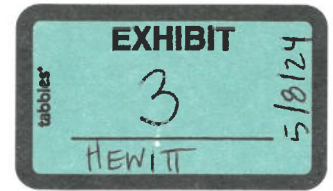


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2024**



Court, Position, and Seat # for which you are applying: Supreme Court, Associate Justice, Seat 3

1. Name: The Honorable Blake A. Hewitt

Name that you are known by if different from above: N/A

Are you currently serving in some capacity as a judge? Yes.

Home Address: [Redacted]

County of Residence: Horry

Business Address: 1220 Senate St., Columbia, South Carolina, 29201

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): (803) 734-2492
(cell): [Redacted]

2. Date of Birth: [Redacted], 1978
Place of Birth: Atlanta, GA
Social Security Number: [Redacted]

3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.

4. SCDL# or SCHD#: [Redacted]
Voter Registration Number: [Redacted]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

From June of 2001 to August of 2001, I was an officer candidate in the United States Marine Corps. A week before the end of Officer Candidate School, I declined a commission as a Second Lieutenant and was released from my orders. To my knowledge, I did not have a rank or a serial number. The character of my discharge was "dropping on request."

6. Family Status:

Married on December 10, 2005 to Emma Catherine (Brown) Hewitt.
Never divorced, one child.
[Redacted]

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

- (a) Georgia Institute of Technology, October of 1996 to May of 2001, B.S. in Civil Engineering, graduated May 5, 2001.
- (b) University of South Carolina, August of 2002 to May of 2005, J.D., graduated May 6, 2005.

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

- (a) USC Law School Committee on Professionalism (2003 – 2005);
- (b) Student Member, John Belton O’Neill Inn of Court (2004 – 2005);
- (c) USC Moot Court Bar, Captain of National Competition Team (2004 – 2005).

9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.

- (a) Admitted to the South Carolina bar in 2005. Took the bar exam one time.

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

- (a) From August of 2005 to July of 2008, I served as a judicial law clerk and legislative liaison to the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina.
- (b) From July of 2008 to August of 2009, I served as a judicial law clerk to the Honorable Joseph F. Anderson, Jr., United States District Judge for the District of South Carolina.
- (c) From August of 2009 until November of 2019, I was in private practice with the same law firm. When I joined the firm it was Bluestein Nichols Thompson & Delgado. When I left, it was Bluestein Thompson Sullivan. My primary area of

- practice was appellate litigation but I was routinely involved in work at the Circuit Court and District Court level as either lead counsel or consulting counsel.
- (d) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy.
 - (e) From January of 2020 to the present time I have been honored to serve the people of South Carolina as a judge on the Court of Appeals.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.

N/A

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

N/A

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved.

Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.

N/A

- (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

N/A

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?

- (a) federal: Fairly infrequent. Five to ten percent of cases.
(b) state: Regularly. Multiple oral arguments each year with various other in-court appearances.

13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?

- (a) civil: 80%
(b) criminal: 10%
(c) domestic: 10%
(d) other:

14. During the past five years

- (a) What percentage of your practice was in trial court, including cases that settled prior to trial? 30%
(b) What number of cases went to trial and resulted in a verdict? 2.
(c) What number of cases went to trial and resolved after the plaintiff's or State's case? 8. (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.
(d) What number of your cases settled after a jury was selected but prior to opening statements? None.

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel?

Most of my work in Circuit Court, District Court, and Administrative Agencies (specifically, the Workers' Compensation Commission) involved merits-based motions and hearings for which I had chief responsibility. Prior to being elected as a judge in 2019, my most recent criminal trial was as co-counsel in a murder case that was tried to a jury in January of 2014. My most recent civil trial was as co-counsel in a bench trial in June of 2017.

For sitting judges seeking a judgeship different than your current position, During the five years prior to your election to the bench, what percentage of your practice was in trial court, including matters that settled prior to trial?

Roughly 30%.

