear before you. I am fortunate to have some of the best and most experienced mentors surrounding me, and they taught me from the first day not to forget what it's like to be on the other side of the bench and how quickly a judge can develop "robitis." Many attorneys are in a solo firm, which means not only do they have to deal with the law and its application, but also with running a small business. I believe a judge should always be mindful of that, and I have. One year after my appointment, I was promoted to the Associate Chief Judge for Richland County in the summer of 2018. This means that I handle a majority of the administrative duties for our Central Court. And I am personally in charge of every single continuance request that comes through Central Court. Whether it is law enforcement, attorneys, solicitors, or anyone else, I have to decide whether to continue the case or deny the continuance request. Before COVID-19, I received continuance requests on a daily basis and I saw firsthand many of the issues that arise for private attorneys that can prevent them from making a court appearance. Handling continuances, legal issues, and other administrative issues that arise can often times be more difficult and time consuming than presiding over actual court cases. But a judge needs to be able to do both in order to run an efficient and competent court system.

It is an honor and privilege to serve as a Magistrate Judge, and I am humbled to be considered for a Circuit Court Judgeship.

(11) Commission Members' Comments:

The Commission commented that Judge Coble was extremely accomplished at a young age and his intellect and temperament would make him an excellent Circuit Court judge.

(12) Conclusion:

The Commission found Judge Coble qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 12.

Meredith Long Coker
Circuit Court, At-Large, Seat 12

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 47 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 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."

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.

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 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, Altman & Coker, LLC (f/k/a Coker Law Firm LLC), 2006-March 2019. I am managing member of the 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.
- (e) Member, The Coker Firm LLC, August 2019 – present. I am sole member of the 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. I also provide support with regard to pretrial and trial matters to both civil and criminal counsel. My practice also includes significant transactional work, including corporate formation and commercial and residential real estate. I am currently working on a variety of landlord / tenant, probate, and litigation matters.

Ms. Coker further reported regarding her experience with the Circuit Court practice area:

In the past five years, I have handled a wide variety of cases. These matters have included large construction defect matters, complex commercial matters, property rights and property association issues, title disputes, landlord / tenant disputes, insurance coverage matters, and professional negligence claims. While I am proud to say that many of these matters were satisfactorily resolved, I have appeared often in Circuit Court, US District Court, and in front of Masters in Equity.

I commenced the practice of law in the “rocket docket” of the Eastern District of Virginia, as well as in state courts which followed the same basic tenets of judicial economy. As such, I have been able to structure my time and practice to personally handle a large number of matters concurrently while maintaining a high level of professionalism and preparedness. Examples of cases handled in the past five years include:

- (a) *CresCom Bank v. Terry*, No. 2:12-cv-00063-PMD. This suit was brought for breach of multiple notes and guaranties in the District Court. The matter involved numerous substantive and procedural motions. During the pendency of the action, one of the defendants filed bankruptcy, and the guarantor moved for stay, which stay was denied. See *CresCom Bank v. Terry, et al.*, 499 B.R. 494 (D.S.C. 2013). Plaintiff was awarded summary judgment, which award was substantially upheld by the Fourth Circuit Court of Appeals.
- (b) *Anchorage Plantation Homeowners Association v. Walpole*, CA No. 2010-CP-10-00482. This suit was brought by a homeowners association against neighboring property owners arising from the use of a roadway and certain amenities. The matter is currently pending appeal.
- (c) *Daniel Island Riverside Developers, LLC, et al., v. Weather Shield Manufacturing, Inc., et al.*, multiple cases consolidated under CA No. 2009-CP-08-1068. Multiple lawsuits were filed alleging construction defects, which were consolidated with the construction manager’s suit against certain manufacturers and contractors. This matter was an extremely complex litigation; *the matter was partially resolved prior to trial and is currently pending appeal.*
- (d) *Daniel Island Riverside Developers, LLC, et al., v. The Oaks at Rivers Edge Property Owners Association, Inc., et al.*, CA No. 2010-CP-08-4318. This matter arose from insurance coverage issues resulting from the matter above. Plaintiffs successfully defeated removal to District Court and were able to partially resolve the matter prior to trial. Plaintiffs have been awarded judgment (to include punitive damages), pending the trial court’s determination of post-trial motions.
- (e) *Walbeck, et al., v. I'on Company, LLC, et al.*, CA No. 2010-CP-10-10490. This matter was brought by a homeowner against the HOA, developer, purchaser of certain parcels in the community, and related entities and individuals. Issues which arose included development law, association law, title claims, and other contractual and tortious claims. We were able to successfully resolve claims against our clients subsequent to the jury empanelment.
- (f) *Church of God, et al., v. Estes, et al.*, CA No. 2013-CP-10-01686. We were successful in assisting co-counsel in obtaining summary judgment in favor of the defendant lender, which has been upheld on appeal. This matter is related to an ongoing declaratory judgment action in District Court in which I am primary counsel representing lender with regard to insurance coverage issues. The District Court matter has been stayed pending final remand to the trial court of the underlying matter.

I am a prior member of the Practices and Procedures Committee of the South Carolina Bar. Due to the size of my law firm, I handle all facets and stages of litigation, from commencement through discovery and pretrial, trial, and appeal. In the past five years, I have appeared in front of Circuit Court judges dozens of times, and have prepared matters for the appearance by others just as often.

With regard to criminal matters, I have handled no criminal matters as primary counsel while in private practice. Due to the structure of the Virginia appellate courts, however, most of my caseload as a judicial clerk involved criminal matters. I have taught criminal procedure and analyzed substantive criminal law in my positions with the DC Metro Police Academy and the College of

Charleston. I have substantial background in researching constitutional issues, including those arising from innovative and developing law enforcement technology, for work performed for the National Institute of Justice and other clients. I have conducted substantial research relating to constitutionality of school resource officers, public use of facial recognition technology and Title IX. Further, I have researched and drafted advisory papers on liability and constitutionality issues arising from the use of less than lethal technologies by domestic police forces and the military.

In direct response to inquiries relating to my level of criminal trial experience, I have been assisting a local criminal defense attorney, James Falk, who has been gracious enough to allow me to do so. I have assisted Mr. Falk in felony jury matters and pretrial matters. I have prepared and attended pre-trial hearings, to include successfully arguing a motion for separate trials in a murder trial; prepared for and participated in jury selection; attended trial; and attended plea hearings. I have also attended various procedural and pretrial matters in criminal court and consulted with criminal defense attorneys and judges to refresh my knowledge as to procedural and statutory matters.

Ms. Coker reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 2-10 times per year;
- (b) State: 5-30 times per year

Ms. Coker reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 60%;
- (b) Criminal: 5% (this does not include my recent experience as more fully set forth above);
- (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: 30%;
- (b) Non-jury: 70%.

Ms. Coker provided that during the past five years her practice has been evenly divided among serving as chief counsel, co-counsel, and associate counsel (or other similar support role).

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, Phelps & Phillips, LLP. The case arose from the acquisition of a pharmaceutical company by a large multi-national 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. We were also able to assist in an informal way with counsel retained to execute the judgment thereafter. This matter recently finally concluded with a settlement agreement between the parties.

(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.

(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.

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) *Fine Housing, Inc., v. Sloan*, South Carolina Court of Appeals. Case No. 2017-002517. While this matter remained with my prior firm for hearing, it has been heard and is pending decision by the Court of Appeals..

(c) *Anchorage Plantation Homeowners Association v. Walpole*, South Carolina Court of Appeals. Decided July 25, 2018. Unpublished Opinion No. 2018-UP-337.

(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.

(e) *Deep Keel, LLC, v. Atlantic Private Equity Group, LLC, et al.*, South Carolina Court of Appeals. Case No. 2017-000487. Decided July 24, 2019. Unpublished Opinion No. 2019-UP-270

Ms. Coker reported that she has not personally handled any criminal appeals.

Ms. Coker further reported the following regarding unsuccessful candidacies:

I was found qualified but not nominated for Judge of the Circuit Court, At-Large, Seat 9, for which the election was held in 2018. I was found qualified and nominated for Judge of the Circuit Court, Ninth Judicial Circuit, Seat 2. I withdrew prior to the election held in 2019

(9) Judicial Temperament:

The Commission believes that Ms. Coker's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualification found Ms. Coker to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. In related comments, the Committee stated that Ms. Coker has "broad civil experience - has handled complex civil cases; smart; able; not much criminal experience; intellectual approach."

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.

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
- (d) In 2018, I served as a board member for my neighborhood HOA.
- (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:

Education is extremely important to my family and I am grateful that my parents, an elementary school teacher and naval officer, prioritized my education throughout my childhood. I received multiple academic scholarships to both college and law school. In college I was a varsity athlete and an officer for my sorority and the Panhellenic Executive Board, while participating in various other extracurricular activities; nevertheless I was able to complete two majors and a minor. I have been inducted as a member in the academic honor societies Phi Eta Sigma; Omicron Delta Epsilon; and, Pi Sigma Alpha.

My law school curriculum included significant practical experiences and courses. I was afforded the chance to work with and learn from several practicing attorneys in a variety of fields. My judicial clerkship exposed me to issues primarily relating to criminal, domestic relations, and administrative matters, as these cases were the purview of the Virginia Court of Appeals. I have had a unique career path which enabled me to take an active role in a wide array of complex matters from the very start of my career in private practice. I have had the opportunity to work with and learn from immensely talented and capable attorneys, and I strive to live up to their examples. My

practice has ranged from small collections matters to multinational corporate disputes. My research and analysis has been relied upon by local and international CEO's, government officials, and policy makers. I relish the chance to learn and have been fortunate in the opportunities presented to me.

I have been fortunate enough as well to have varied life experiences which have augmented my empathy as well as my resolve. I have had colleagues, acquaintances, and friends from virtually every conceivable social, economic, cultural and professional background. I aspire to treat everyone with respect, grace, and integrity. While I invite intellectual challenges and look forward to the overall view of and ultimate solution to an issue, I have never shirked from rolling up my sleeves and dealing with the necessary minutiae that often make the resolution work. I believe both traits are necessary for an efficient, professional, and courteous courtroom. I would be honored and humbled for this opportunity to use everything that I have learned and everything that I hope to learn.

(11) **Commission Members' Comments:**

The Commission commented that Ms. Coker had received "high marks" from the Lowcountry Citizens Committee and had endeavored to gain more criminal experience. The Commission encouraged her to gain more criminal experience. They also noted she has a calm demeanor and is very intelligent.

(12) **Conclusion:**

The Commission found Ms. Coker qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 12.

Regina Hollins Lewis
Circuit Court, At-Large, Seat 12

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) **Constitutional Qualifications:**

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

Ms. Lewis was born in 1964. She is 56 years old and a resident of Columbia, South Carolina. Ms. Lewis 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. She was also admitted to the Maryland Bar in 1987.

(2) **Ethical Fitness:**

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Lewis.

Ms. Lewis 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. Lewis reported that she has made \$813.83 in campaign expenditures for thank you gifts for references, flyer design, envelopes and labels, postage and printing of flyers.

Ms. Lewis 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. Lewis 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. Lewis to be intelligent and knowledgeable.

Ms. Lewis reported that she has taught the following law-related courses:

- (a) I presented at the 2019 SC Defense Trial Attorneys' Association Program, "Trial Superstars" at which a mock trial was presented.
- (b) I presented at the 2019 SC Bar Program of the Employment and Labor Law Section, "Recent Developments in Employment Law."
- (c) I presented at the 2019 Office of United States Attorney Law Enforcement Coordinating Committee and South Carolina Law Enforcement Officers' Association and South Carolina Criminal Justice Academy Narcotics Commanders School Program, "Employee Relations (Grievances and Supervisory Liability)."
- (d) I presented at the 2019 Morris College Faculty-Staff Institute Program, "An Overview of Employment Discrimination Laws."
- (e) I presented at the 2018 Program of the National Association of Minority and women Owned Law Firms Trial Practice Group Webinar, "Putting a Face on the Company in Litigation: Successful Strategies for Maneuvering the Minefield of Employee Depositions."
- (f) I presented at the 2018 SC Bar Employment Law Seminar, "Recent Developments in Employment Law."
- (g) I presented at the 2018 Conference of Federal Trial Judges sponsored by the SC Federal Bar Association and the ABA National Conference of Federal Trial Judges at which a mock hearing was presented pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*
- (h) I presented at the 2018 Strafford Webinar, "Managing Jurors in Catastrophic Personal Injury Claims."
- (i) I presented at the 2017 Program, "Reducing the Risk of Liability: What Not to Say and Do."
- (j) I presented at the 2014 (approximate year) SC Bar Program, "Top Lawyers Tackle Evidence."
- (k) I presented at the 2013 SC Bar Program, "Rainmaking Bootcamp for Attorneys."
- (l) I presented at the 2013 SC Bar Program Dispute Resolution Section Seminar, "Mediating Money: Managing the Realities of Traditional Bargaining."
- (m) I presented at the 2010 SC Bar continuing legal education ("CLE") program, "It's All a Game: Top Trial Lawyers Tackle Civil Procedure."
- (n) I presented at the 2010 Trial Advocacy Program co-sponsored by the South Carolina Bar and the National Institute of Trial Advocacy
- (o) I presented at the 2009 (approximate date) – Presentation (upon information and belief the presentation was made at conference of South Carolina Magistrate Court Judges), "When Electronic Communications Come Back to Bite: Or Can They?"
- (p) I taught Domestic Relations in the Spring 1993 semester as an adjunct professor at the University of Maryland School of Law.
- (q) I taught and supervised students in the Spring 1992 and Fall 1992 semesters at the University Baltimore School of Law Family Law Clinic.
- (r) I taught Trial Advocacy in the Fall 2014, Fall 2015 and Fall 2016 semesters at the University of South Carolina School of Law.

Note: This list includes all presentations for which I have documentation, but is not all-inclusive. I have presented numerous times over the past 30 years, including presentations to clients and other organizations and no longer have documentation or recollection of all presentations.

Ms. Lewis reported that she has published the following:

Labor and Employment Law for South Carolina Lawyers, Fifth Edition, Vol. II (South Carolina Bar – CLE Division Bar 2019), Contributing Author, “Alternative Dispute Resolution;” “The Battered Woman Syndrome: Justice Through Expert Testimony,” Vol. 5, No. 10 National Bar Association Magazine 12 (October 1991)

(4) Character:

The Commission’s investigation of Ms. Lewis did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Ms. Lewis did not indicate any evidence of a troubled financial status. Ms. Lewis has handled her financial affairs responsibly.

The Commission also noted that Ms. Lewis 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. Lewis reported that her rating by a legal rating organization, Martindale-Hubbell, is AV Rated. Ms. Lewis reported that she was a member of Super Lawyers 2017-2020, as well as Legal Elite of the Midlands, 2014, 2017.

Ms. Lewis reported that she has not served in the military.

Ms. Lewis reported that she has held the following public office:

I served as a Commissioner on the State of South Carolina State Ethics Commission from April 2014 through March 2017. I was appointed to the position by Governor Nikki Haley. I timely filed all required reports with the Commission during the period that I held public office.

(6) Physical Health:

Ms. Lewis appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Lewis appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Lewis was admitted to the South Carolina Bar in 2000.

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

- (a) Law Clerk, Orphans’ Court of Baltimore City (September 1987 to October 1988). Served as law clerk to Three Judge Panel. I was not involved with the administrative or financial management of this agency.
- (b) Associate, Venable, Baetjer, and Howard, Baltimore, Maryland (October 1988 to September 1989).

Assisted in defense of large products liability actions, including asbestos litigation. I was not involved with the administrative or financial management of this entity, including management of trust accounts.

(c) Adjunct Professor of Law, University of Maryland School of Law (Spring 1993 semester). Instructed approximately 75 students in the course, Domestic Relations. I was not involved with the administrative or financial management of this agency.

(d) Adjunct Professor Law, University of Baltimore School of Law (Spring 1992 and Fall 1992). Taught and supervised third year law students in the Family Law Clinic. I was not involved with the administrative or financial management of this agency.

(e) Staff Attorney, House of Ruth Domestic Violence Legal Clinic (September 1989 to May 1992). Represented victims of domestic violence in civil protective order, divorce, and custody proceedings; participated in clemency project on behalf of incarcerated battered women who killed or assaulted abusive partners/spouses and successfully obtained clemency on behalf of eight such women; conducted training of pro bono attorneys as well as community education and training. In this position, I was not involved with the administrative or financial management of this agency.

(f) Director, House of Ruth Domestic Violence Legal Clinic (May 1992 to July 1994). Directed clinic staff of 12 attorneys, legal advocates, pro bono coordinator and assistants in Baltimore and Prince George's County offices. Hired, supervised and trained staff; supervised clinic litigation; managed budget and reports to the Maryland Legal Services Corporation, authored and reviewed grant proposals on behalf of the Legal Clinic; advocated on behalf of victims of domestic violence with members of the Maryland Legislature. As Director, I was responsible for the administrative and financial management of the Clinic, including supervising attorneys and staff, budgeting and managing compliance with federal and state agencies including the Legal Services Corporation.

(g) Assistant Attorney General, Civil Litigation Division and Criminal Appeals Division, Office of the Attorney General, State of Maryland (August, 1994 - August 1999). Civil Litigation Division - Represented State of Maryland, its agencies and employees in civil jury and bench trials and civil and criminal appeals, habeas corpus litigation in federal and State courts, including drafting and filing of pleadings, taking and defending depositions, preparation of clients and witnesses and presentation of cases in court. Defended claims of race, sex, age, and disability discrimination, alleged inmate Eighth Amendment violations, and other constitutional and tort claims. I was not involved with the administrative or financial management of this agency.

Criminal Appeals Division – Represented State of Maryland in criminal appeals and federal habeas corpus proceedings; conducted research; wrote briefs, filed and argued motions; presented oral argument in Court of Special Appeals and Court of Appeals of Maryland and United States Court of Appeals for the Fourth Circuit; reviewed and edited briefs for all divisions of the Office. I was not involved with the administrative or financial management of this agency.

(h) Member, Nexsen Pruet Adams Kleemeier, LLC, Columbia, South Carolina (January 2003 – June 2007). Special Counsel, Nexsen Pruet Jacobs & Pollard, LLC, Columbia, South Carolina (July 2000 – January 2003). Represented corporations and other organizations in various employment litigation matters in federal and state court, including claims of age, race, and gender discrimination, breach of contract and other claims; engaged in negotiation and participated in mediation of disputes; argued cases in the South Carolina state and federal courts and in the United

States Court of Appeals for the Fourth Circuit; represented clients in jury trials in federal court; prepared position statements on behalf of employer clients for submission to the South Carolina Human Affairs Commission and Equal Employment Opportunity Commission in response to charges of discrimination; reviewed and revised employee handbooks; provided legal advice and counsel in employment and other matters; conducted training on employment law issues including Title VII, the Family Medical Leave Act, and the Fair Labor Standards Act. I was involved in administrative management only to the extent that I managed the staff who worked with me. I was not involved in financial management of the entity.

- (i) Member, GaffneyLewis, LLC (formerly Gaffney Lewis & Edwards, LLC), Columbia, South Carolina (June 2007 – present).
Represent national retailers in premises liability, false imprisonment, pharmacy professional liability and other tort causes of action in state and federal courts; advise and represent individual and business clients in tort and employment related matters in state and federal court including Title VII claims of discrimination, and claims of wrongful termination and defamation; represent clients in administrative proceedings before the Equal Employment Opportunity Commission and/or South Carolina Human Affairs Commission; conduct internal investigations on behalf of organizations related to claims of discrimination and harassment; act as mediator in civil litigation matters, primarily in the areas of tort and employment. I am involved in the administrative and financial management of the law firm, including the management of the firm's trust account along with my partners.
- (j) Adjunct Professor, University of South Carolina School of Law (Fall 2014, Fall 2015 and Fall 2016 Semesters).
Taught Trial Advocacy to class of 12 to 16 students; developed syllabus and instructed students on all phases of presenting a case at trial; provided feedback on mock trial exercises performed by students. I was not involved with the administrative or financial management of this agency.

