



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

Court, Position, and Seat # for which you are applying:

1. Name: The Honorable M. Scott McElhannon

Are you currently serving in some capacity as a judge? Yes
Family Court Judge, Seat 3
Tenth Judicial Circuit

Home Address: [Redacted]

County of Residence: Anderson County

Business Address: Anderson County Courthouse
100 S. Main Street
Anderson, SC 29624

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): 864-260-4040
(cell): [Redacted]

2. Date of Birth: [Redacted]1962
Place of Birth: Atlanta, Georgia
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? No

6. Family Status: Married on August 15,1992 to Shirley H. McElhannon
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) Presbyterian College (1980-1984) Bachelor of Science

(b) University of South Carolina School of Law (1985-1988) Juris Doctor

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.

None

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.

State of South Carolina (1988). I 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) Dowling, Sanders, Dukes, Svalina & Williams

Beaufort, South Carolina

August 1988 – April 1989

Associate attorney practicing in Family Court, General Sessions and Common Pleas

(b) Svalina, Richardson & Smith

Beaufort, South Carolina

April 1989 – November 1990

Associate attorney practicing in Family Court, General Sessions and Common Pleas

(c) M. Scott McElhannon, Attorney at Law

Honea Path, South Carolina

January 1991 – March 1992

Sole practitioner practicing in Family Court, General Sessions and Common Pleas. I was directly and solely involved in the administrative and financial management of this firm, including management of the trust account.

(d) Law Office of Raymond Mackay

Anderson, South Carolina
April 1992 – June 1995

Associate attorney practicing in Family Court, General Sessions and Common Pleas

- (e) M. Scott McElhannon, Attorney at Law
Anderson, South Carolina
July 1995 – December 1999

Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period, I was also a contract Public Defender handling juvenile cases in Family Court. I was directly and solely involved in the administrative and financial management of the trust account.

- (f) Solicitor's Office, Tenth Judicial Circuit
Anderson, South Carolina
Assistant Solicitor
January 2000 – March 2009

From January 2000 to June 2005 I prosecuted all juvenile cases in Family Court. I was Director of Juvenile Services which included the Juvenile Arbitration Program. From June 2005 to March 2009, I prosecuted cases in General Sessions, as well as continuing to prosecute juvenile cases in Family Court as needed.

- (g) M. Scott McElhannon, Attorney at Law
Anderson, South Carolina
March 2009 – September 2015

Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period, I was also a conflict 608 attorney for the Office of Indigent Defense handling conflict criminal adult and juvenile cases in Anderson County and Oconee County. I was solely and directly involved in the administrative and financial management of this firm, including the management of the trust account.

- (h) South Carolina Department of Social Services
Anderson, South Carolina
September 2015 – March 2017

Staff attorney prosecuting child abuse and neglect cases, termination of parental rights, and abuse of vulnerable adult cases. After nine months I was promoted to Managing Attorney for the Tenth Judicial Circuit.

- (i) Solicitor's Office, Tenth Judicial Circuit
Anderson, South Carolina
Assistant Solicitor
March 2017 – February 2020

I prosecuted General Sessions cases in Circuit Court for Anderson County. In addition, I prosecuted juvenile cases in Family Court as needed.

- (j) Family Court Judge
Tenth Judicial Circuit
Seat 3

I was elected to the Family Court Bench on February 5, 2020. I began working as a Family Court Judge on March 2, 2020 to the present.

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.
 - (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.
 - (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.

- (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.
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:
 - (b) state:
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:
 - (b) criminal:
 - (c) domestic:
 - (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?
 - (b) What number of cases went to trial and resulted in a verdict?
 - (c) What number of cases went to trial and resolved after the plaintiff's or State's case? (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?

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

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?

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.
- (a)
 - (b)
 - (c)
 - (d)

(e)

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)

(b)

(c)

(d)

(e)

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.

18. Have you ever held judicial office? Yes. 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.

Family Court Judge, Tenth Judicial Circuit, Seat 3
Elected February 5, 2020, serving continuously to the present.

The Family Court has exclusive jurisdiction to hear and determine actions for divorce, separate support and maintenance, legal separation, other marital litigation between the parties, and for settlement of all legal and equitable rights of the parties in the actions related to the real and personal property of the marriage. The family court also has jurisdiction to hear adoptions, matters involving truancy and delinquency of juveniles, and abuse and neglect of children and vulnerable adults.

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) SCDSS vs. Kimberly Spearman, et al. (Op. No. 2021-UP-362) (Ct. App. filed October 18, 2021)

This was a termination of parental rights case in which Mother appealed my decision to terminate her parental rights to child. The Court of Appeals affirmed my decision. The Court of Appeals upon a thorough review of the record and my findings of fact and conclusions of law found no meritorious issues in the appeal.

- (b) SCDSS vs. Chasya Gilbody, et al. (Op. No. 2023-UP-242) (Ct. App. filed June 12, 2023)

This was a termination of parental rights case in which Mother appealed my decision to terminate her parental rights to children. The Court of Appeals affirmed my decision. The Court of Appeals upon a thorough review of the record and my findings of fact and conclusions of law found no meritorious issues in the appeal.