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

Every case I handled was significant to me because every client's case is supremely important to them. With that qualification, some of the cases that I believe to have broader significance are described below:

- (a) Marshall v. Dodds, 426 S.C. 453, 827 S.E.2d 570 (2019). This case analyzes how the statute of repose for medical malpractice actions applies in the situation where there are multiple breaches of the standard of care over an extensive period of time.
 - (b) Rhame v. Charleston County Sch. Dist., 412 S.C. 273, 772 S.E.2d 159 (2015). This case holds that the Workers' Compensation Commission may entertain petitions for rehearing. It overrules three previous decisions that had incorrectly suggested otherwise and brings the comp commission's practice in line with that of other administrative agencies.
 - (c) Ranucci v. Crain, 409 S.C. 493, 763 S.E.2d 189 (2014). This case correctly holds that the pre-suit notice of intent statute for medical malpractice cases (section 15-79-125) completely incorporates the affidavit statute from the Frivolous Civil Proceedings Sanctions Act (section 15-36-100), reversing a decision to the contrary by the Court of Appeals.
 - (d) Bone v. U.S. Food Service, 404 S.C. 67, 744 S.E.2d 552 (2013). This case resolves a long-standing conflict between the Supreme Court and the Court of Appeals about immediate appealability in administrative cases. This conflict historically resulted in a substantial amount of waste for litigants and for the court system. The rule is not perfect, but Bone correctly forces everyone to examine appealability in administrative cases through the lens of the Administrative Procedures Act.
 - (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011). This case holds that when an attorney is appointed to represent an indigent defendant, the takings clause of the Constitution requires that the attorney receive reasonable compensation for his services. This was a break from prior precedent. I was deeply honored to represent the South Carolina Bar which filed a brief as a friend of the Court.
16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Traynum v. Scavens, 416 S.C. 197, 786 S.E.2d 115 (2016);
 - (b) Roddey v. Wal-Mart, 415 S.C. 580, 784 S.E.2d 670 (2016);
 - (c) McAlhanev v. McElveen, 413 S.C. 299, 775 S.E.2d 411 (Ct. App. 2015);

- (d) Skipper v. ACE Property & Casualty Ins. Co., 413 S.C. 33, 775 S.E.2d 37 (2015);
- (e) Lewis v. LB Dynasty, 411 S.C. 637, 770 S.E.2d 393 (2015).

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

- (a) State v. Sims, 426 S.C. 115, 825 S.E.2d 731 (Ct. App. 2019);
- (b) State v. Torrence, Op. No. 2013-UP-152 (S.C. Ct. App. filed Apr. 10, 2013);
- (c) State v. Whitesides, 397 S.C. 313, 725 S.E.2d 487 (2012);
- (d) State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011);
- (e) Ex Parte Brown, 393 S.C. 214, 711 S.E.2d 899 (2011) (represented amicus curiae).

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

Yes. I was elected by the General Assembly to the Court of Appeals in February of 2019. I did not begin serving until after the Honorable Paul Short retired the following December. My service began in January of 2020. I have served continuously since that time and am grateful beyond words to the General Assembly for my reelection last year.

The Court of Appeals predominantly has appellate jurisdiction and performs the first stage of appellate review for the vast majority of appeals that are filed in the unified judicial system. The only exceptions are the seven categories of cases (the six listed in Rule 203, (d)(1)(A), SCACR, plus “certificate of need” cases pursuant to the recent amendments to that law) that skip the Court of Appeals and proceed directly to the Supreme Court. In addition to its appellate jurisdiction, the Court of Appeals hears pretrial motions to suppress wire, oral, or electronic communications under the “South Carolina Homeland Security Act” if there is a claim the communications were illegally intercepted.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.