Ms. Lewis further reported regarding her experience with the Circuit Court practice area:

Criminal Experience: As an assistant attorney general, I represented the state of Maryland in criminal appellate cases from in or around mid-1996 until in or around July 1999. My practice consisted of writing approximately eight appellate briefs per month and appearing before the Maryland appellate courts for oral argument an average of two to three times per month when the courts were in session. The appeals addressed a broad range of issues arising from the trials of criminal cases, including rulings by the trial court on motions to suppress evidence, the admissibility and sufficiency of evidence at trial to support convictions, preservation of issues for appellate court review and assessment of harmless error.

Civil Experience: During the past twenty years, I have primarily represented corporations in a broad range of civil matters, including negligence, wrongful death, professional negligence, defamation, false arrest, and malicious prosecution and employment causes of action in the South Carolina state and federal trial and appellate courts. I have also represented individuals in actions for negligence, wrongful termination, breach of employment contracts, and discrimination pursuant to Title VII of the Civil Rights Act of 1964.

Ms. Lewis reported the frequency of her court appearances during the past five years as follows:

- (a) **Federal:** I am currently lead counsel in a wrongful death case pending in federal court and am counsel of record along with other lawyers in my firm in approximately five other federal court matters. I have appeared in federal

court for motions practice or engaged in motions practice via teleconference approximately five to seven times during the past five years as my practice in these cases has consisted primarily of conducting discovery, including written discovery and depositions and mediation of the matters to settlement.

(b) State: I am counsel of record in an average of approximately fifty state court matters at any given time. I have appeared in state court an average of seven to ten times during the past five years, including appearances at a bench trial that I tried to conclusion along with co-counsel, and a jury trial that I commenced trying along with co-counsel and was resolved during trial. My practice in these cases has consisted primarily of conducting discovery, including written discovery and depositions, and mediation of the matters to settlement.

Ms. Lewis reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 60%;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: 40% (Alternative Dispute Resolution – Mediation)

Ms. Lewis reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: No cases went to a jury in the last five years as all cases scheduled for jury trials were resolved prior to trial. One matter proceeded to trial but was resolved on the second day of trial and thus did not proceed to a jury.
- (b) Non-jury: I have tried one bench trial in Circuit Court in the past five years.

Ms. Lewis provided that during the past five years she most often served as chief and co-counsel: I have served as chief counsel in matters on which I've worked with a junior partner or associate and have also worked as co-counsel with my partner with whom I founded the firm.

The following is Ms. Lewis's account of her five most significant litigated matters:

- (a) *Estate of Dorinda Williams v. Walmart* – Court of Common Pleas, Horry County. This case arose out of the death of Plaintiff's decedent at the Walmart store in Horry County after loss prevention associates attempted to detain Decedent and her daughter after they shoplifted. Decedent and her daughter fought the loss prevention associates and Decedent suffered a heart attack and died during the incident. I represented the loss prevention associates along with my partner. In January 2013, the case was tried to a jury and defense verdicts were entered in favor of all defendants. The case was significant because it was a wrongful death case and our clients were very concerned about the possibility of personal liability. It was meaningful and fulfilling to me to have been able to work with the young men to prepare for and present at trial and to ultimately obtain exoneration on their behalves.
- (b) *In the Matter of the Complaint C2014-156, J. Samuel Griswold, Ph.D. v. Curtis M. Loftis, Jr.* Before the South Carolina Ethics Commission I handled this matter as Chair of a Hearing Panel while serving on the South Carolina Ethics Commission. The matter arose out of the hiring on an attorney who was a close friend of the State Treasurer to represent the State of South Carolina as co-counsel in litigation in which substantial claims by the State were pending against a bank in which millions of dollars were in dispute. The issue presented was whether the respondent violated South Carolina ethics laws by using his official position to affect the economic interest of the hire

attorney/friend when he authorized the employment of the attorney and sought the approval of the Attorney General of South Carolina. I chaired the hearing of the matter at which the panel heard pre-hearing motions and received testimony and other evidence from the parties.

Thereafter, I deliberated along with the other members of the panel and wrote the opinion on behalf of the panel. We conclude that the respondent violated State ethics law and issued a public reprimand. As Chair of the panel, I was the primary author of the opinion. This matter was significant because it allowed me to act in a quasi-judicial role and to, as a neutral, hear and assess both sides of a matter, to make findings of fact and to apply the law to reach a conclusion in the same manner that judges must assess the matters before them. It was an interesting and challenging process and the experience would benefit me if elected to the position of judge.

(c) *Webb v. Sowell*, 387 S.C. 328 (2010), overruled, 396 S.C. 647 (2012) – Supreme Court of South Carolina

This case presented the constitutional question of whether a Family Court order directing a non-custodial parent to pay college expenses violated the Equal Protection Clauses of the United States and South Carolina constitutions. I was associated in this appeal by a family court practitioner to write the brief. The case was significant because it presented an interesting constitutional question and the argument on behalf of our client was against precedent. The research for and writing of the brief was both interesting and challenging. It was most exciting to receive the opinion, in which the Supreme Court of South Carolina found in our client's favor and held that the requirement was unconstitutional. Although the decision was ultimately overruled in a subsequent decision of the Supreme Court of South Carolina, it was a fascinating experience to have participated in the appeal.

(d) *Matter of Tyrone Gilliam*, Review and Report to Governor Parris N. Glendening. This matter arose out of a sentence of death that was imposed upon defendant Tyrone Gilliam for a murder committed in 1993. In 1998, while I was an assistant attorney general for the state of Maryland, I was assigned to assist the Governor in assessing Gilliam's appeal for clemency by reviewing the case and advising the Governor regarding the record, including the sufficiency of the evidence. I conducted the review and provided my findings to the Governor, after which the death sentence was upheld and Mr. Gilliam was executed. The case is significant because it was a death penalty case and the gravity of the assignment was tremendous for me. For my work on the matter, I received the Attorney General's Exceptional Service Award in or around 1999.

(e) *Knott v. State*, 349 Md. 277 (1998). As an assistant attorney general in Maryland, I handled this appeal, which arose from the trial of a defendant in an orange jumpsuit after the trial court denied a request by the defendant's counsel for a continuance to allow the defendant to obtain civilian clothing. The defendant was convicted and appealed the conviction, arguing that he was deprived of the presumption of evidence by being compelled to proceed in prison garb. The intermediate appellate court upheld the conviction, finding that the issue was not preserved for appeal. The case was assigned to me after the Court of Appeals of Maryland granted certiorari. As a young attorney, I suggested that the issue be conceded as I anticipated that there was a strong likelihood that the intermediate appellate court would be reversed given the precedent holding that requiring a defendant to be tried in prison garb deprives him of the presumption of innocence. I was concerned that there would be no viable argument to support the conviction if the preservation argument was not successful. The chief of the division declined to concede and I proceeded with the appeal. After much research, I identified supporting case law and was able to submit a brief that presented viable arguments on both the preservation and substantive issues. Although the Court of Appeals reversed the decision below and held that the defendant was entitled

to a new trial, the process was a valuable one. It taught me the importance of thoroughly analyzing an issue before making a determination regarding the viability of a position.

The following is Ms. Lewis's account of five civil appeals she has personally handled:

- (a) *Solanki v. Wal-Mart Store #2806*, Court of Appeals of South Carolina, August 20, 2014, 410 S.C. 229 (2014);
- (b) *Jones v. Wal-Mart Stores, Inc.*, Court of Appeals of South Carolina, November 28, 2012, 2012 S.C.App.Unpub. LEXIS 782;
- (c) *Doe v. Wal-Mart Stores, Inc.*, Supreme Court of South Carolina, June 27, 2011, 393 S.C. 240 (2011);
- (d) *Guider v. Churpeyes, Inc.*, Court of Appeals of South Carolina, August 14, 2006, 370 S.C. 424 (2006);
- (e) *Charleston v. Young Clement Rivers & Tisdale, LLP*, Court of Appeals of South Carolina, June 21, 2004, 359 S.C. 635 (2004).

The following is Ms. Lewis's account of five criminal appeals she has personally handled:

- (a) *Fischer v. State*, Court of Special Appeals of Maryland, September 26, 1997, 117 Md.App. 443 (1997);
- (b) *Pappaconstantinou v. State*, Court of Special Appeals of Maryland, January 6, 1998, 118 Md.App. 668 (1998);
- (c) *Knott v. State*, Court of Appeals of Maryland, April 14, 1998, 349 Md. 277 (1998);
- (d) *Mora v. State*, Court of Special Appeals of Maryland, November 25, 1998, 123 Md.App. 699 (1998);
- (e) *Skrivanek v. State*, Court of Appeals of Maryland, October 12, 1999, 356 Md. 270 (1999).

(9) **Judicial Temperament:**

The Commission believes that Ms. Lewis's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Ms. Lewis to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, experience, and mental stability. The Committee stated in its summary statement, "Ms. Lewis has limited criminal experience but is otherwise well qualified."

Ms. Lewis is married to Irving Lionel Lewis. She has two children.

Ms. Lewis reported that she was a member of the following Bar and professional associations:

- (a) John Belton O'Neal Inn of Court-President Elect, 2020-21;
- (b) South Carolina Bar;
 - Chair, Judicial Qualifications Committee (in or about 2006 -2007);
 - Member, Board of Governors (2008-2009);
 - Newsletter Editor, Employment and Labor Law Section (in or about 2004-2006);
- (c) South Carolina Black Lawyers Association;
- (d) National Bar Association;
- (e) Claims and Litigation Management Alliance;
- (f) National Association of Minority and Women Owned Law Firms;
- (g) National Academy of Distinguished Neutrals;
- (h) Fellow, American College of Trial Lawyers;
 - Diversity Liaison, State Committee.

Ms. Lewis provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Delta Sigma Theta Sorority, Incorporated;
Chair, Cotillion Workshop Committee
Co-Chair, Anniversary Gala Committee
- (b) South Carolina Legal Services, Board of Directors: 2018-present
- (c) John Belton O'Neal Inn of Court, President-Elect 2020-21
- (d) Fellow, Liberty Fellowship

Ms. Lewis further reported:

After inwardly considering the pursuit of a judicial appointment for many years, I have decided to take the opportunity now for many reasons. First, I have been fortunate to have accomplished the career goals on which I focused during the 32-plus years that I have been practicing law. My practice has included both public service and private sector work and I have experience in civil, criminal and appellate areas of the law. I am ready to re-enter public service and give back to the legal profession in a way that capitalizes on my personal experience.

Second, my life experiences over nearly fifty-six years have allowed me to develop and apply the values that my parents worked hard to instill in me during their lifetimes and those values would enable me to be an asset to the bench. My parents taught me many things, among them that: 1) anything worth doing is worth doing right; 2) hard work, dedication and determination are not negotiables; 3) I should always know that I am as good as everyone else but never better than anyone else; and 4) in all things to do my best and then let go and let God.

My parents did not only speak of these values, but exemplified them. My mother was a hairdresser for many years. When I was three years old, my brother, who was six, was floundering in first grade so much so that his teacher told my mother he would likely have to repeat first grade. My mother would not hear of it. She became laser focused and began to work with my brother every day while I watched and learned from it all. Not only did my brother successfully pass the first grade, but I also learned to read at three through her efforts.

My mother's work with us inspired her to pursue a degree in Early Childhood Education in her mid-forties. It took many years and often meant that she had to take me with her to her night classes but she persevered. She obtained her bachelor's degree in the same year that my brother graduated high school and dedicated the rest of her life to educating children.

My father was a brick mason but had skills far beyond masonry. When I was eight years old, he took me and my brother to a piece of property he had inherited in Blythewood, South Carolina. He had dug a foundation and he told us that this was the site for our new home that he was going to build.

For the next five years, my father worked construction jobs while my mother worked as a teacher's aide. When he had enough money saved, he would take a break from the construction job and would work on building our house and would then return to work. When I was thirteen, the house was completed and we moved. My parents proudly announced that they had no mortgage and that the house had been "built cash." I did not really understand what that meant at the time and was simply excited to have moved to a big, beautiful new home. It was not until I was an adult that I understood and appreciated the magnitude of what my parents had done. These examples of work ethic and determination have remained with me throughout my life and I have tried to replicate them in my legal career.

I began my legal career in Maryland (where I had attended law school). I have worked in public service, both as an advocate for victims of domestic violence and as a government attorney, representing the state of Maryland in civil and criminal matters. My father passed away while I was living in Maryland. Thereafter, I returned to South Carolina along with husband and two young daughters to be close to my mother. After taking time to study for the South Carolina bar, I obtained a position as special counsel at Nexsen Pruet law firm. Tragically, my mother died suddenly and unexpectedly on my second day at the firm. This was the most devastating loss I had ever experienced and it was difficult to manage the debilitating grief while working to establish myself with what I hoped would be an excellent reputation at a new firm. I credit those values that my parents instilled in me with being able to move forward through that grief and to ultimately make partner at the firm in 2003 and believe that this experience of pushing through a most difficult time will also benefit me if I am elected.

I worked with great lawyers and enjoyed my years at Nexsen Pruet, but always held the dream of owning my own firm and so in 2007, I joined two dear friends and formed the law firm in which I practice today. After thirteen years, I am proud of the culture of diversity at my firm and believe my experience in operating a business and managing the law firm has afforded me experience that would be critically important to the role of a Circuit Court judge.

I would like to return to serving the public in a judicial capacity because it will allow me to apply the legal and life skills that I have acquired to help ensure equal justice under the law. If elected, I will work tirelessly to do just that.

(11) Commission Members' Comments:
The Commission commented that Ms. Lewis has an outstanding demeanor and an excellent reputation amongst the Bar. They noted she is an exceptional candidate and is an asset to the South Carolina legal community.

(12) Conclusion:
The Commission found Ms. Lewis qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 12.

William Vickery Meetze Circuit Court, At-Large, Seat 12

(1) **Constitutional Qualifications:**
Based on the Commission's investigation, Mr. Meetze meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Meetze was born in 1968. He is 52 years old and a resident of Marion, South Carolina. Mr. Meetze 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. Meetze.

Mr. Meetze 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. Meetze reported that he has not made any campaign expenditures.

Mr. Meetze 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. Meetze 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. Meetze to be intelligent and knowledgeable.

Mr. Meetze reported that he has taught the following law-related courses:
I have taught the Law School at Palmetto Boys State for the past eighteen years.

Mr. Meetze reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Meetze did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Meetze did not indicate any evidence of a troubled financial status. Mr. Meetze has handled his financial affairs responsibly.

The Commission also noted that Mr. Meetze 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. Meetze reported that he is not rated by any legal rating organization.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Meetze was admitted to the South Carolina Bar in 1999.

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

- (a) Judicial Law Clerk for the Honorable James E. Brogdon, Jr.

During the year that I clerked for Judge Brogdon, he was Chief Administrative Judge in both the Twelfth Judicial Circuit and the Third Judicial Circuit. I was able to research many issues involving both General Sessions and Common Pleas. I was able to see many trials from each branch. Also, Judge Brogdon was assigned two complex litigation civil cases while I clerked for him and that provided valuable experience in dealing with pre-trial matters such as discovery issues and summary judgment motions.

- (b) Assistant Solicitor Sixteenth Judicial Circuit, York County
I prosecuted a variety of criminal cases for just under three years. I handled both felony and misdemeanor cases. Began trying cases early on and served as lead attorney from the start.
- (c) Assistant Public Defender Sixteenth Judicial Circuit, York County
I began my career as a criminal defense lawyer in June of 2002. I worked in that office for a little more than four years. In that job I represented criminal defendants charged with all manner of offenses from misdemeanors to murder cases. I served as lead counsel in many cases and I also helped other lawyers with their cases when necessary. During my time in the Sixteenth Judicial Circuit Public defender Office, we were fortunate to have many experienced attorneys to work with and gain experience from.
- (d) Assistant Public Defender Twelfth Judicial Circuit, Florence County
My job responsibilities were the same in the Twelfth Judicial Circuit as they had been in the Sixteenth Judicial Circuit.
- (e) Assistant Public Defender Twelfth Judicial Circuit, Florence & Marion County
In the fall of 2011 my responsibilities expanded to where I worked as a public defender in both counties of the Twelfth Judicial Circuit. That meant more cases, more trials and more time in court in general. It was at that time that was appointed lead counsel on a death penalty case.
- (f) Deputy Public Defender for the Twelfth Judicial Circuit
In August of 2014 I was promoted to Deputy Public Defender for the Twelfth Judicial Circuit. I still have the same kind of case load but have also taken on some administrative duties and working with and advising younger attorneys in our office.

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

I have been practicing criminal law in General Sessions Court since August of 1999. I was a prosecutor in the Sixteenth Judicial Circuit for a little under three years and during that time I prosecuted individuals charged with non-drug related criminal offenses that carried a penalty of up to fifteen years in prison. In June of 2002 I began work as an Assistant Public Defender in York County. As an Assistant Public Defender I represent indigent defendants charged with anything from lower level misdemeanors all the way up to armed robbery, burglary first degree and murder. In 2006, I was given an opportunity to come back home and work in the Twelfth Judicial Circuit. I accepted a position in the Florence County Public Defender's. In 2011 I expanded my responsibilities by also serving as a public defender for Marion County and I have served both Florence and Marion Counties in that capacity since that time. In 2014 I was promoted to the position of Deputy Public Defender for the Twelfth Judicial Circuit and I have served continuously in that capacity for the past six years. I have continued defending indigent defendants charged with all types of offenses; however; I have a much larger concentration of A, B, and C felonies at this point. I have defended people in cases involving all levels of criminal activity including major drug trafficking, criminal sexual conduct and murder.

My civil experience from a practical standpoint has been through my involvement in post-

conviction relief matters. As a criminal defense lawyer in a public defender's office I have been involved in a number of those hearings in the past five years. Also, as a trial attorney I am very familiar with the rules of evidence which are applicable to both branches of Circuit Court. Other than that I have taken two viewed two CLE's, one on E-Discovery and the other being the 2016 Tort Law Update. I have also viewed a civil trial from start to finish and have worked hard studying the Rules of Civil Procedure. I have also served as Co-Dean of the law school at Palmetto Boys State for the past eighteen years where the instruction includes civil court matters.

In the past five years I have appeared in Circuit Court before a Circuit Court Judge approximately twenty-six weeks a year.

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

- (a) Federal: I have not appeared in Federal Court any during the past five years
- (b) State: I have appeared in General Sessions Court at least twenty-six weeks a year for the past five years.

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

- (a) Civil: 0%;
- (b) Criminal: greater than 99%;
- (c) Domestic: less than 1%;
- (d) Other: 0%.

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

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Mr. Meetze provided that during the past five years he most often served as sole counsel.

The following is Mr. Meetze's account of his five most significant litigated matters:

- (a) *State v. Syllester D. Taylor* (736 S.E. 2d 663, 2013): I handled this case at the trial level. It was trial in absence where I preserved all motions and eventually the conviction was reversed by the Court of Appeals. (694 S.E. 2d 60, 2010) The Supreme Court subsequently reversed the Court of Appeals in the above referenced site. However, even though Mr. Taylor eventually lost his appeal in the Supreme Court by a 3-2 decision, this case is an example of our legal system at work and even though Mr. Taylor was absent from his trial he was represented effectively and was not denied any opportunity or due process of law in spite of his absence.
- (b) *State v. Tavario Brunson*: This was a very high profile case in Florence County that I tried along with another attorney. The evidence against Mr. Brunson was quite overwhelming to include a recorded confession and a positive DNA match. Mr. Brunson was convicted of murder and that result was never really in question. I believe this is an important case because it is an example of our Constitution at work. Mr. Brunson exercised his right to a Jury trial and even though the evidence was overwhelming he was provided an excellent defense and to this day I believe it is one of the most well tried cases that I have had the opportunity to be involved.
- (c) *State v. Montez Barker*: This is a death penalty case in which I was appointed lead counsel. It is important by the nature of the offense and the fact that a man's life was literally on the line. Death Penalty cases take an extreme amount of work and dedication. You are working as a

team with another attorney that has been appointed as second chair as well as fact and mitigation investigators not to mention my client's family was heavily involved as well. We were able to work hard and in the end were able to spare Mr. Barker's life by negotiating a plea for him where he would not face the death penalty. It takes a lot of work and relationship building to get a capital client to trust you enough to eventually agree that pleading guilty where you will be receiving a life sentence is in his best interest. That is what happened in this case and it is one of the most satisfying results I have ever had in a case.