(c) SCDSS vs. Danielle Gay, et al. (Op. No. 2023-UP-273) (Ct. App. filed July 19, 2023)

In this case, the intervening foster parents appealed my ruling that custody of the minor children should be returned to Mother. The Court of Appeals affirmed my decision finding that a preponderance of the evidence supported my finding that reunification with Mother was in children's best interest. This case also had the dynamic of COVID-19 which played a part in the delay of reunification, together with foster parent's motion to intervene. The Court of Appeals also affirmed my finding that Mother demonstrated due diligence in remedying the conditions that led to children's removal. This was a difficult decision because foster parent's expert witnesses presented testimony that returning children to Mother would cause trauma for children due to their bond with foster parents. However, the experts had never evaluated children's bond with Mother. The DSS caseworker and the children's guardian ad litem testified that children were bonded to Mother and returning children to her care was in their best interest.

(d) SCDSS vs. Haley Vanderford, et al (Op. No. 2024-UP-289) (Ct. App. filed July 29, 2024)

This was a termination of parental rights case in which Mother's parental rights were terminated. Mother appealed my decision terminating her parental rights. The Court of Appeals affirmed my decision finding that clear and convincing evidence showed Mother failed to remedy the conditions that caused children's removal. The children were removed due to domestic violence in the home, Mother's substance abuse, and her failure to protect the children. The Court of Appeals believed that I properly found that Mother was unlikely to provide a safe, stable and drug-free home in the foreseeable future.

(e) Henderson vs. Henderson (2020-DR-37-183)

This case involved Mother relocating child to another state without Father's consent. The parties had made multiple reports against each other, either to law enforcement or DSS. The minor child was diagnosed with severe ADHD. The main issue in the case was where the child would reside in order to attend the most beneficial educational setting for his diagnosis. Eight expert witnesses testified over a four day trial. I found that both parties were fit parents. The case came down to what is in the best interest of the child. Father had secured admission for child in a specialized school in South Carolina. Father testified that he would be willing to exercise week to week custody if Mother moved back to South Carolina. Mother testified that she would not consider moving back to South Carolina. The parties were awarded joint custody with Father having primary placement.

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 state courts on November 16, 1988.

(b) United States District Court on September 27, 1996.

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) I was a speaker at a juvenile justice seminar in Biloxi, Mississippi. I spoke about the Anderson County Juvenile Arbitration Program for first time juvenile offenders.

(b) I was a panel member for the juvenile prosecution seminar which was part of the annual Solicitor's Conference. The panel discussed various issues in juvenile justice and fielded questions from the audience.

(c) I have spoken to several high school classes regarding juvenile justice law.

(d) I have been a panel member at two Family Law CLE Seminars in Anderson County.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

See attachments

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

I have not published any books or articles.

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.)

Not applicable

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 to be rated by any legal rating organization.

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 Association

(b) Anderson County Bar Association

(c) South Carolina Family Court Judges Association

27. Have you ever held public office other than judicial office? No. 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.

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.

I ran for position of Family Court Judge for the Tenth Judicial Circuit in 2008 upon the retirement of the Honorable Barry W. Knobel. I was successfully screened and found qualified. I withdrew from consideration prior to the election.

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? No. 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.

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

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)? No. If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

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. (a) Have you filed state and federal income tax returns for the last 5 years? Yes. If no, please provide details.
(b) Have you or any business with which you are associated been delinquent in any local, state, or federal taxes? No. If yes, please provide details.
(c) Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? No. If yes, please provide details.
(d) Have you ever defaulted on a student loan? No. If so, please provide details.
(e) Have you ever filed for bankruptcy? No. If so, please provide details, along with proof of satisfaction of any liens or defaults.

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? No. If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

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 participate in any employer-mandated contributions to a PAC or any other political entity, please describe and note your personal involvement in contributions. 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? No. If so, please specify the amount, solicitor, donor, and date of the solicitation.

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.

None

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.

None

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.

None

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.

None

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.

See attachment from Edward Jones

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? No. If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

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.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No. If yes, explain.
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 was appointed to represent an indigent defendant in General Sessions Court in 2014. I was his third appointed attorney. The defendant was charged with murder. I sought to have competency evaluations performed on the defendant. A competency order was signed by the circuit judge; however, the defendant refused to attend the evaluation. The defendant filed a pro se complaint in Federal Court alleging civil rights violations. The complaint was never served on me and it was dismissed. The defendant was tried pro se with a fourth appointed attorney sitting at the counsel table. The defendant was convicted and sentenced to life without parole.

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.

Not applicable.

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? No. If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No. If so, give the details.
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? No. Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No. If so, give details.

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? No. 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.
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? No. If so, give details.
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) Barry W. Knobel
[Redacted]
 - (b) Tommy B. Edwards
[Redacted]
 - (c) C. Reena Thomason
[Redacted]
 - (d) Dr. Austin Carty
[Redacted]
 - (e) Elizabeth B. Simmons
[Redacted]
56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.? No

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?

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.

None

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 was raised by two wonderful and loving parents who instilled in me the philosophy of treating others as I would want to be treated. I have tried diligently to live my life by that premise, and to judge in the same manner. I will continue to do so if re-elected.

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: _____