- (a) Fairfield Waverly, LLC v. Dorchester Cnty. Assessor, 432 S.C. 287, 852 S.E.2d 739 (Ct. App. 2020);
- (b) Arcadia Lakes v. S.C. Dep’t of Health & Env’t Control, 433 S.C. 47, 855 S.E.2d 325 (Ct. App. 2021);
- (c) Est. of Jane Doe 202 v. City of N. Charleston, 433 S.C. 444, 858 S.E.2d 814 (Ct. App. 2021) affirmed in result 441 S.C. 131, 893 S.E.2d 319 (2023);
- (d) Encore Tech. Grp., LLC v. Trask, 436 S.C. 289, 871 S.E.2d 608 (Ct. App. 2021);
- (e) State v. Williams, 437 S.C. 100, 876 S.E.2d 324 (2022).

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

- (a) South Carolina, 2005;
 - (b) US District Court for the District of SC, 2009;
 - (c) US Court of Appeals for the Fourth Circuit, 2009;
 - (d) Supreme Court of the United States, 2009.
21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) From January of 2018 to May of 2018 I was employed by the University of South Carolina Law School as an Adjunct Professor teaching Appellate Advocacy;
 - (b) I lectured on techniques of oral advocacy at the 2016 “Prosecution Bootcamp” for new prosecutors, hosted by the Prosecution Coordination Commission. I delivered the same presentation at the Solicitor’s Association’s Annual Convention later that same year;
 - (c) I presented on the topic of appellate practice at the Bridge the Gap programs in 2015 and 2016;
 - (d) I lectured on oral advocacy at the 2016 SC Bar “SC Lawyer’s Guide to Appellate Practice” Program;
 - (e) I gave “case law update” presentations to all attendees at the Injured Workers’ Advocates organization’s Annual Conventions in 2010, 2011, 2013, 2014, 2015, 2016, and 2017. During the same 2016 and 2017 Annual Conventions I moderated a discussion about appellate practice with the appellate judges attending the conference;
 - (f) In 2015 I gave a presentation that dealt with issues surrounding the admission of forensic interviews in criminal sexual conduct cases as part of the SC Bar’s annual “It’s All A Game” seminar. I updated this presentation for the same seminar in 2021;
 - (g) I shared presentations on special filing procedures in professional negligence cases as a part of the annual Tort Law Update hosted by the SC Bar in 2014 and 2015;
 - (h) I lectured on error preservation and techniques of developing a record for an eventual appeal at the 2013 SC Bar Program “Introduction to Birth Injury Litigation;”
 - (i) I was a member of a panel discussion on indigent defense funding at the Charleston School of Law’s symposium celebrating the 50th anniversary of the U.S. Supreme Court’s decision in Gideon v. Wainwright;
 - (j) I gave speeches on effective legal writing at a local CLE Program, “What Every Lawyer should know to Enjoy (or Survive) the Practice of Law” in 2012 and 2013;
 - (k) I lectured on handling appeals effectively at the South Carolina Association for Justice’s 2012 Annual Convention;
 - (l) I gave a “case law update” at the South Carolina Association for Justice’s 2016 Annual Convention;
 - (m) I spoke about the strategy and method of working an appellate case as part of the “2018-2019 Appellate Practice Project” in November of 2018;
 - (n) I gave a family court “case law update” as part of the Horry County Family Court Bar’s “Family Law Seminar” in February of 2020;

- (o) I participated in a panel discussion explaining the process of running for judicial office as part of the 2021 SC Bar Convention;
 - (p) I participated in a Q & A about the appellate process for the SC Workers' Compensation Educational Association's Annual Conference in 2021;
 - (q) I participated in a panel discussion about the appellate process as part of the Injured Workers' Advocates Annual Convention in 2021;
 - (r) I participated in a panel discussion about the appellate process for the Coastal American Inn of Court in February of 2021;
 - (s) I participated in a panel discussion about written and oral advocacy for the SC School Board Association's Council of School Attorneys in May of 2022;
 - (t) I gave a presentation titled "Update from the Court of Appeals" at the Horry County Bar Association's annual CLE in October of 2022;
 - (u) I participated in an oral argument demonstration as part of the SC Bar Association's "Appellate Advocacy Workshop" in November of 2022;
 - (v) I presented a program about how to challenge an expert's qualifications as part of the Horry County Family Court Bar's "Family Law Seminar" in February of 2023;
 - (w) I moderated a panel discussion on criminal appeals as part of the SC Appellate Judges Conference in March of 2023.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

A report was provided to the Commission.