(d) *State v. Tyquan Jamar Johnson*: This was a case in Florence County that was tried in December of 2018. Mr. Johnson was charged with murder. This was a case where my client maintained his innocence throughout this process. The State had made what I considered a very favorable offer to Mr. Johnson and I advised him that it would be in his best interest to take the offer. He stood his ground and said he didn't do it and he wouldn't plead guilty to something he didn't do. At trial another attorney in my office made our opening statement and I examined all of the witnesses, did the closing argument and made all motions. Mr. Johnson was found not guilty in the face of an eye witness who identified Mr. Johnson as the shooter. Mr. Johnson's cell phone was recovered within a few feet of the deceased. I knew that I had worked hard on the case and that I was prepared and could try a great case; however, in our humbling business that doesn't guarantee a favorable result. There were no lesser included offenses charged to the jury so it was all or nothing once the jury got the case. The jury returned a verdict of not guilty. I believe this case is significant because it is an example why it is the client's decision as to whether or not to plead or go to trial. Had Mr. Johnson taken my advice, he would be in prison for a considerable length of time. Even when I was advising him that he should take his deal, I also made sure I reiterated that it is his decision and not mine. Many times clients don't stand their ground. Mr. Johnson did and it worked in his favor.

(e) *State v. Calvin Jermaine Pompey* Unpublished Opinion Number 2015-UP-280: This was a case where Mr. Pompey was charged with murder in a shooting outside of a night club in Marion, SC. There had been an altercation inside the club and Mr. Pompey and the people he came with left and went to their car. An individual from the club who was involved in the altercation ran towards Mr. Pompey's vehicle and appeared to be reaching under his shirt giving the appearance of reaching for a weapon. Mr. Pompey was sitting in the passenger seat but had not had the opportunity to close the door. The deceased began entering the car to attack Mr. Pompey. Mr. Pompey got a hand gun out of the glove compartment of the car and fired one shot, killing the individual. I made a motion to dismiss based under the Protection of Persons and Property Act. A hearing was held before The Honorable D. Craig Brown and Judge Brown found that Mr. Pompey was justified in his actions and that the state was barred from prosecuting him pursuant to the act. The state appealed and the Court of Appeals upheld Judge Brown's ruling in the above referenced unpublished opinion.

Mr. Meetze reported he has not personally handled any civil or criminal appeals.

Mr. Meetze further reported the following regarding unsuccessful candidacies:

(a) Candidate for Twelfth Judicial Circuit Public Defender, January 2008
I was not nominated for the position.

(b) Candidate for Twelfth Judicial Circuit Public Defender, December 2011
I was not nominated for the position

(c) Candidate for Judge, Circuit Court At-Large, Seat 16, fall of 2012
Qualified but not nominated.

(d) Candidate for Judge, Circuit Court At-Large, Seat 9, fall of 2014
Qualified but not nominated.

- (e) Candidate for Judge, Circuit Court, At-Large, Seat 10, fall of 2015
Withdrew.
- (f) Candidate for Judge, Circuit Court At-Large, Seat 1, fall of 2016
Qualified but not nominated.
- (g) Candidate for Judge, Circuit Court At-Large, Seat 13, fall of 2019
Qualified but not nominated.

(9) **Judicial Temperament:**

The Commission believes that Mr. Meetze's temperament would be excellent.

(10) **Miscellaneous:**

The Pee Dee Citizens Committee on Judicial Qualification found Mr. Meetze 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 evaluative criteria of constitutional qualifications, physical health, and mental stability.

Mr. Meetze is married to Anna Braddock. He does not have any children.

Mr. Meetze reported that he was a member of the following Bar and professional associations:
Public Defender's Association: At-Large Representative 2014-present

Mr. Meetze provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) President: United Methodist Men, First United Methodist Church, Marion, SC.
- (b) Member: Finance Committee, First United Methodist Church, Marion, SC.

Mr. Meetze further reported:

I grew up in a very supportive family and was fortunate to associate myself with friends that served as very positive influences. These influences from my friends and family played a significant role in shaping me as a person. They have taught me patience, respect and have instilled in me a tremendous work ethic. Most important, these influences and role models from my parents and family as well as friends both inside and out of the legal profession, taught me how to treat people. I have always believed that the best judges are the ones that treat people with respect and display the proper temperament for the job. I truly believe that these are the qualities that best lend themselves to effective judicial service. If I were to be elected, I would be the kind of judge that worked hard, made decisions on a timely basis and treat everyone that either appeared before me or worked in the court system with the respect they all deserve.

(11) **Commission Members' Comments:**

The Commission noted that Mr. Meetze presented as extremely intelligent with an excellent temperament and a wealth of trial experience.

(12) **Conclusion:**

The Commission found Mr. Meetze qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 12.

David W. Miller
Circuit Court, At-Large, Seat 12

Commission's Findings: **QUALIFIED, BUT NOT NOMINATED**

(1) Constitutional Qualifications:

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

Mr. Miller was born in 1972. He is 48 years old and a resident of Aiken, South Carolina. Mr. Miller 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. Miller.

Mr. Miller 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. Miller reported that he has not made any campaign expenditures.

Mr. Miller 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. Miller 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. Miller to be intelligent and knowledgeable.

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

- (a) I have lectured at the S.C. Prosecution Commission's Prosecution Boot Camp each year since 2012. At the Boot Camps, Senior Assistant and Deputy Solicitors are given specific topics to cover during instructional periods and all instructors participate in discussion and performance workshops. Instructors critique students on their performances with assigned fact patterns and lead group discussions. I taught the following individual classes to the participants over the years listed: Hearsay (2013, 2014, 2015) Sentencing Fundamentals (2013, 2014), Guilty Pleas: Negotiations, Agreements and Procedure (2016, 2017, 2018).
- (b) I made two presentations for the S.C. Bar's pro bono project, Legal Lessons: A series for the Public in 2012. The Legal Lessons series was a program to introduce members of the public to specific areas of the law by providing classes taught by lawyers with experience in that practice area. The courses were scheduled at the local technical college over the course of several consecutive weeks and included a one hour class on each subject along with a question-and-answer period afterward. I presented an "Overview of the South Carolina State Courts" (09/17/2012) and "Criminal Law" (10/29/2012).
- (c) I have lectured at the S.C. Solicitor's Association Annual Conference since 2017. I have conducted classes covering several evidence-related topics. In 2017, I presented a lecture titled "Obtaining Evidence Lawfully" that focused on unusual or technical situations where prosecutors are called upon to obtain evidence in cases using specific types of court orders. This lecture was presented in coordination with Senior Deputy Attorney General Don Zelenka, who presented a companion lecture titled "Getting and Using Evidence-Problems, trends, and the Appellate Courts".

In 2018, I presented a lecture titled “Investigating and Prosecuting Animal Abuse Cases” that focused on the unique aspects of investigating and prosecution of animal abuse cases including societal attitudes that impact presentation of evidence to juries and the impact of social media and public outcry on courts’ sentencing. I also presented a “follow-up” to the 2017 lecture called “Using Search Warrants, Subpoenas, and Court Orders”. This lecture discussed the appropriate use of search warrants and court orders to obtain evidence in criminal prosecutions, focusing on ethical and procedural concerns and how those concerns impact communication with law enforcement agencies.

(d) Following my lecture at the SCSA Annual Conference, I was invited to be a guest facilitator for a workshop on Investigating and Prosecuting Animal Abuse cases at the Southeast Animal Alliance Annual Conference in Augusta, Georgia. The workshop took law enforcement personnel through the process of investigating and documenting a complaint to testifying at trial, where I served alternately as the prosecutor and the defense attorney for various witnesses.

(e) In 2019, I was a co-presenter in a two hour block of training focused on issues concerning animal cruelty for the South Carolina Summary Court Judges’ annual training.

Mr. Miller reported that he has not published any books or articles.

(4) Character:
The Commission’s investigation of Mr. Miller did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Miller did not indicate any evidence of a troubled financial status. Mr. Miller has handled his financial affairs responsibly.

The Commission also noted that Mr. Miller 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. Miller reported that his rating by a legal rating organization, Martindale-Hubbell, is A/V.

Mr. Miller reported the following military service:
1991-95 U.S. Marine Corps Active Duty, Corporal, Honorable Discharge
1995-96 SMC Reserve, Corporal, Honorable Discharge

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

(6) Physical Health:
Mr. Miller appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Miller appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Miller was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:
(a) 2001-2002 Law Clerk for The Honorable Rodney A. Peebles

- (b) 2002-2004 Robert J. Harte, P.C. - Associate attorney involved in general litigation matters representing plaintiffs and criminal and civil defendants.
- (c) 2004-2009 Smith, Massey, Brodie, Guynn & Mayes, P.C. - Associate attorney involved in general litigation matters representing plaintiffs and criminal and civil defendants.
- (d) 2009-2013 Office of the Solicitor, 2nd Judicial Circuit - Assistant Solicitor prosecuting felonies and misdemeanors in the General Sessions and Magistrate courts, and handling appeals from magistrate and municipal courts.
- (e) 2013-2015 Office of the Solicitor, 2nd Judicial Circuit - Deputy Solicitor for Aiken County prosecuting felonies and misdemeanors in General Sessions, coordinating prosecution/docket management for Aiken County, and working special Information Technology projects for the Office. In this position my administrative tasks included management of staff and oversight of dockets for individual court terms.
- (f) 2015-Present Office of the Solicitor, 2nd Judicial Circuit - Deputy Solicitor for Barnwell and Bamberg Counties prosecuting felonies and misdemeanors in the General Sessions and Magistrate courts, continuing to work as needed on cases in Aiken County, and continuing implementation of technology initiatives throughout the Second Judicial Circuit. Administrative duties in this position increased to include input with the elected Solicitor on office personnel, budgetary needs, equipment and space issues, preparation of performance appraisals of employees, complete management of criminal dockets in both counties, and coordination of terms of court with incoming judges and other court personnel. Additionally, I coordinate training for law enforcement personnel throughout the circuit and in other jurisdictions while continuing to train other lawyers under my supervision.

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

My first job as a member of the South Carolina Bar was working as a law clerk for The Honorable Rodney A. Peeples. I then practiced as a private attorney for seven years before becoming an Assistant Solicitor and, later, a Deputy Solicitor in charge of two counties in our circuit. Through this experience, I have handled many different types of cases, both civil and criminal.

Before joining the Solicitor's Office, I defended numerous criminal cases involving defendants charged with everything from murder and criminal sexual conduct to Driving Under the Influence. Additionally, I represented both plaintiffs and defendants in civil matters while in private practice. As an associate attorney in a medium sized firm, I handled diverse civil litigation matters ranging from personal injury cases to contract disputes in Common Pleas and Magistrate courts. I was personally involved in the litigation involving the Estate of James Brown before leaving private practice. My civil practice was necessarily diverse because of my firm's limited market. Our firm did not advertise for personal injury cases, and most of the civil matters I handled were taken on an hourly fee basis. I handled contract disputes between businesses, land disputes and nuisance claims, will contests, mechanic's lien cases, and condemnation claims. I was also occasionally appointed by the Circuit Court as a Special Referee to hear non-jury civil claims.

I have prosecuted hundreds of cases as an Assistant, and now Deputy Solicitor, in the Second Judicial Circuit. Many of these cases were violent felonies including multi-defendant armed robbery cases, murders and home invasions. In the past five years, I have practiced exclusively in criminal court. During that time I have handled over one thousand cases, including several jury trials. In those cases, and cases that resulted in resolutions prior to trial, I have dealt with motions to suppress evidence, *Neil v. Biggers* hearings, *Jackson v. Denno* hearings, motions in limine, as well as other motions. I have been responsible for presenting expert witness testimony and have been called upon to cross examine expert witnesses called by the defense. I have frequently been asked to draft Orders for the Court following rulings on complex factual or legal issues.

My experience as a criminal defense attorney has shaped the way I prosecute cases throughout my career as a prosecutor. Lengthy, sometimes life-long, prison sentences can be necessary to protect

society from a particular person, but those situations are, fortunately, extremely rare. I pride myself in my ability to work with the defense bar and judges to come up with fair and just resolutions to cases. I also take pride in my reputation as a capable trial attorney if a resolution cannot be reached.

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

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

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

- (a) civil: 1% (Post-Conviction Relief Actions)
- (b) criminal: 84%
- (c) domestic: 0%
- (d) other: 15% (Administrative)

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

- (a) jury: 80%
- (b) non-jury: 20%

Mr. Miller provided that during the past five years he most often served as lead counsel: I most often serve as chief counsel in jury trials in Barnwell and Bamberg Counties, but have also frequently appeared as associate counsel when one of the junior lawyers under my supervision is trying a case.

The following is Mr. Miller's account of his five most significant litigated matters:

- (a) *David Mark Hill v. State of SC*, 377 S.C. 462, 661 S.E.2d 92 (2008). This case was a Capital PCR where the Petitioner ultimately waived his rights to appeal and was put to death. This case is significant to me for many reasons. It was the first, and only, time I argued a case before the South Carolina Supreme Court. I was criticized for helping Hill waive his appeals and proceed with imposition of the death sentence by other lawyers that handled capital litigation. Although I disagreed with Hill's decision to waive his appeals, I had no doubt Hill was competent to make that decision, so I was obligated to assist him seeking the waiver. But the most impactful thing about the case was that my client requested that I be one of his witnesses when the sentence was carried out, so I ultimately watched my client be put to death on June 6, 2008.
- (b) *State of SC v. Honorio Gurrero*, 382 S.C. 620, 677 S.E.2d 603. This was an extremely complex case logistically because it involved four defendants (none of whom spoke English) and four different defense attorneys. All of the defendants were tried together. This case is also significant to me because it was the first criminal case I ever defended in General Sessions Court. It was also the first case that I had overturned on appeal when the South Carolina Supreme Court agreed with me that a directed verdict in favor of my client should have been granted at the close of the State's case.
- (c) *State of SC v. Michael Paul Buckmon*. Michael Paul Buckmon and Matthew Bolen sexually assaulted and killed Donna Dempsey in Barnwell County on November 1, 2013. Her home was set on fire in an attempt to conceal the sexual assault and subsequent burglary of the residence. The SLED investigation of the crime spanned from Allendale County to Pickens County and resulted in a nearly 800 page investigative report. The SLED arson investigator and several SLED analysts were qualified as experts in the case and offered testimony concerning the evidence collected during the investigation. There were very few lay witnesses in the case because many people were fearful of Buckmon. He had previously been convicted of murder and sentenced to life but later had his conviction overturned by the Supreme Court. The case was very difficult to organize and present to the jury in a logical fashion because of the sheer

volume of evidence to be presented. Buckmon was convicted of murder, arson in the first degree, and criminal sexual conduct in the first degree at trial and sentenced to life.

(d) *State of SC v. Leon Amos Jason James.* This was a multi-defendant armed robbery in Bamberg County. I tried the case against two of the most respected lawyers in Bamberg and was able to obtain a conviction on all charges. The Defendant was sentenced to life pursuant to S.C. Code §17-25-45 because he had prior convictions for armed robbery. I also convicted one of the co-defendants in a separate trial. He was given a life sentence because he had several prior armed robbery convictions. The third co-defendant in the case pled guilty but did not testify in either trial for the State.

(e) *State of SC v. Demetrius Boyd.* This was a home invasion case where I was appointed to represent the Defendant. He was charged with Burglary 1st Degree, Kidnapping, and Assault and Battery with Intent to Kill. The case is significant to me because the Defendant was one of the most difficult criminal defendants I ever represented, but I was convinced he was not guilty of the crimes he was charged with. Less than two weeks before the trial, I received the State's notice of intent to seek life without parole. We tried the case and the jury found the defendant not guilty on all charges.

The following is Mr. Miller's account of the civil appeal he has personally handled:

David Mark Hill v. State of SC, 377 S.C. 462, 661 S.E.2d 92 (2008). South Carolina Supreme Court, April 28, 2008.

Mr. Miller reported that he has not personally handled any criminal appeals.

Mr. Miller further reported the following regarding unsuccessful candidacies:

I was a candidate for Circuit Judge, At-Large Seat 14, in the Fall of 2012. I was found to be qualified but not nominated by the Judicial Merit Selection Commission.

I was a candidate for Circuit Judge, At-Large Seat 1, in the Fall of 2016. I withdrew from the race before the Judicial Merit Selection Commission reported on my candidacy.

I was a candidate for Resident Circuit Court Judge for the Second Judicial Circuit, Seat 1, in the Spring of 2019. I withdrew from the race after being found qualified and nominated by the Judicial Merit Selection Commission.

(9) Judicial Temperament:

The Commission believes that Mr. Miller's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Mr. Miller 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 evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in its summary statement, "Mr. Miller has excellent qualifications based on vast experience."

Mr. Miller is married to Christian Morton Miller. He has two children.

Mr. Miller reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar 2001 - Present;
- (b) Aiken County Bar, 2001 - Present, President 2004-06;
- (c) South Carolina Trial Lawyer's Association, 2001 - 2008, Member, Board of Governors 2005-08;

(d) South Carolina Association for Justice, 2014-Present (Public Sector Member)

Mr. Miller provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

2020 Ernest F. Hollings Award for Excellence in State Prosecution in General Sessions Court.

Mr. Miller further reported:

There are several moments in my career that have helped shape who I am. In 2006, I was appointed lead counsel on the Post-Conviction Relief Application for David Mark Hill, who was sentenced to death after he murdered three people in Aiken County in 1996. Ultimately, Hill decided to waive his appeals and asked that his death sentence be imposed. Following our appearance on the case before the South Carolina Supreme Court, Hill asked that I be present as his witness at his execution. I spent the last twelve hours of David Hill's life with him in a small cell at the Capital Punishment Facility of the South Carolina Department of Corrections. I witnessed his execution that evening.

In November of 2008, Strom Thurmond was elected Solicitor of the Second Judicial Circuit. In late December, he asked me to become an Assistant Solicitor for his office. It was a difficult decision for me because I had gotten married just a few weeks after his election. In less than ninety days, I went from a single, relatively successful private attorney living in a rented townhouse, to a married Assistant Solicitor living in my first home with my new wife and two children. In retrospect, there is no question I made the right decision when I joined Solicitor Thurmond's staff. Working as an Assistant Solicitor allowed me to be in the courtroom where I always dreamed I'd be. In addition to my prosecutorial duties, I was allowed to work with new attorneys in the office and formally mentor several of our lawyers through the SC Bar's lawyer mentoring program.

In December of 2011, Aiken Department of Public Safety Master Public Safety Officer Edward Scott Richardson was shot and killed by Stephon Carter. Two months later, Aiken Department of Public Safety Master Corporal Sandra Rodgers was shot and killed by Joshua Jones. These murders devastated our community. Solicitor Thurmond assigned me as the lead counsel in the Stephon Carter case and assigned Deputy Solicitor Beth Ann Young as the lead counsel in the Joshua Jones case. In November of 2012, Solicitor Thurmond determined our office would seek the death penalty against Stephon Carter.

For the next two and a half years, I was the lead attorney dealing with all matters involved in the case. Ultimately, we offered a plea agreement to Carter that would require him to spend life in prison without the possibility of parole. The decision to make the plea offer, and the defense's decision to accept the offer, was only possible because of the countless hours spent working the case and communicating with the officers at ADPS and family members of Officer Richardson.

During my time as an Assistant Solicitor and now as a Deputy Solicitor, I have taken on more administrative functions. Since May of 2015, I have been in charge of our "lowcountry" offices in Barnwell and Bamberg Counties. I have developed strong relationships with the defense bar, court personnel, and law enforcement agencies there. I have also managed the criminal dockets in both counties. For several months now, Barnwell and Bamberg have been two of only a handful of counties in South Carolina that meet the Supreme Court's mandate that at least 80% of the pending cases are less than a year old.

When I ran for Circuit Court Judge previously, I was asked many questions about my tenure as the law clerk for Judge Rodney Peebles. Judge Peebles was an incredible judge and remains an

amazing person. I continue to love and respect him; he is like a father to me, as he is for all of his former clerks. He had a style that was not unique when he came to the bench, but the world changed a lot in the three decades on the bench. Unfortunately, he did not always change the way he did things with the times. As much as I love and respect him, I would have a different demeanor on the bench. Academically, Judge Peeples had few equals. Some of the most influential and groundbreaking cases in South Carolina over the last half century have his name attached to them. In my experience, he dispassionately applied the facts to the law, and when the result wasn't fair, he said so, but he still followed the law. Occasionally, that resulted in the law changing, but his decision was going to be based on the law and the facts of the case as he understood them. This is the influence I hope Judge Peeples would have on me as judge. I know that I will be faced with tough decisions, but I will always do what I believe the law requires, even if I am not happy about the result. Judges should apply the law, not seek to change it.