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

- (a) Appellate Practice in South Carolina Jean Hoefler Toal et al. (SC Bar CLE 2016), Editorial Board.

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

Writing samples were provided to the Commission. These are two of the last briefs I wrote in private practice. I wrote these after being elected to the Court of Appeals, but before my service on the court began. I was still actively practicing law, but my firm and I decided that I would not be listed as counsel on the briefs because I had already been elected to the court.

25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I have never sought a rating from Martindale-Hubbell. In 2018 I was selected for inclusion in Best Lawyers in the areas of Appellate Practice and Personal Injury Litigation – Plaintiffs.

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

- (a) South Carolina Bar: Trial & Appellate Advocacy Section, Council Member (July 2010 - July 2013); Judicial Qualifications Committee, Committee Member (March 2011 - August 2012); Young Lawyers Division, Long-Range Planning Committee, Committee Member (July 2010 - July 2012); Young Lawyers Division, 15th Circuit Representative (July 2013 - July 2015); Young Lawyers Foundation Board, Board Member (November 2013 - July 2015).
- (b) Horry County Bar Association.
- (c) South Carolina Supreme Court Historical Society.
- (d) Injured Workers Advocates: Judicial Affairs Committee, Committee Member (March 2010 - Feb. 2019).
- (e) South Carolina Association for Justice: Legislative Steering Committee, Committee Member (November 2010 - Feb. 2019).
- (f) Coastal American Inn of Court: Community Service Chair (Jan. 2014 - Sept. 2019), Judicial Officer (Sept. 2019 - present).

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

No.

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

None.

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

In 2012 I ran unsuccessfully for the South Carolina House of Representatives, District #105. For a brief period in May, I was the Republican nominee for this office, however I was disqualified as a candidate as a result of the Supreme Court of South Carolina's decision in Florence County Democratic Party v. Florence County Republican Party, which invalidated the filing directions that the South Carolina Election Commission issued to all candidates. I pursued a petition candidacy following this decision and was certified by the Election

Commission as a petition candidate for the November 2012 general election. I did not win the general election. I filed my final financial report in April of 2013.

In 2014 I ran unsuccessfully for the Court of Appeals, seat 7. This vacancy was created when Judge Danny Pieper retired. I was deeply honored to be found qualified and nominated by the JMSC. I withdrew from the race a week before the election, which Judge Stephanie McDonald won.

In 2017 I ran unsuccessfully for the Court of Appeals, seat 9. This vacancy was created by Judge James Lockemy's elevation to Chief Judge. I was deeply honored to again be found qualified and nominated by the JMSC. I withdrew from the race the morning of the election, which then-Judge (now-Justice) Gary Hill won.

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

From August of 2001 to July of 2002, I was a practicing civil engineer with Welker & Associates, Inc., a general civil engineering firm located in Marietta, Georgia. I served as a design engineer on several water and wastewater system projects. I left this job in order to move to South Carolina for law school.

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

No.

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

When I was in private practice I was a member of two organizations – the South Carolina Association for Justice and Injured Workers' Advocates – that employed lobbyists and that acted as lobbyist's principals. I was not on the lobbying committee of either organization.

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

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

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

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

No.

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

No.

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

None.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years. If you are a sitting judge, please include such contributions since your last screening.

None.

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

No.

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

I do not own substantial amounts of individual stock, and I do not believe that I am involved in any financial or business relationships that would result in a possible conflict of interest.

Of course, if I was ever in a situation where I had a potential conflict of interest, I would disqualify myself if my impartiality might reasonably be questioned. See Canon 3E, Rule 501, SCACR.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

N/A

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

Brokerage account records were furnished to the Commission.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

No.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

No.