Many other Judges have influenced the demeanor I would hope to have on the bench and are a model for judges. For example, Judge Thomas W. Cooper of Manning is the ultimate "lawyer's judge" to me. He commands control of the courtroom without anger or intimidation. He is fair to all litigants, and their lawyers. He makes informed, timely decisions without unnecessarily commenting on the matters before him. He is kind and courteous, and that civility extends from him to the opposing parties in the courtroom. As I have worked as a solicitor, and before in private practice, I have had the opportunity to appear before dozens of circuit court judges. The best of them have similarities that I have noticed and hope to emulate. Of particular note is the judicial demeanor of Judge William Keesley, Judge Clifton Newman, Judge Early and Judge Casey Manning. Each of them, in their own way, display the best of judicial demeanor and temperament and watching them has prepared me for the challenge of becoming a circuit court judge.

My desire to ascend to the Circuit Court bench is driven by my desire to improve the judicial system in South Carolina. I have learned and always tried to emulate the best attributes of the lawyers and judges I have known. Being a solicitor has allowed me a great opportunity to observe many judges in the courtroom. In each judge, I looked for the things they did that I would want to do if I was in their position. I feel I am ready to take on that challenge, and to become an example to the lawyers that will follow in my footsteps. My desire to be a Circuit Court Judge is not "the next step", it is the culmination of the career of a trial attorney. That certainly does not mean I don't have room to grow, just that I have never been and do not seek to be an appellate lawyer or judge. I want to be the best circuit court judge in South Carolina.

(11) Commission Members' Comments:

The Commission commented that Mr. Miller was an exceptional attorney and was known in his position as deputy solicitor to be approachable, diligent and fair.

(12) Conclusion:

The Commission found Mr. Miller qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 12.

**Franklin G. Shuler Jr.
Circuit Court, At-Large, Seat 12**

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Shuler was born in 1955. He is 65 years old and a resident of Columbia, South Carolina. Mr. Shuler 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 1986. He was also admitted to the Alabama Bar in 1983, and the Florida Bar in 1984.

(2) Ethical Fitness:

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

Mr. Shuler 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. Shuler reported that he has made \$1,781 in campaign expenditures for fingerprints, stationary, envelopes, stamps, photography, post cards, CLE fees, and 2 SC Bar books on Criminal law.

Mr. Shuler 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. Shuler 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. Shuler to be intelligent and knowledgeable.

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

I have made numerous presentations on employment, ethics and mediation related topics on the local, state and national basis. This is not a complete list, as I stopped keeping track of all the seminars and programs I taught. It does not include the occasions I spoke to business classes at USC about harassment and non-discrimination.

- (a) Stress, Mental Disorder and Other Invisible Disabilities: What You Don't See Can Hurt You, February 10, 1998, Council On Education in Management ("COEM");
- (b) Employee Handbooks March 6, 1998, National Business Institute;
- (c) Employers Alert! Negotiating the Hidden Hazards of Employee in the Contingent Workforce, August 19, 1998, COEM;
- (d) State and Federal Employment Laws, November 11, 1998, SC Primary Care Association;
- (e) From Mental Disabilities to Managed Diseases – Measuring The Impact of Invisible Disabilities in the Workplace, December 1, 1998, COEM;
- (f) 1999 Mid-Year SC Bar Meeting, Employment & Labor Law Section, Program Moderator;
- (g) Avoiding the Emergence of Common Exempt/Non-Exempt Classification Mistakes that Will Leave You Exposed to Back Pay and Overtime Liability, February 2, 1999, COEM;
- (h) How to Manage the Cross-Over of FMLA, ADA and Workers' Comp to Maintain a Productive, Non-Litigious Work Force April 8, 1999, COEM;
- (i) Effective Use of Alternative Dispute Resolution in Resolving Discrimination, May 5, 1999, SC Chamber of Commerce;
- (j) SC Labor and Employment Law, Title VII – Sex Discrimination, June 25, 1999, SC Bar;

- (k) Mastering the Big Three Overlap: Effectively Managing ADA, Workers' Comp and FMLA, August 30, 1999, COEM;
- (l) Program Moderator, 15th Annual NC/SC Labor & Employment Law Seminar October 1999, SC Bar;
- (m) Program Chair and Moderator, Defense Research Institute's (DRI) 24th Annual Employment Law Seminar May 5, 2000;
- (n) Emerging Trends in the FLSA After *Alden v. Maine*, May 5, 2000, DRI;
- (o) Avoid the Most Common and Surprising Legal Pitfalls in Your Reference Checking Practice, June 14, 2000, COEM;
- (p) Employment Laws: A Primer for Municipal Attorneys, December 1, 2000, Municipal Association of SC;
- (q) Exempt or Non-Exempt: Why Is the FLSA So Confusing and Legally Devastating if Your Classification is Wrong, September 17, 2001, COEM;
- (r) Ethics of Mediation, Arbitration & Negotiation, Employment Law Section of the SC Bar November 30, 2001, SC Bar;
- (s) The Very Basics of Labor and Employment Law, October 21, 2002, South Carolina Workers' Compensation Educational Association;
- (t) The Very Basics of Employment Policies, October 25, 2002, S.C. Library Association/Southeastern Library Association Conference;
- (u) Emerging Trends Under the Fair Labor Standards Act, April 29, 2004, Defense Research Institute – Chicago, IL (1 hour);
- (w) Employment Laws: A Primer for Municipal Attorneys, December 2, 2005, Municipal Association of SC;
- (x) Employment Law Update – What is New That Affects You, April 19, 2007, Columbia Society for Human Resources Management (1 hour);
- (y) The Nuts, Bolts, Screws and Washers of Employment Law, November 3, 2007, 23rd Annual NC/SC Labor & Employment Law Seminar;
- (z) ERISA Remedies and Mediation February 25, 2008, Litigating ERISA Claims, NBI (1 hour);
- (aa) The Nuts, Bolts, Screws and Washers of Employment Law Redux, May 21, 2008, Recent Developments in Employment and Labor Law, SC Bar (1 hour);
- (bb) The Employment Law Generalist – Navigating a Panoply of Laws, April 30, 2009, DRI Employment Law Seminar, DRI (45 minutes);
- (cc) Employment Law Update: Part 1: A Review of Significant Case Law from U.S. Supreme Court and U.S. Court of Appeals (2010-2011), ExecuSummit, Sept. 20, 2011;
- (dd) Harassment and Discrimination 101, USC business law class invited lecturer (3 times);
- (ee) Winning at Mediation, July 24, 2015, SCDTAA;
- (ff) A Pirate's Parlay: What is New in Employment Law in 2017, moderator, 48th Annual SE RIMS Conference (September 21, 2017);
- (gg) Mediation, Settlement Agreements and Separation Agreements, July 27, 2018, Employment Law Essentials Program, SC Bar;
- (hh) Mediation, Settlement Agreements and Separation Agreements, August 16, 2019, Employment Law Essentials Program, SC Bar.

Mr. Shuler reported that he has published the following:

- (a) "Book Review: *Effective Legal Negotiations and Settlement* by Charles B. Craver," 9 Am. J. Trial Advocacy 497 (1986);
- (b) *Employment Discrimination and Other Employment-Related Claims after Burke: When Are Amounts Received Taxable?* 9 The Labor Lawyer 189 (1993);
- (c) "Burke Revisited: Taxation of Employment Related Damages," 4 South Carolina Lawyer 23 (March/April 1993);

- (d) *The Family and Medical Leave Act of 1993: The First Two Years*, 7 The South Carolina Policy Forum 34 (1996);
- (e) *Model Employee Policies for South Carolina Employers* (S.C. Chamber of Commerce 1996) (eight editions before becoming an online publication);
- (f) Contributing Author, *Labor and Employment Law for South Carolina Lawyers* (S.C. Bar 2007) (all five editions);
- (g) Contributing Author, *Jury Instructions for Employment Defense Litigators* (DRI 2007);
- (h) *Privacy Interests in Employment After Quon*, For The Defense 61 (June 2011) (co-authored with Michelle Clayton).

(4) **Character:**

The Commission's investigation of Mr. Shuler did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Shuler did not indicate any evidence of a troubled financial status. Mr. Shuler has handled his financial affairs responsibly.

The Commission also noted that Mr. Shuler 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. Shuler reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Shuler reported being listed by the following legal rating organizations as follows:

- (a) 2014 Distinguished Lawyer Award, South Carolina Bar, Employment and Labor Law Section;
- (b) South Carolina Supreme Court, Certified Specialist, Employment and Labor Law, 1992-present;
- (c) South Carolina Supreme Court, Certified Mediator, 1999-present
- (e) South Carolina Super Lawyers, Employment Law, 2008-2020;
- (f) Best Lawyers in America, Alternative Dispute Resolution, 2008-2016;
- (g) Best Lawyers in America, Mediation, 2017-2020;
- (h) Best Lawyers in America, Litigation: Labor and Employment, 2017-2020;
- (i) Best Lawyers in America, Litigation: ERISA, 2017- 2020;
- (j) Best Lawyers in America, Employee Benefits (ERISA) Law, 2014-2020;
- (k) Best Lawyers in America, 2005-2020;
- (l) Best Lawyers' 2020Columbia, SC Employee Benefits (ERISA) Law "Lawyer of the Year";
- (m) Best Lawyers' 2019 Columbia, SC Mediation "Lawyer of the Year";
- (n) Best Lawyers' 2018 Columbia, SC Employment Law - Management "Lawyer of the Year";
- (o) Best Lawyers' 2017 Columbia, SC Litigation - Labor and Employment "Lawyer of the Year";
- (p) Best Lawyers' 2016 Columbia, SC Litigation - ERISA "Lawyer of the Year";
- (q) Best Lawyers' 2015 Columbia, SC Employee Benefits (ERISA) Law "Lawyer of the Year";
- (r) Chambers USA: America's Leading Lawyers for Business, Employment Law, 2007, 2012-2019.

Mr. Shuler reported the following military service:

3/22/77 – 9/29/80 (active duty); 9/30/80 – 10/23/86 (Individual Ready Reserve) United States Marine Corps; Captain; Honorable. See attached Appendix A.

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

(6) Physical Health:
Mr. Shuler appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Shuler appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Shuler was admitted to the South Carolina Bar in 1986. He was also admitted to the Alabama Bar in 1983 and the Florida Bar in 1984.

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

- (a) Brown, Hudgens, Richardson, Whitfield & Gillion – Mobile, Alabama
Associate in a 20-person defense litigation firm. Duties included all aspects of a civil litigation practice including trial and appellate work in state and federal court. Practice included insurance contract interpretation, property/arson litigation, and automobile accidents. (January 1983 to June 1984).
- (b) Cooper, Mitch, Crawford, Kuykendall & Whatley – Birmingham, Alabama
Associate and then Partner in 13-person labor and employment law firm that primarily represented employees and unions. Involved in all aspects of a litigation practice including handling matters: in state and federal court; bankruptcy court; before the NLRB; and in arbitration. Primary practice areas: NLRA, LMRA, LMRDA, ADEA, FLSA, ERISA and Title VII. (June 1984 to December 1991).
- (c) Quinn, Arndt, Patterson & McIntosh – Columbia, South Carolina
Associate in small general litigation firm. Primarily worked on matters I brought with me including two class action ERISA retiree benefits cases in which I represented the retiree class. Other litigation of note included defending large class action environmental case and obtaining defense verdict (second chair) in a case involving alleged negligent reference check. (January 2, 1992 to May 14, 1993).
- (d) Turner, Padgett, Graham & Laney, P.A. – Columbia, South Carolina
Associate then Shareholder in the Columbia office of approximately 80 lawyer firm. General employment law counseling to a wide range of employers. Litigation and counseling practice representing employers in state and federal courts in employment related matters and actions based on state law claims of retaliatory discharge, breach of a handbook and breach of a covenant not to compete. I was hired to develop an employment practice. During the period I was developing the practice, I handled foreclosures, collections, bankruptcies and other cases arising from the debtor/creditor relationship. Handled a number of insurance (life/disability/accidental death & dismemberment) cases. Served as outside counsel for an institution of higher education and a charter school. Have mediated close to 600 cases. Member, Management Committee, 1998–2001; Team Leader, 1996-2003; employment counsel the majority of the time for the firm, which was from May 17, 1993 to present. I have the authority to sign on all accounts, including trust accounts; however, the firm's CFO actually handles the management of the accounts.

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

I have handled two criminal cases in my career: (1) an assault & battery claim arising out of a workplace incident that was tried before a jury in Allendale Summary Court on August 13, 1997, which resulted in a defense verdict; (2) a criminal contempt proceeding in Tennessee state trial court in the early 1990s. The issue arose from the alleged violation of an injunction arising from picketing. I cannot tell you the parties or court 30 years later. I do remember I got a defense verdict.

My only other “criminal” experience arises in the context of civil matters, Post-Conviction Relief (PCR). I have handled at least five court-appointed PCRs, all of which “tried,” and at least one of which we took depositions and sought certiorari with the South Carolina Supreme Court. See *Kinard v. Battle*, No. 5:14-4391-BHH, 2016 U.S. Dist. LEXIS 35494 (D.S.C. Jan. 28, 2016), report and recommendation adopted, 2016 U.S. Dist. LEXIS 33617 (Mar. 16, 2016), appeal dismissed by, certificate of appealability denied, 2016 U.S. App. LEXIS 20615 (4th Cir. S.C., Nov. 17, 2016) (discussing the underlying issues in the PCR case in the context of a habeas corpus proceeding). All required me to learn criminal law to effectively represent my client.

As should be clear from any review of my PDQ, I am a labor and employment lawyer by trade since 1984; however, civil litigation has always been at the center of my practice over the years although the form has changed over time. As a central part of my litigation practice, I have written innumerable briefs. Although I attended USC Law School for only one summer semester, I had the good fortune to have Professor Thomas Haggard for a writing credit. I learned more in that course that has helped me during my career than any other course I took in law school. I pride myself in my ability to research and write.

My first associate position was with an insurance defense firm in Mobile, Alabama. During the year with the firm, I was able to second chair three federal court jury trials. I also tried my first solo jury trial, as well several bench trials in disputes under \$5000.

While practicing with Cooper, Mitch in Alabama from June 1984 through December 1991, I represented plaintiffs, unions, and employees. This particular position presented a unique opportunity because the firm split after I accepted the job, but before I started. I was thrust into a federal court trial practice with only one year of experience. The first case I ever tried in South Carolina – before I ever moved here – was a four-day jury trial in federal court where I was lead counsel for the defendant union. See *Smith v. Local 7898, United Steelworkers of America*, 834 F.2d 93 (4th Cir. 1987). I tried 30+ arbitrations along with several jury and non-jury trials in Alabama, Tennessee, South Carolina, and Virginia during this period, not to mention trying untold cases before the NLRB and handling more injunction hearings than I care to remember. Because of the economic downturn in the 1980s, I even tried two employment-related cases in Bankruptcy Court, one in Tennessee and the other in Texas. I argued cases in the Alabama Supreme Court, and briefed or argued cases in the Fourth, Sixth and Eleventh Circuit Courts of Appeal during this period.

Since moving to my present firm in 1993, my practice has primarily included the representation of defendants/employers. Most employment cases result in either summary judgment or settlement. This, and the fact that most cases today are subject to mandatory mediation, has limited my opportunities to try cases recently.

I have handled every kind of employment case imaginable although my present practice consists of approximately 50% ERISA cases, which are non-jury and are resolved by way of cross-briefs if not settled. Additionally, over the years I have routinely practiced in other areas of the law (unfair trade practices, bankruptcy, commercial litigation, debt collection and foreclosure, arson, director and officer liability, public entities).

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

(a) Federal: I have very few actual court appearances in the last five years. I have filed answers in more than 240 cases in the last five years, all of which were resolved by settlement (most) or motion. I can think of only three actual appearance in court for a hearing, one of which was for jury selection. That

case settled on the courthouse steps. The last case I tried was in December 2014. Over the course of my career I have had more than 10 but less than 20 federal court jury trials.

(b) State: I have not tried any cases in State Court within the last five years. Most of my appearances during this period have been related to motion hearings, of which there have probably been more than 10 but not 20. Quite frankly, the last time I tried a state court jury trial was in 2004. I have tried non-jury matters but mostly these were in family court for TPR See SCDSS v. Sarah W., 402 S.C. 324, 721 S.E.2d 739 (2013), cert. denied, 571 U.S. __ (October 7, 2013)) or PCR in Circuit Court. As with my federal court employment practice, most cases settled.

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

- (a) Civil: 85%;
- (b) Criminal: 0%;
- (c) Domestic: 0%;
- (d) Other: 15%.

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

- (a) Jury: 25%;
- (b) Non-jury: 75%.

Mr. Shuler provided that during the past five years, he most often served as lead counsel.

The following is Mr. Shuler's account of his five most significant litigated matters:

- (a) *SCDSS v. Sarah W.*, 402 S.C. 324, 721 S.E.2d 739 (2013), cert. denied, 571 U.S. __ (October 7, 2013). This was a court-appointed termination of parental rights case. I argued whether section 63-7-2570(8) of the South Carolina Code is unconstitutional when it is the only basis for the termination of parental rights. I lost 3-2 at the South Carolina Supreme Court. I felt that my client should not lose her parental rights solely based on the passage of time and, therefore, unsuccessfully sought certiorari at the United States Supreme Court.
- (b) *Armistead v. Vernitron Corp.*, 944 F.2d 1287 (6th Cir. 1991) I was able to obtain lifetime insurance benefits for a class of retirees. The case has been cited 350 times. Issues included the application of equitable estoppel in the context of a collective bargaining agreement (union contract) and ERISA benefit plan, admission of extrinsic evidence, reformation, and the standard for awarding attorney's fees in an ERISA cases. The case was mentioned by the Supreme Court in *M&G Polymers, USA, LLC v. Tackett*, 574 U.S. 427 (2015).
- (c) *MacPherson v. University of Montevallo*, 922 F.2d 766 (11th Cir. 1991). This addressed the issue of disparate impact in ADEA cases, which at the time was a novel theory. Ultimately, the issue was resolved in *Smith v. City of Jackson*, 544 U.S. 228 (2005), which noted the MacPherson decision in both the majority and concurring opinions. Also, this case addressed the concept of market forces as an explanation for wage discrepancy.
- (d) *Carbis v. Transbulk System, et al.*, not reported (2004, tried in Richland County Circuit Court). I was able to obtain defense verdict in less than 30 minutes after a four-day trial. Claims pled against my clients were civil conspiracy, breach of fiduciary duty, misappropriation of trade secrets, breach of contract accompanied by fraudulent act, and tortious interference with contract.
- (e) Case name unknown. Case was tried in November 1988. It was tried in the Eastern District of Virginia a/k/a the Rocket Docket. It taught me about trial prep, organization for trial, and the use of exhibits. The methods I learned over 30 years ago I still use today although with the

advent of courtroom technology some of it no longer applies. I obtained a directed verdict for my client. I remember the time and place of the case if not the name because while I was trying the case my wife learned she was pregnant.

The following is Mr. Shuler's account of five civil appeals he has personally handled:

- (a) *SCDSS v. Sarah W.*, 402 S.C. 324, 721 S.E.2d 739 (2013), cert. denied, 571 U.S. __ (October 7, 2013);
- (b) *Armistead v. Vernitron Corp.*, 944 F.2d 1287 (6th Cir. 1991) (I tried the case and assisted on briefs in the Circuit Court);
- (c) *Smith v. Local 7898, United Steelworkers of America*, 834 F.2d 93 (4th Cir. 1987) (I tried the case and assisted on briefs in the Circuit Court);
- (d) *Heatley v. Brittingham, Dial & Jeffcoat*, 320 S.C. 466, 465 S.E.2d 763 (Ct. App. 1996), cert. dismissed as improvidently granted, 328 S.C. 23, 494. S.E.2d 429 (1997);
- (e) *Lewis v. Trustmark Ins. Co.*, 1999 U.S. App. Lexis 15746 (4th Cir. July 12, 1999).

Mr. Shuler reported that he has not personally handled any criminal appeals.

Mr. Shuler further reported the following regarding unsuccessful candidacies:

I have been a candidate for a United States Magistrate Judge for the District of South Carolina (2008, 2010, 2014, 2019). I have been selected for the interview (usually limited to 10) on three occasions but not selected.

(9) **Judicial Temperament:**

The Commission believes that Mr. Shuler's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Mr. Shuler to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, and reputation; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, judicial temperament, and experience. The Committee noted, "Well qualified but lacking in criminal experiences."

Mr. Shuler is married to Jane Opitz Shuler. He has one child.

Mr. Shuler reported that he was a member of the following Bar and professional associations:

- (a) Alabama State Bar (Member, 1983 – present); Labor and Employment Law Section (Member, 1984-1992; Board Member, 1991);
- (b) Florida Bar (Member, 1984 – present);
- (c) South Carolina Bar (Member, 1986 – present); Labor and Employment Law Section (Member, 1993-present; Officer, 1998-2006; Chair 2003); Employment and Labor Specialization Advisory Board (Member, 1999; Chair, 2000–2002; Member, 2009; Chair 2010 to 2014); Alternative Dispute Resolution Section (Member);
- (e) DRI (formerly known as Defense Research Institute) (Member, 1997- present); Labor and Employment Law Committee (Program Chairperson, 2000; Co-Editor, The Job Description, 2001–2002; Committee Vice-Chair, 2002-2004; Committee Chair, 2004-2006);
- (f) Richland County Bar Association (Member);
- (g) South Carolina Defense Trial Attorneys Association (Member).

Mr. Shuler provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

I am including more than the last five years because I believe it is my indicative of my service to the community outside of the legal profession.

- *Eastminster Presbyterian Church*
Member of Diaconate; 1996-1997; Chair, Property Committee;
Member of Session; 1999 – 2001; Chair, Personnel Committee; Chair, Long Term Transition Team;
Member of Session; 2008 – 2010; Vice-Chair Long Term Transition Team; Chair, Personnel Committee;
President, Susan McGahee Sunday School Class (1999 – 2005);
Cub Scout Pack 10; Den Leader (1996, 1998);
Boy Scout Troop 10; Assistant Scoutmaster (2001); Troop Committee Chairperson (2002-2007);
- *Trinity Presbytery, Presbyterian Church U.S.A.*
Personnel Committee (member 2009 –2018; Chair 2013-2018);
- *Homeowners Association of Lake Katharine, Inc.*
Member of Board of Directors 2002-2005; President 2004 –2005;
- *South Carolina Chapter of US Lacrosse*
Official – 2008 to 2018;
- *South Carolina Lacrosse Officials Association, Inc.*
Incorporator;
Recording Secretary – 2008 to 2013;
Treasurer – 2013 to 2018;
- *West Point Parents Club*
Member 2009 – 2013, Co-President, 2011-2012;
- *U.S. Yorktown CV10-Association, Inc.*
Board Member – 2013 to present.

Mr. Shuler further reported:

The greatest honor I have ever received as a lawyer came not from the various forms of recognition I have received, although to be honest the Distinguished Lawyer award from the Employment and Labor Law Section of the S.C. Bar is very special. Rather, it was a private note from a young lawyer whom I did know and to this day have never met in person,¹ which I received after arguing *SCDSS v. Sarah W.* in the South Carolina Supreme Court as follows:

I had the pleasure of watching you argue an appointed TPR in the Supreme Court today, and I had to write you. Thank you for the first-hand lesson on what being a lawyer should be about, on advocacy, and on intensity. In my admittedly short time as a member of the bar, I have encountered far too many examples of what not to do, how not to act, what not to say. Thank you for restoring my faith in our profession and reminding me why I love the law. I hope that you know how much an impressionable, young lawyer appreciates you, wants to emulate you, and learned from you today. You are a modern day Atticus.

With many thanks and admiration....

The lawyer who argued *SCDSS v. Sarah W.* is the person I will strive to be everyday as a judge: one well versed in the law but understanding that at the heart of any matter are the parties.

¹ I obtained the permission of the lawyer who wrote me the note to use it in this response. This was my first and only occasion to speak with her.

I was an officer in the United States Marine Corps. This provided me with the skill set of having to operate in an environment where reasoned, independent decision making is mandatory. A Judge conducts a number of proceedings, which require virtually instant reasoned judgment.

My background of having represented individuals, employees, employers, unions, benefit plans, corporations, educational institutions, government entities, not for profits, plaintiffs and defendants provides me with a unique perspective, probably unlike that of any other attorney in South Carolina. I do not have a lot of criminal experience but I can learn this area, just as I have learned so many other areas over the course of my career. If nominated by the JMSC, I will undertake several CLEs and observe trials (if cases are being tried) to better educate myself on the intricacies of criminal law and procedure.

At this point in my career, I have learned many things, but continually look forward to new legal challenges. I am not the same lawyer or person I was 37 years ago when I started. I hope and believe I have more wisdom. I sometimes tell a story regarding lawyer civility. When I was a young lawyer, I did not grant an extension to answer because my client did not want me to. It made the case very contentious – I can still tell you who the lawyer on the other side was even though it has been 35 years and I was practicing in Alabama at the time – for its duration. I learned something. I have never refused an extension since. More importantly, I have focused on trying to be civil and working with, not against, opposing counsel while fully representing my client. These things do not have to be mutually exclusive.

When I was a young lawyer I traveled all over the South, the Virgin Islands, and Puerto Rico representing one particular client. I could do it because I had an extremely supportive and understanding wife and no children. I am at a place in time now where I can ride the circuit and sit wherever I might be directed for whatever period of time is needed because I still have that extremely supportive and understanding wife and my only child is grown.

- (11) **Commission Members' Comments:**
The Commission commented that Mr. Shuler is a sharp and impressive candidate with the respect of his peers and the community at-large.
- (12) **Conclusion:**
The Commission found Mr. Shuler qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 12.

Kate Whetstone Usry
Circuit Court, At-Large, Seat 12

Commission's Findings: **QUALIFIED, BUT NOT NOMINATED**

- (1) **Constitutional Qualifications:**
Based on the Commission's investigation, Ms. Usry meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Usry was born in 1982. She is 38 years old and a resident of Columbia, South Carolina. Ms. Usry 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 Ms. Usry.

Ms. Usry 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. Usry reported that she has made \$121.23 in campaign expenditures, for stamps and printed materials.

Ms. Usry 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. Usry 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. Usry to be intelligent and knowledgeable.

Ms. Usry reported that she has taught the following law-related courses:

I have had the opportunity to present numerous times to various programs, including the South Carolina Bar Association, the S.C. Commission on Prosecution Coordination, victim's advocate groups, and various law enforcement organizations, including law enforcement officers within the Eleventh Judicial Circuit. During the first half of my time with the Eleventh Judicial Circuit Solicitor's Office, most of these speaking engagements covered issues involving domestic violence, stalking, and intimate partner violence, and victim's rights. As my role and duties evolved, my presentations changed to focus on criminal sexual conduct, and the audience was often local law enforcement. I did not keep records of the presentations I made to local law enforcement.

I have continued to participate in continuing legal education programs in private practice. Most recently, I had the opportunity to take part in the Trial Objections Continuing Legal Education program.

Below is a nonexclusive list of some of the presentations I have given for which I have records.

- (a) I presented for the South Carolina Commission on Prosecution Coordination in a 2009 program titled "The Investigation and Prosecution of Criminal Domestic Violence." My presentation was titled "Preparation of a Criminal Domestic Violence Case: Reading Police Reports, Investigating Further, and Interviewing Witnesses."
- (b) I spoke at the 2010 South Carolina Law Enforcement Victim's Advocate Fall Conference in a program titled "Criminal Domestic Violence: The Law."
- (c) In 2011, I presented a lecture titled "Order of Protection: Issues and Enforcement" for the South Carolina Commission on Prosecution Coordination as part of their program titled "The Investigation and Prosecution of Criminal Domestic Violence."
- (d) In 2011, I presented a continuing legal education course titled "Bond Settings and Revocations: Special Issues and Considerations" for an event hosted by South Carolina Commission on Prosecution Coordination as part of their program titled "The Investigation & Prosecution of Criminal Domestic Violence."

- (e) At the 2012 South Carolina Solicitor's Association Fall Conference, I presented to the victim advocates a program titled "An Introduction to Victim Rights and Victim Service Responsibility."
- (f) I made a presentation titled "Dating Violence: Addressing the Issues" at the 2013 South Carolina Solicitor's Association Fall Conference.
- (g) In 2020, I took part in the "The Art and Science of Trial Objections" for a South Carolina Bar Association CLE in which I played the role of a plaintiff's attorney in a civil case.

Ms. Usry reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Usry did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Usry did not indicate any evidence of a troubled financial status. Ms. Usry has handled her financial affairs responsibly.

The Commission also noted that Ms. Usry 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. Usry reported that she is not rated by any legal rating organization.

Ms. Usry reported that she has not served in the military.

Ms. Usry reported that she has never held public office.

(6) Physical Health:

Ms. Usry appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Usry appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Usry was admitted to the South Carolina Bar in 2007.

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

(a) Law Clerk, The Honorable R. Knox McMahon
August 2007 – August 2008

As a law clerk, I was responsible for writing legal briefs and performing legal research, scheduling hearings, communicating with counsel regarding matters before the Circuit Court, and assisting Judge McMahon with his analysis of civil and criminal legal issues. I enjoyed an intimate study of the operations of the Circuit Court and gained valuable experience observing a wide range of civil and criminal hearings and trials during my clerkship. I continue to reflect upon the experiences I had working for a Circuit Court judge in my practice today.

(b) Assistant Solicitor, Eleventh Judicial Circuit Solicitor's Office
September 2007 – June 2019

Over the course of my eleven-year journey as an Assistant Solicitor, I handled a large, rapidly evolving case list and routinely prepared cases for trial and tried cases to verdict. During the first half of my tenure, I was assigned to the domestic violence case docket. I acted as the sole domestic violence prosecutor, handling a docket of around 200 cases. Needless to say, each case had a victim or victims whose interests had to be considered. I was able to increase the number of cases moved each year by bringing more domestic violence cases to trial than our office had in the past. I spoke to various groups at presentations, including CLE events hosted by the South Carolina Commission on Prosecution Coordination. I also provided legal education to law enforcement personnel on the law of domestic violence. I was instrumental in creating laminated legal information sheets for law enforcement officers to assist them in making charging decisions. I also created pamphlets with information about protective orders and domestic abuse assistance programs that were distributed to law enforcement and local magistrate offices.

During the final five to six years of my tenure at the Eleventh Judicial Circuit Solicitor's Office, I took on the role of a supervisor. I took on additional duties, such as coordinating the setting of the Eleventh Judicial Circuit Court General Sessions calendar for the upcoming year, overseeing the selection of the yearly Grand Jury, and managing the trial roster. My duties as trial roster manager included gathering cases for trial for upcoming terms of court, and drafting and distributing the Eleventh Judicial Circuit Court General Sessions roster. During terms of court, my duties included coordinating with trial judges and ensuring all attorneys, both prosecutors and defense counsel, were informed of developments. I participated in our office's hiring process by reviewing resumes and interviewing new lawyers, paralegals, and staff members. I was also responsible for interviewing and hiring interns and law clerks, and acted as the point of contact for all of the law clerks during their clerkships.

In addition to the supervisory and managerial responsibilities I assumed, I continued to maintain a docket of 150 to 200 warrants. My cases primarily involved violent crimes such as armed robbery, criminal sexual conduct, and aggravated assault. I appeared in court frequently for motions and pleas. I tried numerous cases as first chair and second chair, including cases involving murder, attempted murder, criminal sexual conduct, and domestic violence. I mentored new attorneys in our office and assisted them in their trial preparation and at trial.

(c) Attorney, Whetstone, Perkins & Fulda, LLC
July 2019 – Present

In July of 2019, I entered private practice and joined the firm Whetstone, Perkins, and Fulda, LLC. During my time in private practice, I have had the opportunity to work on civil cases involving a wide range of complex issues. I have worked on cases involving 42 U.S.C § 1983 claims, medical malpractice claims, class actions, the South Carolina Tort Claims Act, negligent infliction of emotional distress, false arrest, negligent hiring, and personal injury. I have drafted demands, complaints, answers, and counterclaims, responded to complex discovery requests, taken depositions, and represented my clients at mediation. I have also taken on a number of criminal defense cases, and I have been appointed to represent two defendants indicted by the statewide Grand Jury.

Ms. Usry further reported regarding her experience with the Circuit Court practice area:

My litigation experience is extensive. With respect to criminal matters, I have participated in all aspects of prosecution, from advising law enforcement about the existence of probable cause during the initial phase of the process all the way through closing argument. I am intimately familiar with evaluating legal issues and evidentiary matters in order to assess the strength of a criminal case at trial. The legal issues I have reviewed, researched, and argued before the Circuit Court

include Confrontation Clause issues, warrantless searches and search warrants, prior bad acts, expert qualifications, impeachment scenarios, and multiple hearsay arguments and exceptions. During the past five years, I have tried cases and prepared cases for trial that pled prior to calling the case involving charges of murder, attempted murder, criminal sexual conduct, armed robbery, domestic violence, drug offenses, and other crimes. I would estimate that I tried or prepared for trial more than twenty cases over the past five years, and more during the six-year time period prior to that.

My experience as a judicial law clerk exposed me to a wide range of civil cases, motions, and arguments. During my time with Whetstone, Perkins, and Fulda, LLC, I have worked on a wide range of civil cases involving complex legal issues and discovery, including cases involving 42 U.S.C § 1983 claims, medical malpractice claims, class actions, the South Carolina Tort Claims Act, negligent infliction of emotional distress, false arrest, negligent hiring, and personal injury arising in the context of an array of different factual circumstances. Procedurally, I have drafted and filed complaints, answers, counterclaims, and confronted complex discovery issues. I have taken and participated in depositions and presented at mediation for my clients. I have prepared a civil case for trial that ultimately settled out of court, and I have participated in the trial of a civil case involving personal injuries suffered by our client.

While my experience with civil matters is not equal to my extensive criminal experience, I have spent a significant percentage of my time as a lawyer in court. The South Carolina Rules of Evidence that I researched and argued in criminal cases are the very same set of rules I would apply as a Circuit Court judge in a civil case. My knowledge and understanding of Circuit Court operations and procedures are enhanced by my experience as a law clerk, during which time the Circuit Court Judge I clerked for was the Chief Administrative Judge for the Court of Common Pleas for the Eleventh Judicial Circuit. I have observed a wide ranges of civil court motions, arguments, and trials. In addition, my responsibilities as the trial roster manager for the Eleventh Judicial Circuit Solicitor's Office gave me the benefit of working closely with many Circuit Court Judges from all over the state and provided me with a unique perspective on the various issues that can arise at the Circuit Court level. I have witnessed and participated in countless jury qualifications and pre-trial motions hearings. I understand how a docket is run by various judges and the issues that can arise on both sides of a case, both plaintiff and defense.

Ms. Usry reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I have not yet personally argued in Federal Court, but I have made an appearance via filing.;
- (b) State: While employed with the Eleventh Judicial Circuit Solicitor's Office between July of 2015 and July of 2019, I appeared in court every other week, and during those weeks, I appeared often. Since entering private practice, I have not appeared in court as often, but I have appeared a number of times for hearings and other matters.

Ms. Usry reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 15%;
- (b) Criminal: 85%;
- (c) Domestic: 0%;
- (d) Other: 0%.

Ms. Usry reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 25%;

(b) Non-jury: 75%.

Ms. Usry provided that during the past five years she most often served as sole counsel. During my time with the Eleventh Judicial Circuit Solicitor's Office, I most often served as sole counsel on any matter in nonjury court. When matters went to trial court, I served as chief counsel approximately half the time and co-counsel half the time. Since entering private practice, I have served primarily as co-counsel on various matters

The following is Ms. Usry's account of her five most significant litigated matters:

(a) *State v. Bennie Golston*, 732 S.E.2d 175, 399 S.C. 393 (Ct. App. 2012)

I served as co-counsel in this domestic violence prosecution. Among the numerous legal and evidentiary arguments made throughout the trial, the two most significant were whether the defendant was a cohabitant of the victim's and whether the facts presented at trial allowed for a jury charge on a lesser included offense. The South Carolina Court of Appeals reviewed the case and determined that based on the specific trial record, facts did not exist which would allow a reasonable juror to convict the defendant of the lesser offense and find him not guilty of the charged offense of criminal domestic violence of a high and aggravated nature. This matter is important to me personally, because the testimony I elicited from a witness helped form the factual foundation for the opinion issued on appeal. In addition, the case provided me with insight into the important concerns that arise in the selection and application of jury charges to the facts of a case, which I have continued to expand upon in other matters that I have brought to trial.

(b) *Latara Brooks v. Gwendolyn Evette Green and Tracy Green*

This civil case settled the Thursday prior to trial. This case is significant, because I was intimately involved in preparing the case for trial. I took the deposition of the defendant, Tracy Green. Information elicited during that deposition gave us important impeachment evidence which would have been used at trial. In addition, I was involved in preparing witnesses. This case gave me insight into how certain aspects of preparing a civil trial are different, but it also confirmed for me the many similarities between presenting civil and criminal cases in Circuit Court, such as the importance of the damages suffered by personal injury clients and the harm done to victims.

(c) *State v. Kevan D. Parker*, 2018-GS-32-00399 & 400

This case involved a chronic sexual offender who abused his children over the course of many years. The case pled the Friday morning prior to trial. This case is significant because of the complexity of the legal and evidentiary issues I prepared for in the weeks leading up to the resolution. The case involved complex delayed disclosure issues and jurisdictional issues, as the abuse occurred years prior to trial at various residences in different counties. In addition to the intricacies of preparing multiple young victims for trial, I researched and prepared arguments for the introduction of prior bad act evidence, hearsay evidence, search warrant suppression, and expert testimony. The week prior to the trial, we engaged in telephonic pre-trial conference regarding the confidentiality of extensive counseling records of the victims.

(d) *State v. Michael Fulwiley*, 2016-GS-32-000670

The defendant in this matter was charged with shoplifting, third degree, enhanced. This case is significant because of the search issues. In this case, the law enforcement officer pulled the defendant over for a seatbelt violation and decided to arrest the defendant for shoplifting during the course of that traffic stop. Many cases that are brought before the Circuit Court in General Sessions matters involve search issues, and the law in cases involving both warrantless searches and search warrants is vast and complex. Understanding these issues and how they must be procedurally presented and argued before the court made me a better advocate.

(e) **Pro Se Defendant Trial**

This trial occurred in General Sessions court. I was involved in the prosecution of a pro se defendant who was successful in their defense. Since the case has been expunged, I am not listing the case name. This was a week-long trial that involved a number of complex legal issues and a pro se defendant who was very intelligent. The case is very significant to me as it taught me the extreme complexities of handling litigation against a pro se defendant. It is also my belief that some of our greatest lessons come from our losses.

Ms. Usry reported she has not personally handled any civil or criminal appeals.

(9) **Judicial Temperament:**

The Commission believes that Ms. Usry's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Ms. Usry to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Citizens Committee also noted that Ms. Usry was "well qualified with an excellent work ethic."

Ms. Usry is married to Charles Edward Usry. She has two children.

Ms. Usry reported that she was a member of the following Bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Association of Justice
- (c) South Carolina Women Layers Association
- (d) American Bar Association
- (e) Young Lawyers Association, Eleventh Judicial Circuit Representative, 2014

Ms. Usry provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Junior League of Columbia
 - Education and Development Chair, 2015 – 2016
 - Placement Committee, Communications Council, 2016 – 2017
 - Placement Committee, Finance Council, 2017 – 2018
 - Placement Committee, Communications Council, 2018 – 2019
 - Placement Committee, Community Council, 2019 – 2020
- (b) Trenholm Road United Methodist Church
 - Member of the Missions Core Committee, 2019 – present
- (c) 2013 Recipient of the John R. Justice Community Leadership Award
 - This honor is bestowed annually upon one prosecutor for outstanding community leadership and exemplary citizenship.