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

I was arrested in Barrow County, Georgia on February 9, 1998 and charged with four misdemeanor offenses: driving under the influence while under 21, possession of alcohol by a minor, possession of an open alcohol container, and speeding. I pled guilty to all of these offenses on March 17, 1998, and I received a sentence of 12 months probation, 80 hours of community service, and several fines (\$937.50 for DUI under 21; \$158.25 for possession of alcohol by a minor; \$156.25 for possession of an open container; and \$156.25 for speeding). I paid all fines, completed my community service, and I was released from probation in 1999. I will be happy to provide additional information at the commission's request, and I would add the editorial comment that although this was not a pleasant experience, I deserved every bit of the sentence I received. I embarrassed myself and my family. As I have written before, I am extremely grateful that my foolishness did not come at a higher cost to me or to someone else.

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

No.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I have never been sued by a client. In May of 2012, I was personally named as a defendant in the case Von Herrmann v. South Carolina Republican Party, case number 2012-CP-26-3832, which was filed in the Court of Common Pleas for the Fifteenth Judicial Circuit. This lawsuit sought my disqualification as the Republican party's nominee for the South Carolina House of Representatives, District #105. This suit was resolved by a consent order shortly after the Supreme Court of South Carolina's decision in Florence County Democratic Party v. Florence County Republican Party, which controlled the legal issues in question.

In November of 2021, all of the judges of the Court of Appeals were sued in their official capacities in the South Carolina Supreme Court. That case was Gibbs v. Lockemy, appellate case number 2021-001282. I believe it was related to some separate foreclosure cases that were pending at the Court of Appeals, but I was never personally served with the suit. The Supreme Court dismissed the suit in August of 2022.

Last, though I was not named in the suit, a petition was filed in the South Carolina Supreme Court against the Court of Appeals and a trial judge in November of 2022. That case was Kirkland v. Court of Appeals, appellate case number 2022-001628, and sought a writ of mandamus. The Supreme Court denied the writ in January 2023.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

My firm had malpractice insurance the whole time I was in private practice. I was never covered by a tail policy. The deductible was \$10,000 per claim. The policy limits were \$1,000,000 per claim.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

I have not asked any third parties to contact members of the General Assembly on my behalf and I have not asked any individuals to campaign on my behalf. I have not done any campaigning for this election beyond answering affirmatively and explaining my interest when asked if I am running.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

- (a) W. Charles Myers, [Redacted]
- (b) Robert T. Bockman, USC School of Law, [Redacted]
- (c) Allison Sullivan, [Redacted]
- (d) Drew Kurlowski, [Redacted]
- (e) Emily Kirby, [Redacted]

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

If so, please list the account names for each account and the relevant platform.

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I am not on social media or any similar Internet site. I maintained a Facebook page while I was an active political candidate but that page has been dormant since my campaign concluded in November of 2012.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group,

and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) Waccamaw Sertoma Club. Board Member (July 2013 - Aug. 2019), President (August 2016 - July 2017);
- (b) City of Conway Board of Zoning Appeals (April 2013 - Feb. 2019);
- (c) City of Conway Downtown Alive;
- (d) Compleat Lawyer Award (Silver), USC Law School.

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

I have written this before, but it remains true that any good qualities I possess are the result of the many strong and positive influences in my life. I was blessed to have parents who loved me and invested in me heavily. I was also fortunate to have several people outside of my immediate family show interest in me and help shape my development by serving as mentors. My greatest professional goal has always been to honor these wonderful individuals. I know that any success I experience will be the result of them lifting me on their shoulders.

We all draw from wells that we did not dig; we are all stewards of the investments that others made in us. I hope that I have gone about my service as a judge in a way that reflects the lessons of hard work and humility that so many people gave and modeled for me.

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

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

Signature: _____

Sworn to before me this ____ day of _____, 2024.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____