(11) **Commission Members' Comments:**

The Commission commented that Ms. Usry has an outstanding reputation as an accomplished trial attorney. They noted her suitable judicial temperament and knowledge of the law. The Commission also noted the reputation for congeniality that Ms. Usry enjoys among her colleagues.

(12) Conclusion:

The Commission found Ms. Usry qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 12.

S. Boyd Young
Circuit Court, At-Large, Seat 12

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Young was born in 1974. He is 46 years old and a resident of Columbia, South Carolina. Mr. Young 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. He was also admitted to the Georgia Bar in 2005.

(2) Ethical Fitness:

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

Mr. Young 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. Young reported that he has not made any campaign expenditures.

Mr. Young 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. Young 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. Young to be intelligent and knowledgeable.

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

- (a) I have lectured and taught at the National Criminal Defense College annually since 2009. It is a two week trial advocacy program for all levels of experience.
- (b) Since 2007, I have taught at the National College of Capital Voir Dire except for 2019 when I was in trial.
- (c) In 2010 I founded a Public Defender training program for South Carolina and it has since been turned into a mandated training program for all new public defenders. I continue to teach and lecture there each year as my schedule permits.
- (d) I am on the National Association of Criminal Defense Attorneys, Capital Committee where I serve as Co-Chair and put on an annual continuing legal education seminar about capital defense.

(e) In or around 2009, South Carolina Solicitors and Defense lawyers received a joint multi-million-dollar grant to host training programs for Capital cases. I managed the Defense training and over the course of three years we held multiple training events around the State. This was a joint effort to drive down South Carolina's near 80% reversal rate for capital cases around the State.

Mr. Young reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Young did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Young did not indicate any evidence of a troubled financial status. Mr. Young has handled his financial affairs responsibly.

The Commission also noted that Mr. Young 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. Young reported that he is not rated by any legal rating organization.

Mr. Young reported the following military service:

May 1993 – February 5, 1996. United States Navy, Midshipman, Honorable Discharge, February 5, 1996

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Young was admitted to the South Carolina Bar in 1999.

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

- (a) 1999 - 2000 I was hired as a law clerk to A. Victor Rawl, Circuit Court Judge in Charleston, South Carolina. My duties included assisting Judge Rawl with both criminal and civil matters throughout South Carolina.
- (b) 2000 - 2005 I left the clerkship to join the Charleston County Public Defender's Office. I was an assistant Public Defender for five years and promoted to senior trial attorney prior to my departure. I handled all levels of criminal cases.
- (c) 2005 - 2008 I left Charleston to join the newly formed Georgia Capital Defender Office in Atlanta where I handled trial level capital cases throughout the state of Georgia.
- (d) 2008 - 2017 I returned to South Carolina to help form the Capital Trial Division of the South Carolina Commission on Indigent Defense. I was initially hired as the Deputy Director of the Office.

(e) 2017 - Present I serve as the Director of the Capital Defender Office. I supervise two attorneys and an administrative assistant. We handle trial level death penalty cases throughout the state and have been directly responsible for saving South Carolina well over \$1 Million annually.

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

As the Deputy and Director of the Capital Trial Division for the South Carolina Commission on Indigent Defense, I have been involved in every death penalty trial conducted in South Carolina in the past five years. I appeared before a Circuit Court judge at least on a monthly basis within those five years. Most recently I was lead counsel on the longest capital trial ever held in South Carolina, *State v. Timothy R. Jones, Jr.* in Lexington County. While this case did result in a death sentence for Mr. Jones it also involved a host of forensic issues, including DNA and an Insanity Defense. In preparation for trial there were over one hundred pretrial motions litigated and a multi-state investigation conducted over the course of several years. Witnesses from all over the county had to be coordinated and brought in by the Defense and the State for the trial. The central issue was whether Mr. Jones suffered from a mental illness and if so, was it to the extent that he could not form the criminal intent necessary to be found guilty of murder. It was an extraordinarily complicated case that involved hundreds of witnesses and several weeks of jury selection.

Throughout my career as a criminal defense attorney, I have handled every type of criminal case at all levels, from a parking ticket in Municipal Court to murder in General Sessions. I have also handled cases involving almost every type of defense, from mistaken identification to self-defense. I have also dealt with every type of forensic issue from multi-source DNA statistics to tire track comparisons.

My civil court experience is mostly limited to quasi-criminal matters such as post-conviction relief and appeals from Magistrate Court. While my direct experience with civil matters is limited, capital cases often involve ancillary matters that must be dealt with, both for clients and their family members. I have dealt with these matters throughout my practice and I am always quick to review the rules and help guide people through the process. I feel that my extensive capital trial background makes me well suited for constantly learning and staying up to date on the law and its many changes. I would bring this same dedication to civil matters. Being a good capital trial attorney means that you have to be knowledgeable and versed in all aspects of the law - civil, criminal, appellate, domestic and administrative.

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

(a) Federal: none
(b) State: monthly

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

(a) Civil: 1%;
(b) Criminal: 97%;
(c) Domestic: 1%
(d) Other: 1%

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

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

Mr. Young provided that during the past five years he most often served as chief counsel.

The following is Mr. Young's account of his five most significant litigated matters:

- (a) *State v. Timothy R. Jones, Jr.* This was a capital trial in Lexington, South Carolina in 2019. The case is currently pending in the South Carolina Supreme Court for direct review. This was the longest, most complicated death penalty case in recent history. This case was significant for a multitude of reasons, but I think it was an important example of how our mental health facilities and social institutions sometimes fail to protect our most vulnerable citizens and do not provide adequate services. While there were several open Department of Social Services investigations, Mr. Jones continued to spiral out of control and it eventually resulted in the killing of five innocent children. I was lead counsel for Mr. Jones and the experience was tremendously impactful on me, as a person and a lawyer.
- (b) *Kenneth Simons v. State*, 416 S.C. 584, 788 S.E.2d 220 (2016). This is a state Post Conviction Relief case in which I remain involved and it is currently pending in Dorchester County after reversal. This was a DNA case in which the Solicitor presented false DNA results implicating Mr. Simmons. This case is significant because it demonstrates the need for qualified experts on both sides of a case and shows the importance of attorneys being well educated on all matters that potentially impact their clients. Mr. Simmons has been incarcerated since 1997 and the victim's family members have been waiting for justice for almost 25 years. Due to a lack of transparency by the State and a lack of knowledge by the Defense, there is no closure in sight for either Mr. Simmons or the victim's family. I was specifically involved in deposing and questioning witnesses regarding the DNA issue.
- (c) *State v. Todd Kohlhepp*. This is a 2017 case involving a serial killer from Spartanburg. He was charged with seven murders and the kidnapping and sexual assault of a woman found chained in a storage container on his property. This case is significant because it confirmed that early and adequate representation for indigent defendants often leads to a better outcome for all parties. Because my office was able to get involved early in the case, we ensured that Mr. Kohlhepp's personal property went into a receivership, so that the victims in this case could recover at least some small part of their financial losses. Through the early cooperation of Mr. Kohlhepp and with the consent of the victims we were able to agree to a number of life without parole sentences for Mr. Kohlhepp saving the State of South Carolina significant expense and saving the victims further, unnecessary pain and hardship. I was lead counsel for Mr. Kohlhepp.
- (d) *State v. Crystal Johnson*. This was a murder case out Spartanburg in 2016. Ms. Johnson was already in prison serving a sentence for child neglect. An investigator identified her as a suspect in a double murder that occurred shortly before she was sent to prison. A press conference was held where it was announced that the State intended to seek the death penalty. Once she was identified and warrants were drafted, I was able to get involved and investigate. My investigation led to the dismissal of all charges against Ms. Johnson and the identification of the actual murderer which I forwarded to the Solicitor's Office. This case is important to show why a thorough investigation is necessary, how devastating a rush to judgement can be, and why attention to detail is crucial.
- (e) *State v. John Edward Weik*. This was a 2016 death penalty retrial out of Dorchester County. Mr. Weik was originally tried and given a death sentence which was affirmed in 2004. However, trial counsel was found deficient for failing to investigate and present Mr. Weik's extensive mental health history to the jury. *Weik v. State*, 409 S.C. 214, 761 S.E.2d 757 (2014). I was able to provide the Solicitor with proof that Mr. Weik was an un-medicated schizophrenic and we received a plea offer of life without parole for Mr. Weik, which he accepted, and the case was resolved. This case is significant because it demonstrates how the appointment of qualified counsel to death penalty cases helps prevent trying cases more than once. Multiple trials mean unnecessary expenditures of money and resources, as well as continued hardship on victims' families. Ensuring judicious economy, case closure for victims and protection of clients' rights should always be priorities.

Mr. Young reported he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Young's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification reported Mr. Young 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. The Committee noted "concern of very limited civil experience."

Mr. Young is married to Laura W. Young. He has two children.

Mr. Young reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Association of Criminal Defense Lawyers
- (b) National Association of Criminal Defense Lawyers – Capital Trial Committee – Co-chair
- (c) South Carolina Public Defender Association – Board Member

Mr. Young provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Mr. Young further reported:

I had the great fortune of clerking for a judge that was respected by all parties on all matters that came before him. He taught me how to maintain poise even when others could not, the value of always being prepared and treating others with dignity and respect no matter the circumstances. I have spent my career as a trial lawyer in courtrooms across South Carolina applying these lessons. I have appeared in front of great jurists and some not so great, but we have always managed to get along and get the work done. I have managed the most complex cases in South Carolina and maintained a case budget that ultimately saves the citizens of South Carolina money, while at the same time maintaining good relationships with opposing counsel. If selected, I feel that I will make a good addition to the bench.

(11) Commission Members' Comments:

The Commission commented that Mr. Young has had an impressive career and handled the most difficult of cases with great professionalism. The Commission noted the respect he has earned among his colleagues, including opposing counsel, while discharging his duties on behalf of the state.

(12) Conclusion:

The Commission found Mr. Young qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 12.

Robert "Rob" Rhoden
Family Court, Seventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

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

Mr. Rhoden was born in 1974. He is 46 years old and a resident of Spartanburg, South Carolina. Mr. Rhoden 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 Louisiana Bar in 1999.

(2) Ethical Fitness:

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

Mr. Rhoden 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. Rhoden reported that he has not made any campaign expenditures.

Mr. Rhoden 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. Rhoden 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. Rhoden to be intelligent and knowledgeable.

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

- (a) I have lectured in Spartanburg County at the "Law School for Non-Lawyers" program promoted by the South Carolina Bar on several occasions. I have lectured on the topics of Child Protection and Juvenile Justice.
- (b) I have lectured at USC Upstate on several occasions as a guest speaker in social work classes conducted by Professor Lynn McMillan.

Mr. Rhoden reported that he has published the following:

Shadow, Light, & Steel, CreateSpace Publishing (2016) (not a legal text; a collection of fictional short stories, written as Robert Rhodes)

(4) Character:

The Commission's investigation of Mr. Rhoden did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Rhoden did not indicate any evidence of a troubled financial status. Mr. Rhoden has handled his financial affairs responsibly.

The Commission also noted that Mr. Rhoden 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. Rhoden reported that he is not rated by any legal rating organization.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Rhoden was admitted to the South Carolina Bar in 2001.

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

- (a) July 1999 - June 2000: Law Clerk, Louisiana Court of Appeals, Fourth Circuit (The Hon. Stephen R. Plotkin). Completed a one-year clerkship under a distinguished appellate judge, conducting research and drafting opinions for numerous cases (predominantly criminal). No administrative or financial responsibilities.
- (b) January 2001- December 2007: Assistant Solicitor, Seventh Judicial Circuit (The Hon. Harold W. "Trey" Gowdy, III). Prosecuted thousands of criminal charges in Spartanburg County in Magistrate Court, Family Court, Drug Court, and General Sessions Court. No financial responsibilities. Administrative responsibilities included constant caseload tracking and supervision/direction of an administrative assistant. My case specialization progressed as follows:
 - 2001-2003: domestic violence and drug offenses
 - 2003-2005: economic ("white collar") crimes; Drug Court
 - 2005-2007: juvenile cases
- (c) January 2008 – present: Attorney III, South Carolina Department of Social Services (Spartanburg County). For the past eleven years, I have served as full-time, in-house counsel for Spartanburg County DSS. My practice has focused on representing the agency in child and elder welfare cases in Spartanburg Family Court.
 - I have represented the agency in thousands of Family Court hearings: probable cause; motion; merits; permanency planning; termination of parental rights (TPR); and adoption, as well as domestic/private and juvenile cases that have actual or potential DSS involvement.
 - Beginning around 2013, as the most senior attorney, I was given the newly created position of Managing Attorney, which made me responsible for supervision of our Legal unit in Spartanburg. In terms of financial responsibilities, I had to approve expenditures for transmission and approval by our regional or state office. In terms of administrative responsibilities, I became primarily responsible for the hiring and supervision of our attorneys, administrative assistants, and paralegals; managing the division of caseloads among attorneys and paralegals; orchestrating the priority and flow of cases on our dockets ("running court"); conducting in-house training for our casework staff; and maintaining good relationships with the numerous stakeholders in the child protection system, e.g., judges, guardians, defense attorneys, foster parents, and courthouse personnel.
 - Also around 2012-13, due to a vacancy in the attorney position for Cherokee County, DSS leadership designated me to assume primary responsibility for continuing operations in

Cherokee County while reorganizing and implementing best practices in that office. Eventually, the agency hired a full-time attorney to manage Cherokee County, and I trained and assisted him until he was fully capable of succeeding in that role. I am pleased that he still holds that position and that operations in Cherokee have continued to run smoothly.

- Around 2017, I transferred the management responsibilities of our office to Kathryn Walsh, a very competent attorney who now manages a prestigious firm in Greenville. This was a voluntary choice that afforded me more time to practice litigation and appellate work and offered Ms. Walsh additional management experience. I transitioned from Managing Attorney to Senior Trial Attorney and began handling the vast majority of our appellate cases. After Ms. Walsh entered private practice around 2018, I assumed the role of Managing Attorney again until Jon Neal assumed that role in 2019. I helped him transition into that role and have continued to assist him in running one of the state's busiest DSS legal offices.

Mr. Rhoden further reported regarding his experience with the Family Court practice area:

- Divorce and equitable division: I have participated in numerous domestic proceedings in which DSS has actual or potential involvement. These experiences include temporary hearings, settlement hearings, contested hearings, mediations, and depositions. Accordingly, I am familiar with these proceedings and the issues involved. I understand that, if there is one area of my Family Court experience that is less robust than others, it is this one; and I will redouble my efforts to study and master these issues in the months to come through resources such as the rules and statutes; case law; and conversations with judges and experienced domestic attorneys.
- Child custody: Custody is a central issue in almost every DSS case. And again, I have participated in numerous, private custody cases in which DSS was a third-party. The Family Court always aspires to act in "the best interest of the child." A multitude of case-specific facts and circumstances influence that determination, but we must always answer two questions: (1) Is the child safe—or what must be done to effect safety now?; and (2) What must be done in order to give the child the best chance to become a healthy, happy, and successful member of our community, preferably with his or her family members? I am intimately familiar with these overarching concepts of safety and positive permanency; with the reality that the various parties in a case often have differing or contradictory ideas as to what is best for a child; and with the role of the judge in listening to the parties' perspectives and crafting an outcome for the child and family that gives them the best chance to move forward, preferably in a mutually supportive way.
- Adoption: I have been present at a number of adoption hearings, which are likely the best and most joyful of all Family Court hearings. I have not initiated any adoption proceedings myself; however, I have participated in TPR trials and appeals (and been present at relinquishments of parental rights) to make children legally free for adoption. I have often worked alongside and consulted adoption attorneys in our cases because often, for example, foster parents will hire their own attorney to amplify their voice and hopefully expedite the adoption process. I am familiar with the checklists and confidential reports that Family Court judges consider in order to ensure that everything is proper before entering a final order of adoption.
- Abuse and neglect: Representing DSS in abuse and neglect cases has been my career and specialization these past eleven years. I believe I have handled every kind of DSS case: physical abuse; excessive corporal punishment; mental injury; neglect through deprivation; neglect through drug addiction; educational neglect; domestic violence; medical child abuse (Munchausen Syndrome); sexual abuse; abandonment; and more. I have handled TPR cases and appeals, most of which involve TPR rulings. As Managing Attorney and Senior Trial Attorney, I have also spent many hours discussing these cases with colleagues, assisting them,

and watching their hearings. Given the high volume of cases in Spartanburg County, there is a fair chance that I have handled and witnessed as many of these cases as any other attorney in the state in the past decade.

- Juvenile justice: I was the primary Assistant Solicitor for juvenile cases in Spartanburg County between 2005-2007. (I also handled many juvenile dockets in Cherokee County.) I handled every step of incoming juvenile cases. I screened new referrals and diverted less serious charges to our Arbitration or Pre-Trial Intervention programs. I attended multi-disciplinary staffings with members of the Department of Juvenile Justice (DJJ) and other agencies in order to prepare for court and discuss appropriate recommendations for each child. I “ran court” every Tuesday during that time period, representing the State (and with it victims and law enforcement officers) at numerous adjudicatory (i.e., guilty pleas and trials) and dispositional hearings. I handled every kind of juvenile matter, from truancy and shoplifting to armed robbery and criminal sexual conduct. As the father of kids who are absolutely wonderful but still subject to inexperience and immaturity, I fully embrace a juvenile justice system that is primarily focused on moving forward—on rehabilitation and restorative justice that improve the child’s judgment and empathy so that he or she can learn from mistakes and mature into a successful member of our community. While this focus can and should be on the juvenile, it must also acknowledge the expectations of the victim, law enforcement officers, and community in order to seek a full restoration and illuminate a path forward for all.
- Frequency of appearances: Excluding chambers weeks and vacations, I have appeared before Family Court judges every week for the past five (5) years (and more). The Spartanburg Family Court typically hears DSS cases on Monday afternoons, Thursdays, and every other Friday morning. It hears DSS TPR cases every other Wednesday. As stated, I also often appear in Family Court on private/domestic actions. In my career, I am confident that I have appeared before more than fifty (50) Family Court judges.

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

- (a) Federal: I have not practiced in federal court;
- (b) State: I am constantly in Family Court.

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

- (a) Civil: N/A;
- (b) Criminal: 1%;
- (c) Domestic: 98%;
- (d) Other: 1%.

To clarify, my practice is almost exclusively DSS actions (including appellate matters) and domestic actions with DSS involvement. Sometimes, there is crossover with juvenile or General Sessions cases; and on rare occasions there is crossover with vulnerable adults with Probate Court matters, as well as administrative hearings (e.g. foster parents might appeal an action as to their licensing or a child’s placement).

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

- (a) Jury: N/A;
- (b) Non-jury: 100%.

Mr. Rhoden provided that during the past five years he most often served as sole counsel. Most often sole counsel, but I have served in the other roles on occasion, e.g. when assisting a less experienced attorney.

The following is Mr. Rhoden's account of his five most significant litigated matters:

- (a) *Jobst v. Jobst*, 424 S.C. 64 (S.C. App. 2018): complex, hybrid private-DSS action; first case to interpret and discuss the applicability of Section 63-3-550 (granting broad standing rights to persons filing actions with respect to abused or neglected children).
- (b) *SCDSS v. Kirk*, 2017-DR-42-2193 (removal) and 2018-DR-42-3177 (TPR): the removal was a two-and-a-half-day trial centering on possibly the most graphic sexual abuse allegations the presiding judge recalled; the TPR freed two children for adoption.
- (c) *SCDSS v. Kennington*, 2014-DR-42-1131: complex removal case centering on allegations of medical child abuse (Munchausen Syndrome) of a fragile child.
- (d) *SCDSS v. Artison*, 2014-DR-42-2921: hotly contested, two-day TPR trial that freed four children for adoption.
- (e) *SCDSS v. [Jane Doe]* 2017-DR-42-1490: complex neglect case involving the surviving siblings of a deceased child. This is still open as a permanency planning case, and a TPR case is pending; therefore, I have inserted a pseudonym.

The following is Mr. Rhoden's account of five civil appeals he has personally handled:

- (a) *Jobst v. Jobst*, 424 S.C. 64 (S.C. App. 2018)
- (b) *SCDSS v. Bright*, Unpublished Opinion 2017-UP-293 (S.C. App., July 10, 2017)
- (c) *SCDSS v. Morgan*, Unpublished Opinion 2019-UP-097 (S.C. App., Feb. 27, 2019)
- (d) *SCDSS v. Sibrian-Pineda*, Unpublished Opinion 2019-UP-130, S.C. App. April 4, 2019)
- (e) *SCDSS v. Kelly D.*, Unpublished Opinion 2020-UP-107 (S.C. App., April 9, 2020)

Mr. Rhoden reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Rhoden's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualification found Mr. Rhoden 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, professional and academic ability, character, experience, reputation and judicial temperament. The Committee had no further comments noted on the report.

Mr. Rhoden is married to Laura Barbas Rhoden. He has two children.

Mr. Rhoden reported that he was a member of the following Bar and professional associations: Spartanburg County Bar Association

Mr. Rhoden provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) St. Matthew's Episcopal Church, Lector
- (b) Carolina FC, coach/assistant coach
- (c) Phi Beta Kappa Honor Society

Mr. Rhoden further reported:

My aspiration is to be a Family Court judge who, first and foremost, works hard to listen and reach the most appropriate and equitable decision in every case and, second, inspires attorneys and litigants to make their best presentations and to believe that the Family Court will help them resolve their personal and legal issues with competence, efficiency, and compassion.

To accomplish these goals, I bring not only a proven record of Family Court experience and achievement, but also the skills and instincts of a husband, father, competitive athlete and coach, and enthusiast for stories and words. From the latter, I offer two Shakespearean quotations I have recalled for inspiration during my years of government service:

The quality of mercy is not strained.
It droppeth as the gentle rain from heaven
Upon the place beneath. It is twice blest:
It blesseth him that gives and him that takes.
'Tis mightiest in the mightiest; it becomes
The thronèd monarch better than his crown.
His scepter shows the force of temporal power,
The attribute to awe and majesty
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptered sway.
It is enthronèd in the hearts of kings;
It is an attribute to God Himself;
And earthly power doth then show likest God's
When mercy seasons justice.
(Portia, The Merchant of Venice, Act IV, Scene 1)

He who the sword of heaven will bear
Should be as holy as severe.
(Duke Vincentio, Measure for Measure, Act III, Scene 2)

These are lofty sentiments, to be sure; and yet, a skill vital to Family Court practice but sometimes overlooked is the less-lofty ability to “read the room” and adjust. So even as I aspire to old-fashioned ideals such as Justice and Mercy, I have practiced the ability to read the room, to meet people where they are, and to modify my demeanor and communicative style to increase the chance of mutual understanding. I have become as comfortable debating the nuances of statutes before the Court of Appeals as explaining to a tearful (self-represented) parent in a waiting room why his or her child cannot come home. And I am willing to meet people where they are and move cases forward because, ultimately, their Family Court cases are about them, not me. When the Family Court keeps children and families, not lawyers and judges, as its focus, it is at its most successful.

Deeds often matter more than words, of course, and what someone says about himself is usually less persuasive than what others say about him. So I close with this simple promise: if the Commission and Legislature believe I am the best choice for this position, I will strive to be a Family Court judge who serves the people of Spartanburg County and South Carolina to the best of his ability and works to increase their confidence in the integrity, impartiality, and compassion of their judicial system.

Thank you for considering my application.

(11) Commission Members' Comments:

The Commission commented that Mr. Rhoden has excellent qualifications for this position and possesses the intellect to make an outstanding judge.

(12) Conclusion:

The Commission found Mr. Rhoden qualified, but did not nominate him for election to Family Court, Seventh Judicial Circuit, Seat 1.

Anthony R. Goldman
Administrative Law Court, Seat 3

Commission's Findings: QUALIFIED, BUT NOT NOMINATED.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Goldman meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Mr. Goldman was born in 1974. He is 46 years old and a resident of Columbia, South Carolina. Mr. Goldman 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. Goldman.

Mr. Goldman 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. Goldman reported that he has made \$80.99 in campaign expenditures for palm cards.

Mr. Goldman 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. Goldman 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. Goldman to be intelligent and knowledgeable.

Mr. Goldman reported that he has not taught any law-related courses.

Mr. Goldman reported that he has published the following:

Anthony R. Goldman, "Dual Capacity Liability – Statutory Compensation or Tort Liability?", 1 MALABU 9 (2006).

(4) Character:

The Commission's investigation of Mr. Goldman did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Goldman did not indicate any evidence of a troubled financial status. Mr. Goldman has handled his financial affairs responsibly.

The Commission also noted that Mr. Goldman 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. Goldman reported that he has not been rated by any legal rating organization.

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

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

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Mr. Goldman was admitted to the South Carolina Bar in 2007.

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

In October of 2007, I started work as a Staff Attorney at the South Carolina Administrative Law Court in the Office of General Counsel, where I was assigned to provide legal assistance to The Honorable John D. McLeod. In this capacity, my responsibilities generally fell into three different categories. When an appeal became ripe for review, I was tasked with thoroughly reviewing the file and drafting an order for Judge McLeod's review. This process generally involved reading the appellate briefs, examining the record on appeal, and researching the law surrounding the issues before the court. Sometimes, before finalizing a draft order, Judge McLeod and I would discuss the case, particularly if there was anything questionable that needed to be considered. In addition to reviewing appeals, I attended all de novo hearings, so that I could provide assist with the process of preparing a final ruling on the merits of the case. Lastly, I would perform general legal research and support for the sundry questions of law that would arise in the day-to-day operations of the court.

In January of 2009, I was offered the position of Judicial Law Clerk in the office of The Honorable John D. McLeod. While continuing to perform the legal functions similar to that of a staff attorney, the role of a judicial law clerk added all the administrative tasks that are required for managing a legal office. Such responsibilities included managing the court's docket and acting as a liaison between the judge's office and the parties appearing before the court. Other than making sure that the parties adhered to the filing fee requirements of SCALC Rule 71, the role of the judicial law clerk does not involve any financial management tasks.

In June of 2017, The Honorable John D. McLeod retired, and The Honorable Milton G. Kimpson was elected by the General Assembly to the bench at the Administrative Law Court. I have had the privilege of working for Judge Kimpson for the past 3 years and continue to carry out the responsibilities of a Judicial Law Clerk.

Mr. Goldman further reported regarding his experience with the Administrative Law Court practice area:

In addition to my legal experience that was discussed above in question 10, for the past five (5) years, while serving as a judicial law clerk at the Administrative Law Court, I have appeared regularly in court, behind the bench, with the presiding judge. During this time, I have heard numerous legal issues covering a wide variety of the court's jurisdiction concerning regulatory and

licensing matters arising from many of the South Carolina agencies, including the South Carolina Department of Revenue ("SCDOR"), the South Carolina Department of Health and Environmental Control (from the Certificate of Need program, the office of Ocean & Coastal Resource Management, and the Environmental Affairs office), the South Carolina Department of Natural Resources, the South Carolina Department of Consumer Affairs, and county tax issues arising from decisions by the Boards of Assessment Appeals from many of the South Carolina counties, including Aiken County, Pickens County, Richland County, and Lexington County, just to name a few.

Briefly touching on some of the issues that I have heard in these court appearances, a majority of the cases from SCDOR have generally concerned applications for alcohol licenses that were denied because of issues with the applicant or the suitability of the proposed location. Issues arising from the county Boards of Assessments Appeals have concerned challenges to the valuation of residential property, as well as more complicated matters dealing with the assessed value and valuation methodology for commercial property, such as a hotel, strip mall, or an apartment building.

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

- (a) Federal: None.
- (b) State: 100%

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

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

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

- (a) Jury: 0%
- (b) non-jury: 100%

Mr. Goldman provided that during the past five years he most often served as a Judicial Law Clerk.

The following is Mr. Goldman's account of his five most significant matters as a Judicial Law Clerk:

- (a) *Town of Arcadia Lakes, et al. v. S.C. Dep't Health and Environmental Control and Roper Pond, LLC*, 09-ALJ-07-0069-CC (S.C. Admin. Law Judge Div. June 14, 2007): This matter was significant for its award of attorney's fees pursuant to the State Action Statute under § 15-77-300 and sanctions under SCALC Rule 72. In this matter, SCDHEC granted a Storm Water Discharge permit to allow for land disturbance activities by Roper Pond as part of its project to build a multi-family residential housing development. The facts in the record showed that the Petitioners litigated this matter solely for the purpose to delay the project and did so by bringing numerous complex State and Federal claims that were frivolous.
- (b) *Yvette Marshall v. S.C. Dep't of Employment and Workforce and Vista Hotel Partners*, 16-ALJ-22-0259-AP (S.C. Admin. Law Judge Div. May 9, 2017): SCDEW's Appellate Panel denied Appellant unemployment benefits for a period of 10 weeks by determining that it was Appellant's responsibility to ensure that she had adequate and reliable transportation to work. During October 2015 flood, damage to the roads in Appellant's neighborhood resulted in her bus route being canceled. She was unable to get to work and was discharged for absenteeism/tardiness. This case was significant for two reasons: (1) the Administrative Law Court found that SCDEW had abused

its discretion, because there was no evidence in the record that Appellant's mode of transportation was unreliable; and, (2) the Court determined that SCDEW had the authority to make a determination regarding Appellant's eligibility for Disaster Unemployment Assistance, a federally funded program administered through state employment agencies pursuant to 42 U.S.C.A. § 5177(a).

- (c) *D. Michael Taylor v. Aiken County Assessor*, 17-ALJ-17-0346-CC (S.C. Admin. Law Judge Div. December 27, 2018): Taylor purchased a parcel of undeveloped land that was valued at \$22,400 by the Respondent. This value was upheld by the Board of Assessment Appeals and Petitioner appealed to the Administrative Law Court ("ALC") contending the land was worth \$15,800. Although the Assessor originally valued the property at \$22,400, it argued to the ALC that the land was really worth \$28,800. The evidence in the record showed several defects to the property, particularly an abundance of solid waste dumped on the property. The Court concluded that, despite the evidence pertaining to comparable property values, the assessor failed to show by a preponderance of the evidence that the property warranted a higher value.
- (d) *Harbor Island Oceanfront Property Owners Group, Inc., v. S.C. Dep't of Health and Environmental Control and S.C. Parks, Recreation and Tourism*, 18-ALJ-07-0266-CC (S.C. Admin. Law Judge Div. December 7, 2018): Petitioner challenged SCDHEC's granting of a permit to allow SCPRT to dredge and renourish the beaches at Hunting Island. Petitioner alleged that SCPRT's management of Hunting Island proximately caused the erosion of Harbor Island and the destruction of residential homes. The significance of this case is that it was one of the first instances in which the Administrative Law Court issued a ruling on a motion to lift the automatic stay pursuant to the provisions set forth under S.C. Code Ann. § 1-23-600(H)(4)(1)(a), which puts the burden of proof upon the Petitioner, who requested the contested case, rather than in the hands of the Respondent, who filed the motion. The court found that Petitioner was unable to establish a causal connection between SCPRT's activities and the erosion of Harbor Island. As a result, Petitioner failed to meet its burden of proof under the elements of section 1-23-600(H)(4)(1)(a) and the motion was granted.
- (e) *Eugenia Boggero, d/b/a Boggero's Portable Toilets v. S.C. Dep't of Rev.*, 13-ALJ-17-0218-CC (S.C. Admin. Law Judge Div. January 6, 2014): This matter concerned the nature of Petitioner's business activity, specifically dealing with the issue of whether it was engaged in the disposal service or the renting of tangible personal property that was subject to state sales and use tax. Based upon the terms of the Service Agreement, the Court determined, applying the "true object" test, that the transaction at issue was for the rental or lease of tangible personal property.

The following is Mr. Goldman's account of five civil appeals he has personally worked on as a Judicial Law Clerk:

- (a) *Tina Rene Hubbard v. S.C. Dep't of Motor Vehicles*, Docket No. 09-ALJ-21-0094-AP, April 29, 2010.
- (b) *Gary M. Dantzler, Jr. v. S.C. Dep't of Motor Vehicles and S.C. Dep't of Public Safety*, Docket No. 11-ALJ-21-0498-AP, January 4, 2012.
- (c) *Tina Feagin v. S.C. Dep't of Employment and Workforce and Phillips Currin & Company, CPA's, LLC*, Docket No. 15-ALJ-22-0022-AP, August 15, 2015.
- (d) *Cefab Fatcliff v. S.C. Dep't of Employment and Workforce and Labor Ready Mid Atlantic*, Docket No 15-ALJ-22-0217-AP, February 29, 2016.
- (e) *Albarr-Ali Abdullah, #191449 v. S.C. Dep't of Corr.*, Docket No. 13-ALJ-04-0705-AP, June 9, 2014

Mr. Goldman reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Goldman's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualification found Mr. Goldman to be "Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament, constitutional qualifications, physical health, and mental stability. The Committee stated in summary, "Experienced-Well Qualified."

Mr. Goldman is not married. He has no children.

Mr. Goldman reported that he was a member of the following Bar and professional associations:

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

Mr. Goldman provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Historic Columbia – formally a Board Member and Palladium Board Member
- (b) The Columbia Museum of Art
- (c) The Palmetto Conservation Foundation
- (d) Midlands Sorba

Mr. Goldman further reported:

Prior to attending law school, I had a career in banking where I applied my analytical training in economics and computer programming skills to assess vast amounts of consumer product data, including credit card transactions and mortgage originations. Additionally, over the past 8 years, I have built a consumer products business and have worked very closely with the South Carolina small business and entrepreneurial community. In this time, I have become intimately familiar with their needs and demands. My experience in banking and small business has served me well at the Administrative Law Court ("ALC") by giving me a greater depth of understanding in cases beyond the four corners of the law. For example, I regularly file sales and use tax for my business with the South Carolina Department of Revenue, and I have become personally familiar with all facets of the process. As a result, not only do I recognize the efforts put forth by attorneys, who are managing their practices, but I also understand the concerns of their clients.

On a daily basis, the Administrative Law Court touches the South Carolina community in its role in the regulatory process in licensing and permitting business activity in the state. I believe that my business acumen coupled with my years of experience at the court, where I have honed my legal skills and depth of knowledge of Administrative Law, will allow me to excel as a judge. Additionally, my background and experience will add greater depth to the panel of judges currently at the ALC.

Thank you very much for considering my application for Judge, Seat #3, at the Administrative Law Court.

(11) Commission Members' Comments:

The Commission commented that Mr. Goldman has a wealth of experience as an Administrative Law Court Judicial Law Clerk, but no private legal practice experience.

(12) Conclusion:

The Commission found Mr. Goldman qualified, but did not nominate him for election to Administrative Law Court, Seat 3

The Honorable Crystal Rookard
Administrative Law Court, Seat 3

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Rookard meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Rookard was born in 1967. She is 53 years old and a resident of Columbia, South Carolina. Judge Rookard 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 Judge Rookard.

Judge Rookard 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 Rookard reported that she has not made any campaign expenditures.

Judge Rookard 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 Rookard 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 Rookard to be intelligent and knowledgeable.

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

- (a) Spring 2020, I taught a course for the University of South Carolina School of Law.
- (b) I have conducted seminars regarding contract review and the relationship between external and internal counsel at college financial officer's conferences.
- (c) I have conducted numerous seminars regarding civility & sensitivity in the workplace, contract review, employment law/employee relations, discrimination, harassment, human resources, leadership/management, methods to reduce legal exposure, sexual harassment, Campus Save Act, Violence Against Women Act, student related legal issues, Title IX, at conferences and employee mandatory training programs.
- (d) I have been employed as an adjunct instructor since 2005 until 2015 at local colleges. I have taught healthcare law, business law and criminal justice.

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

(4) Character:

The Commission's investigation of Judge Rookard did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Rookard did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Rookard 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 Rookard reported that she is not rated by any legal rating organization.

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

Judge Rookard reported that she has not held any public office other than judicial office.

(6) Physical Health:

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

(7) Mental Stability:

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

(8) Experience:

Judge Rookard was admitted to the South Carolina Bar in 2000.

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

- (a) From 1997 – 1999, I was a law clerk at the Johnson, Toal & Battiste law firm. This law firm handled family law, personal injury, social security, worker's compensation, probate, and criminal law matters. I primarily assisted with the personal injury and worker's compensation matters.
- (b) From 2000 – 2005, I was Deputy General Counsel for the SC Department of Corrections (SCDC). I defended the Department against inmate litigation. The inmate litigation was appealed to the Administrative Law Court. I drafted and filed briefs, prepared documents to be submitted into the record and interacted with staff members of the Administrative Law Court. I handled inmate cases involving prison disciplinary appeals, sentence calculations, custody, and liberty interests. Handled appeals under the Administrative Procedures Act as needed. I represented SCDC against inmate litigation filed in circuit court in Richland County, SC.
- (c) Additional duties included:
 - Prepared, drafted, reviewed, approved, and negotiated SCDC contracts with executives in private industries, local, state, and federal governments.
 - Conducted employee grievance investigations, represented SCDC in employee mediation/arbitration proceedings included preparation of settlement agreements if necessary and represented the agency in hearings before the State Employee Grievance Committee, included hearing preparation: oral arguments, legal document, witness preparation, opening/closing arguments, questioning the witnesses on direct/cross-examination.

- Extensive knowledge of relevant state and federal law.
- Investigated and responded to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Worked with outside counsel on cases as required, providing background information, case analysis and relevant law.
- Provide legal advice to Department of Correction (SCDC) senior executives, attorneys, court officials and other state agencies in the interpretation of state and federal law, SCDC policies.
- Reviewed and recommended revisions to policies and state law, as necessary.
- Conducted legal training courses for SCDC employees in both classroom setting and on camera.
- Conducted independent legal research using Lexis & Westlaw.
- Drafted legal memoranda including briefs, motions, and other pleadings, as necessary.
- Conducted investigations and responded to allegations of sexual harassment.
- Decisive and organized with strong capacity to think quickly and present facts rationally.
- Successfully entrusted with responsibility under limited supervision with proven results

(d) From 2006 - 2011, selected as the Human Resources Director/Legal Counsel, Midlands Technical College, Columbia, South Carolina. Duties included:

- Provided legal advice and assistance to the Commission and the Executive Council on complex legal matters, policy questions and operational procedures.
- Analyzed, interpreted, advised, and informed the President, Senior Vice President for Business Affairs and other Executive Council members on employment law matters, various legal issues, and regarding local, state, and federal laws and regulations.
- Participated in executive level decisions as requested, coordinated, and represented the college in legal matters.
- Provided legal advice to the Office of Student Development services concerning student complaints, disciplinary actions, and grievances.
- Directed, supervised human resource department to include: responsible for and managed the HR budget, recruiting and hiring, retention keeping, employee benefits, leave and time attendance, temporary employment, employee training, promotions and transfers, terminations, employee disciplinary matters, employee relations, and class & compensation matters for over 1,000 employees.
- Conducted informal and formal stages of employee grievances and internal complaint investigations based on employee race, sex, age, color, religion, national origin, disability, and veteran status, and monitoring resolution and compliance.
- Provided advice and counsel to employees, managers and supervisors regarding human resources practices, policy, and employee relations and employment laws. Conducted investigations and fact finding as required to formulate recommendations as to necessary actions.
- Coordinated Human Resource matters with the State Technical Board and State Office of Human Resources as required.
- Managed the college's Equal Employment Opportunity and affirmative action goals in compliance with the South Carolina Human Affairs Commission.
- Ensured appropriate communication of resources and training programs for all college administrators, faculty, and staff.
- Reviewed, drafted, and advised college on contractual matters, review and draft policies, procedures and legislation as needed.

- Conducted legal research as required and coordinated legal matters with external legal counsel. Handled all responses to discovery requests and deposition preparation as needed.
- Monitored the completion of all required reports with established guidelines. Responsible for the departmental budget and approved expenditures.

(e) From 2012 – 2017, General Counsel, Midlands Technical College, Columbia, South Carolina. Duties included the following:

- Provide legal advice and assistance to the Commission and the Executive Council on complex legal matters, policy questions and operational procedures.
- Analyze, interpret, advise, and inform the President, Senior Vice President for Business Affairs and other Executive Council members on employment law and various legal matters, local, state, and federal laws, and regulations.
- Participates in executive level decisions as requested, coordinates and represents the college in legal matters.
- Provide legal advice to the Office of Student Development services concerning student complaints, disciplinary action, and grievances.
- Serves as the college chief compliance officer for employment related laws and regulations. As the chief compliance officer, in cooperation with the appropriate Human Resource Management employees and/or other employees conducts informal and formal stages of employee grievances and internal complaint investigations based on employee race, sex, age, color, religion, national origin, disability, pregnancy and veteran status, and monitoring resolution and compliance.
- Investigate and respond to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Direct and/or execute governmental/external affairs, special events, executive level projects/assignments, strategic planning & analysis, or investigations which may be particularly sensitive and/or confidential or which involve multiple divisions within the college.
- Serves as legal training coordinator for the college and works closely with various departments to assess training needs. Develops and delivers an array of legal and employment training to ensure compliance with Federal, state, and local regulations and to reduce litigation.
- Provides advice and counsel to employees, managers and supervisors regarding human resources practices, policy, and employee relations and employment laws. Conducts investigations and fact finding as required to formulate recommendations as to necessary actions.
- Ensures appropriate communication of resources and training programs for all college administrators, faculty, and staff.
- Review, draft and advises college on contractual matters, review and draft policies, procedures and legislation as needed.
- Conducts legal research as required and coordinates legal matter with external legal counsel includes responding to all discovery requests and deposition preparation as needed.
- Monitors the completion of all required reports with established guidelines.
- Respond to Freedom of Information Act requests.

(f) From 2015 – present Associate (Substitute) Municipal Court Judge

- Conduct hearings and adjudicate cases in criminal and traffic court; presides over bond court; rules on motions and draft orders; conducts legal research, as necessary.
- Files reports with the SC Court Administration and other officials, as necessary.

- Performs duties as of Administrative Judge and other Associate Judges as required in their absences.
- Attends training, seminars & workshops as required to maintain job knowledge and skills.
- Perform related administrative and judicial work as required.

(g) From 2017 – present, General Counsel and Vice-President for Lander University, Greenwood, SC

- Reports directly to the President and serves as general counsel for the university by providing legal advice and guidance to the Lander Board of Trustees, Cabinet, and other college officials regarding complex legal matters, policies and procedures and help ensure college operations are consistent with local, state, and federal laws and regulations.
- Coordinates and represents the college in legal matters. Represents college before courts, administrative and governmental entities.
- Member of the Cabinet and attend various meetings involving the Cabinet, the Board of Trustees, Board Committee meetings, and the Lander Foundation.
- Review, draft and advise university on contractual matters, review/draft legislation, policies and procedures, processes, and publications as needed. Conduct research on legal matters as required. Recommend, develop, and implement policy and procedure.
- Direct and/or execute governmental/external affairs, special events, executive level projects/assignments, strategic planning & analysis, or investigations which may be particularly sensitive and/or confidential or which involve multiple divisions within the college.
- Oversight of human resource department to include: recruitment/talent acquisition, hiring, onboarding and orientation processes, retention keeping, employee benefits, leave and time attendance, temporary employment, employee training, promotions and transfers, terminations, employee disciplinary matters, employee relations, and class & compensation matters, compliance with applicable state and federal employment laws.
- Oversight of the University's Diversity Advisory Council and the Kauffmann Leadership Institute.
- Develops and delivers an array of legal and employment training to ensure compliance with Federal, state, and local regulations and to reduce litigation. Conduct legal research as required.
- Investigate and respond to complaints filed with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Responsible for and manage the budgets for the Office of General Counsel, the Diversity Advisory Council, and the Kauffmann Leadership Institute.

Judge Rookard further reported regarding her experience with the Administrative Law Court practice area:

For twenty years, I have served as a state government attorney in South Carolina. In this capacity, I have handled a variety of legal issues such as but not limited to: review of policy and procedures, business transactions, easements, complex employment matters and civil lawsuits including investigation, case preparation, and appeals before state personal grievance committee, defended inmate litigation before the Administrative Law Court and in circuit court, higher education law, privacy and records management, student conduct, transactional matters involving copyright and technology transfer, contributor to strategic administrative and management initiatives, drafting, reviewing, and negotiating complex agreements for the procurement of goods and services, drafted,

reviewed and negotiated agreements with local hospitals and healthcare facilities, regulatory compliance, review of criminal background checks, developed and presented training and development programs to employees on various areas of the law affecting the organization. I believe my extensive legal experience in state government has uniquely prepared me to be an Administrative Law Judge.

During my tenure at the Department of Corrections, I appeared in court numerous times to defend the Department in litigation filed by inmates. In addition, I argued and defended SCDC in employee grievance hearings before the South Carolina Office of Human Resources. Throughout my legal career, I have written numerous legal memoranda defending my client before the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission involving allegations of discrimination and harassment. I humbly state that I have prevailed on behalf of my client in every SHAC/EEOC complaint that I handled.

I believe that my experiences as an associate municipal court judge, my human resources and legal background have prepared me to preside over matters that come before an Administrative Law Judge. For over ten years, I have served as a Human Resource Director and a Chief Human Resources. Thus, I possess extensive experience and knowledge of state human resources' regulations and laws. Also, I have working knowledge of the state employee grievance process.

Throughout my legal career, I have had to quickly learn new areas of law and I have become adept at applying legal principles and procedures to legal matters. I would compare being an in-house counsel for a large government agency to being a sole practitioner in private practice. Almost daily or weekly a novel issue has been brought to my attention that required that I research and provide legal advice. In addition, as in-house counsel there is an intense amount of people contact. My "client" does not have to make an appointment to see me they simply drop by my office if they have an issue that needs attention.

As in-house counsel I learned the art of negotiation and resolving issues. Many times, I addressed matters before litigation was filed against my client. My years of experience as a Human Resources Director taught me the ability to intervene and negotiate a solution.

While I have not appeared before the Administrative Law Court within the past five years, since 2015 I have served as an associate municipal court judge. In this capacity I conduct hearings and adjudicate cases in criminal, domestic violence, quality of life and traffic court, preside over bond court, rule on motions, draft orders and conduct legal research, as necessary. In municipal court, there are bench trials in which I listen to testimony and review evidence presented by both parties, then make the decision. I have interacted extensively with pro se litigants and those represented by legal counsel.

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

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

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

- (a) Civil: 60%;
- (b) Criminal: 30%;
- (c) Domestic: 10%;
- (d) Other: 0%.

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

- (a) Jury: 50%;
- (b) Non-jury: 0%.

Judge Rookard provided that during the past five years prior to her service on the bench she most often served as chief counsel:

Chief counsel in my role as General Counsel for Lander University and Midlands Technical College

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

- (a) *Ralph Porcher v. SCDC*, I handled the initial grievance, the investigation, and the subsequent hearing before the SC Office of Human Resource. This case involved a former employee testing positive for drugs. The primary issues of the case involved the use of a urine analysis vs. a hair analysis and the chain of custody of the urine analysis.
- (b) I handled several employee cases in which I was responsible for the initial grievance, the investigation, and the subsequent hearing before the State Employee Grievance Committee. However, I do not recall the specific names of the cases

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

I handled numerous inmate appeals to the Administrative Law Court involving civil related matters. However, I do not recall the specific names of the cases

The following is Judge Rookard's account of criminal appeals she has personally handled:

I handled numerous inmate appeals to the ALC involving criminal related matters. However, I do not recall the specific names of the cases

Judge Rookard reported that she has held the following judicial office(s):

October 2015 – Present, Associate Municipal Judge for the City of Columbia, SC. In 2015, I was appointed by the City Council of Columbia, SC.

Judge Rookard further reported the following regarding unsuccessful candidacies:

In 2012, I submitted an application for an Administrative Law Judge vacancy however, I withdrew my application before it was considered by the Judicial Merit Selection Commission. In 2016, I submitted an application for an application for an Administrative Law Judge vacancy however, I withdrew my application after the public hearing. In 2017 and 2019, I requested an application, but I did not proceed with the process.

(9) **Judicial Temperament:**

The Commission believes that Judge Rookard's temperament would be excellent.

(10) **Miscellaneous:**

The Midlands Citizens Committee on Judicial Qualification found Judge Rookard to be "Well-Qualified" in the evaluative criterion of ethical fitness; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament.

Judge Rookard is not married. She does not have any children.

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

- (a) SC Summary Court Judges' Association, Inc
- (b) SC Bar Association
- (c) SC Bar Association Diversity Committee
- (d) SC Bar Association Education Committee
- (e) SC Bar Association Fee Dispute Committee
- (f) SC Bar Association In-House Counsel Committee
- (g) SC Women Lawyers Association
- (h) Women in Higher Education, Midlands Technical College's Institutional Representative
- (i) Society of Human Resource Management
- (j) College and University Professional Association
- (k) South Carolina Correctional Association
- (l) American Correctional Association
- (m) Federal Bar Association (SC Chapter)
- (n) Richland County Bar Association

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

- (a) Five Points Rotary Club, board member (2013-2014)
- (b) SC Women in Higher Education, institutional representative (2008-2012)

Judge Rookard further reported:

- (a) For over eighteen years, I have served as a state government defense attorney. In this capacity, I have handled a variety of legal issues such as but not limited to: review of policy and procedures, business transactions, easements, complex employment matters and civil lawsuits including investigation, case preparation, and appeals before state personal grievance committee, defended inmate litigation before the Administrative Law Court and in circuit court, higher education law, privacy and records management, student conduct, transactional matters involving copyright and technology transfer, contributor to strategic administrative and management initiatives, drafting, reviewing, and negotiating complex agreements for the procurement of goods and services, drafted, reviewed and negotiated agreements with local hospitals and healthcare facilities, regulatory compliance, review of criminal background checks, developed and presented training and development programs to employees on various areas of the law affecting the organization. I believe my extensive legal experience in state government has uniquely prepared me to be an Administrative Law Judge.
- (b) Please note the following highlights from my legal career:

Currently, I serve as an Associate (Substitute) Municipal Judge since October 2015 for the City of Columbia, South Carolina. Note: this is a part time position.

- Conduct hearings and adjudicate cases in criminal, domestic violence, quality of life and traffic court; presides over bond court; rules on motions and draft orders; conducts legal research, as necessary.
- Files reports with the SC Court Administration and other officials, as necessary.
- Performs duties as Administrative Judge and other Associate Judges as required in their absences.
- Attend training, seminars & workshops as required to maintain job knowledge and skills.
- Perform related administrative and judicial work as required.
- South Carolina Circuit Court Arbitrator & Mediator.
- Served as Chief Human Resources Officer for over seven years.
- Adjunct instructor for various colleges from 2005 – 2015.

- Nominated for the SC Chamber of Commerce's 2011 Award of Professional Excellence in Human Resource Management.
- Over nineteen years of experience in drafting, reviewing, and negotiating contracts.
- Extensive experience conducting employee investigations, mediations, arbitrations, employment related hearings before the South Carolina Office of Human Resources and responding to discrimination complaints to the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission.
- Over nineteen years of experience in employment law and employee relations.
- Extensive experience conducting training courses on employee relations, higher education law (e.g. Clery Act, Campus SaVE Act, Violence Against Women Act & Title IX, human resource management & legal issues, anti-discrimination, sexual harassment, supervisory training and workplace laws in both classroom settings and on camera.
- Versatile and skilled professional with experience managing people and processes.
- Outstanding verbal and written communication skills.
- Exceptional interpersonal, leadership and negotiation skills.
- Recognized for my excellent ability to manage heavy workloads, time, and multi-task in fast-pace environment.
- Decisive and organized with strong capacity to think quickly and present facts rationally.
Ability to exercise sound judgment and discretion in applying and interpreting laws.
Successfully entrusted with responsibility under limited supervision with proven results.

(11) Commission Members' Comments:

The Commission commented that Judge Rookard received some very positive comments from people who thought a lot of her in the profession. The Commission noted she has an impressive resume.

(12) Conclusion:

The Commission found Judge Rookard qualified, but did not nominate her for election to Administrative Law Court, Seat 3.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

COURT OF APPEALS

SEAT 5, CHIEF JUDGE
SEAT 6
SEAT 8

The Honorable James E. Lockemy
The Honorable Aphrodite Konduros
The Honorable DeAndrea Gist Benjamin
The Honorable Deborah Brooks Durden
The Honorable Jerry Deese Vinson Jr.

CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT, SEAT 2
FIFTH JUDICIAL CIRCUIT, SEAT 3
NINTH JUDICIAL CIRCUIT, SEAT 3
THIRTEENTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Michael S. Holt
The Honorable Robert E. Hood
The Honorable Roger M. Young Sr.
A. Lance Crick
Patrick C. Fant III
G. D. Morgan Jr.
Robert Bonds
Tameaka A. Legette
The Honorable Carmen Tevis Mullen
The Honorable Benjamin H. Culbertson
The Honorable George M. McFaddin Jr.
The Honorable R. Kirk Griffin
The Honorable Clifton Newman
The Honorable Edward Walter “Ned” Miller
The Honorable J. Mark Hayes II
The Honorable William Henry Seals Jr.
The Honorable J. Cordell Maddox Jr.
The Honorable David Craig Brown
The Honorable Jennifer Blanchard McCoy
The Honorable Jocelyn Newman
H. Steven DeBerry IV
B. Alex Hyman
The Honorable Dale E. Van Slambrook

FAMILY COURT

SEVENTH JUDICIAL CIRCUIT, SEAT 1

Jonathan W. Lounsberry
The Honorable Erika L. McJimpsey
Angela J. Moss

ADMINISTRATIVE LAW COURT

SEAT 3

SEAT 6

Stephanie N. Lawrence
Robert L. Reibold
Debra Sherman Tedeschi
The Honorable S. Phillip “Phil” Lenski

Respectfully submitted,



Senator Luke A. Rankin



Representative G. Murrell Smith Jr.



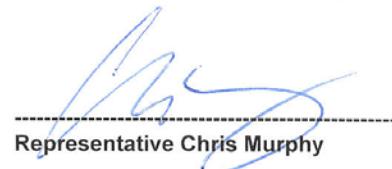
Senator Ronnie A. Sabb



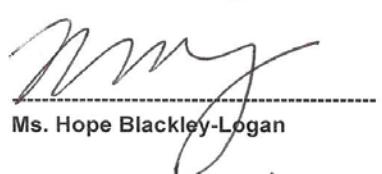
Representative J. Todd Rutherford



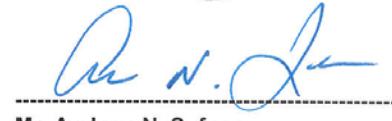
Senator Scott Talley



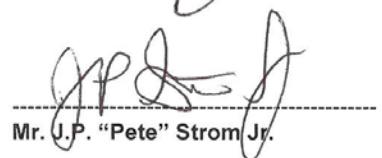
Representative Chris Murphy



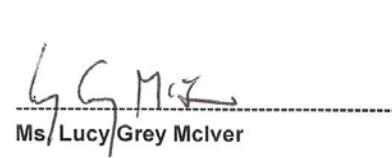
Ms. Hope Blackley-Logan



Mr. Andrew N. Safran



Mr. J.P. "Pete" Strom Jr.



Ms. Lucy Grey McIver

APPENDIX

Report from the South Carolina Bar Judicial Qualifications Committee

Chief Judge James E. Lockemy
Court of Appeals, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Chief Judge Lockemy's candidacy for the Court of Appeals, Seat 5 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Aphrodite Konduros
Court of Appeals, Seat 6

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Konduros' candidacy for the Court of Appeals, Seat 6 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable DeAndrea Gist Benjamin
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 Benjamin's candidacy for the Court of Appeals, Seat 8 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Deborah Brooks Durden
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 Durden's candidacy for the Court of Appeals, Seat 8 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Jerry Deese Vinson Jr.
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 Vinson's candidacy for the Court of Appeals, Seat 8 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Michael S. Holt
Circuit Court, 4th Judicial Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Holt's candidacy for the Circuit Court, 4th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Robert E. Hood
Circuit Court, 5th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Hood's candidacy for the Circuit Court, 5th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Roger M. Young Sr.
Circuit Court, 9th Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Young's candidacy for the Circuit Court, 9th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Steven Edward Buckingham
Circuit Court, 13th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Buckingham's candidacy for the Circuit Court, 13th Judicial Circuit, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

A. Lance Crick
Circuit Court, 13th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Crick's candidacy for the Circuit Court, 13th Judicial Circuit, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

Patrick C. Fant III
Circuit Court, 13th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Fant's candidacy for the Circuit Court, 13th Judicial Circuit, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

Will Grove
Circuit Court, 13th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Grove's candidacy for the Circuit Court, 13th Judicial Circuit, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

**G.D. Morgan Jr.
Circuit Court, 13th Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Morgan's candidacy for the Circuit Court, 13th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Robert Bonds
Circuit Court, 14th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Bonds's candidacy for the Circuit Court, 14th Judicial Circuit, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Tameaka A. Legette
Circuit Court, 14th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Legette's candidacy for the Circuit Court, 14th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**The Honorable Carmen Tevis Mullen
Circuit Court, 14th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Mullen's candidacy for the Circuit Court, 14th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Benjamin H. Culbertson
Circuit Court, 15th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Culbertson's candidacy for the Circuit Court, 15th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable George M. McFaddin Jr.
Circuit Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McFaddin's candidacy for the Circuit Court, At-Large, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable R. Kirk Griffin
Circuit Court, At-Large, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Griffin's candidacy for the Circuit Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Clifton Newman
Circuit Court, At-Large, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Newman's candidacy for the Circuit Court, At-Large, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Edward Walter “Ned” Miller
Circuit Court, At-Large, Seat 4

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Miller’s candidacy for the Circuit Court, At-Large, Seat 4 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable J. Mark Hayes II
Circuit Court, At-Large, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Hayes's candidacy for the Circuit Court, At-Large, Seat 5 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable William Henry Seals Jr.
Circuit Court, At-Large, Seat 6**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Seals' candidacy for the Circuit Court, At-Large, Seat 6 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable J. Cordell Maddox Jr.
Circuit Court, At-Large, Seat 7

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Maddox's candidacy for the Circuit Court, At-Large, Seat 7 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable David Craig Brown
Circuit Court, At-Large, Seat 8**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Brown's candidacy for the Circuit Court, At-Large, Seat 8 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Jennifer Blanchard McCoy
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 the Circuit Court, At-Large, Seat 9 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Jocelyn Newman
Circuit Court, At-Large, Seat 10**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Newman's candidacy for the Circuit Court, At-Large, Seat 10 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Erin E. Bailey
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Bailey's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

Brett H. Bayne
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Bayne's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Daniel McLeod Coble
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Coble's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Meredith Long Coker
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Coker's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

H. Steven DeBerry IV
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. DeBerry's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

B. Alex Hyman
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Hyman's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Regina Hollins Lewis
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Lewis' candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

William Vickery Meetze
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Meetze's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

David W. Miller
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Miller's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Franklin G. Shuler Jr.
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Shuler's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Kate Whetstone Usry
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Usry's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Dale E. Van Slambrook
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Van Slambrook's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

S. Boyd Young
Circuit Court, At-Large, Seat 12

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Young's candidacy for the Circuit Court, At-Large, Seat 12 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Jonathan W. Lounsberry
Family Court, 7th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Lounsberry's candidacy for the Family Court, 7th Judicial Circuit, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Erika L. McJimpsey
Family Court, 7th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McJimpsey's candidacy for the Family Court, 7th Judicial Circuit, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Angela J. Moss
Family Court, 7th Judicial Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Moss' candidacy for the Family Court, 7th Judicial Circuit, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Robert “Rob” Rhoden
Family Court, 7th Judicial Circuit, Seat 1

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Rhoden’s candidacy for the Family Court, 7th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

Anthony R. Goldman
Administrative Law Court, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Goldman's candidacy for the Administrative Law Court, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Stephanie N. Lawrence
Administrative Law Court, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Lawrence's candidacy for the Administrative Law Court, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts

Robert L. Reibold
Administrative Law Court, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Reibold's candidacy for the Administrative Law Court, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Crystal Rookard
Administrative Law Court, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Rookard's candidacy for the Administrative Law Court, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts.

Debra Sherman Tedeschi
Administrative Law Court, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Tedeschi's candidacy for the Administrative Law Court, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts.

The Honorable S. Phillip “Phil” Lenski
Administrative Law Court, Seat 6

The South Carolina Bar’s Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Lenski’s candidacy for the Administrative Law Court, Seat 6 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified