



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

Court, Position, and Seat # for which you are applying: Family Court Judge, Eighth Judicial Circuit, Seat 3

1. Name: The Honorable Joseph C. Smithdeal

Name that you are known by if different from above
(Example: A Nickname): Joe Smithdeal

Are you currently serving in some capacity as a judge? If part-time, please note.
(Includes Municipal, Magistrate, Etc.) Yes

Home Address: [Redacted]

County of Residence: Greenwood

Business Address: 528 Monument Street, Room 208, Greenwood, South Carolina 29646

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): (864) 942-8643
(cell): [Redacted]

2. Date of Birth: [Redacted]1967
Place of Birth: St. Mary's County, Maryland
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. 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.

6. In the space below, (a) State whether you are single, married, widowed, divorced, or separated. (b) If married, state the date of your marriage and your spouse's full name and occupation. (c) If widowed, list the name(s) of spouse(s). (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court,

and grounds. (e) State the names of your children and their ages. If your children are NOT full-time students, also include the occupation and employer of each child.

Family Status: Married to Elizabeth C. Smithdeal, attorney on August 22, 1992
Never divorced. Five children: [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) The Citadel, August 1985-May 1989, Bachelor of Arts;
 - b) University of South Carolina, August 1989-May 1992, 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. South Carolina, 1992. South Carolina Bar exam was taken 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) Judson Ayers & Associates, P.C. 1992-1995, Associate attorney – Family Court, general civil & criminal litigation (Circuit Court and Federal District Court), Workers Compensation, real estate and employment law.
 - b) Ayers & Smithdeal, P.C. 1995-1997, Partner – Family Court, general civil & criminal litigation (Circuit Court and Federal District Court), Workers Compensation, real estate and employment law.
 - c) Ayers, Smithdeal & Bettis, P.C. 1997-2013, Managing Partner and President – practice areas were substantially the same, but I was responsible for administrative and financial management of the firm which included the Firm’s trust account.
 - d) Family Court Judge, Eighth Judicial Circuit, Seat 3- 2013-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.
- (a)
 - (b)
 - (c)
 - (d)
 - (e)

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. I was elected by the legislature as Judge of the Family Court, Eighth Judicial Circuit, Seat 3. I was sworn into office on April 1, 2013 and have served continuously since. Family Court is a court of limited jurisdiction as set forth in S.C. Code §63-3-530. The Family Court is without jurisdiction to hear or determine matters outside of its subject matter jurisdiction.
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) Rish v Rish, Op No 28223 (S.C.Sup.Ct. filed July 31, 2024) - This was a case of first impression. The parties were divorced in 2003 and the divorce order incorporated the parties' alimony agreement. The agreement set periodic alimony and made the award non-modifiable. The Family Court modified the alimony order in 2011. The non-modifiable provision was not raised and no appeal was taken in 2011. In 2016, the husband requested another modification. Prior to this hearing, the wife raised the non-modifiable provision contained in the 2003 divorce order. I denied the motion as the prior Family Court has already modified the 2003 order and there was no appeal. At the trial, I terminated the husband's alimony obligation based on the law and equities of the case. The wife filed a motion for reconsideration under Rule 59(e), SCRCF and to void the order under Rule 60(b), SCRCF, arguing the 2011 modification order was void because the divorce decree made alimony non-modifiable and the Family Court was without subject matter jurisdiction to address alimony. I denied these motions. The Court of Appeals agreed with the wife and reversed my order. The Supreme Court found that I was correct in my rulings that the Family Court never loses subject-matter jurisdiction and that the intervening 2011 order effectively eliminated the non-modifiable provision since it was not raised, ruled upon or appealed. The Supreme Court corrected a long line of cases that had unartfully used the general term jurisdiction. The Supreme Court also found the termination of alimony appropriate.
- (b) Lexington case – This case involved a long term "marriage" with disabled adult children. Husband had obtained a Dominican Republic divorce from his first wife while they were both residents of South Carolina. He then "married" wife. Wife claimed that she and husband were not validly married because the Dominican divorce was not legal. As the validity of marriages is reserved to the Court of Common Pleas pursuant to §20-1-510, 520 and NOT to the Family Court under its jurisdictional statute, I was forced to dismiss husband's divorce complaint so they could litigate that issue in the Court of Common Pleas.
- (c) DSS v Walls and Walls, 16-UP-483 and 16-UP-482 (Ct.App. filed November 16, 2016)– A twenty-three day old baby had skull fractures, bleeding on the brain, a fractured vertebra, broken leg, broken ankle, broken ribs, and internal injuries in various stages of healing. Neither parent knew who done it. Based on the evidence presented, I was compelled to remove the child and terminate the parents' parental rights. The defense argued that this was a case of *res ispa loquitor* and that concept

was not recognized in South Carolina. I ruled that this was a case of circumstantial evidence and the evidence was clear.

- (d) Greenwood case – This was the second marriage each for an elderly couple. The wife and her attorney presented a prenuptial agreement to the husband before the marriage. Husband willingly signed it as both spouses had substantial pre-marital property to protect and children from their prior marriages. A few years after the wedding, Wife's health declined and she started suffering from dementia. She then deeded all her property to her children in an effort to lay the cost of nursing home care on her husband. Husband sought the advice of an attorney and then filed for divorce to protect his pre-marital estate. Wife, through her adult children, attempted to set aside her own prenuptial agreement. She also requested alimony even though the agreement barred each from alimony. After significant consideration, I found that each party's pre-marital property was non-marital. I also denied wife's alimony claim and upheld the prenuptial agreement even though the husband was unrepresented at the time of the signing of the agreement.
- (e) Beaufort case – This was a heartbreaking case involving a long-term marriage with five daughters. The middle daughter accused the father of sexually assaulting her during the litigation. Several experts testified, but this issue essentially came down to a classic "he said-she said", and the preponderance of the evidence did not weigh more heavily on one side or the other. I did not find sexual assault occurred, but I could not grant visitation to the father with that daughter because of the toxic relationship.
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 Supreme Court, November 18, 1992;
b) United States District Court, September 23, 1993.
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. Law School for Non-Lawyers - Lectured multiple times over the years on topics ranging from Family Law, Workers Compensation, Probate, and the SC Court System. I have also spoken at quite a few CLE seminars on the topic of Family Law. I am currently scheduled to speak at a community Law Talk on Family Law in September.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years. See attached reports.
23. List all published books and articles you have written and give citations and the dates of publication for each. None
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.) Inapplicable

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. BV
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) Greenwood County Bar 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. Yes. 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. Yes. 2009 - I was qualified and nominated by the Judicial Merit Screening Commission and then withdrew my name from consideration prior to the vote of the Legislature. 2010 - I was qualified and nominated by the Judicial Merit Screening Commission and then withdrew my name from consideration prior to the vote of the Legislature.
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. No.
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)? 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 net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

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

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

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. \$0.00 If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?
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. None. \$0.00 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. Not applicable. \$0.00

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. I have a minority interest in a building with my former law partner Chad Bettis. The building is only occupied by Mr. Bettis' law firm. Mr. Bettis does not practice Family Law and does not appear in Family Court. There are no conflicts. Explain how you would resolve any **potential** conflict of interest. If Mr. Bettis ever had a case on my docket, I would recuse myself.
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.
- Not applicable.

Attach a copy of any contract or agreement.

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. None. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.
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 attached financial statement and documents.
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? No. 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. Yes. I was asked to act and then did act as personal representative in a probate estate for the purpose of accepting service of the summons and complaint in a civil tort action. This request was made by a fellow trial attorney, John McCravy. It was merely a formality for service of pleadings. The insurance company took over representation of the case as soon as I accepted service, and I had no further involvement. Additionally, many years ago, my old law partner sued a mortgage company on my behalf for failing to satisfy a mortgage within the statutory time frames. This case settled almost immediately to my recollection. Lastly, a lawyer from Lexington filed a lawsuit in Bankruptcy Court C/A No. 19-80062-HB against multiple defendants including myself for allegedly violating the automatic stay in her client's bankruptcy case. I still don't really know what the purpose of the case was as the Complaint was a poorly drafted shotgun approach to litigation. There were broad, general allegations and conclusory statements about the defendants. I did not have any real involvement in this bankruptcy lawsuit, and the lawyer easily could have found out that I had no involvement in her client's child support case - if she had only looked into the facts. Shortly after the filing, the judge summarily dismissed the entire case as without merit.
48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? Not applicable. 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.
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? 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. None.
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) Charles M. Watson, Jr, [Redacted]
 - (b) Justin S. Kahn, [Redacted]
 - (c) Jon E. Newlon, [Redacted]
 - (d) Steven M. Pruitt, [Redacted]
 - (e) Heather H. Stone, [Redacted]

56. Are you active on or a **member** of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.? Yes. I have a Facebook account that I opened years ago when my kids were younger. I did this so I could follow them. I do not and I have not used any social media in years.

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

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 do not use social media so there would be no affect.

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) Knights of Columbus. My family received the family of the month award.

(b) Citadel Alumni Association – Life Member

(c) Our Lady of Lourdes Catholic Church – Sunday school teacher

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. My wife and I have five children. Three of my children are college graduates, one is in college now, and one is a high school senior. I have a daughter in law and son in law and two grandsons – so far. In other words, I understand families and the issues they face. I get to work between 7:30-8:00 a.m. I prepare for court every morning and am ready to start on time with a working knowledge of all the cases which are to come before me that day – no matter which county I am working in. Often, I am in the courthouse working before the clerks arrive. I utilize Saturdays for order writing, research and preparation for Monday mornings. When I ran for this judgeship I promised to be diligent, hard-working and courteous. I believe I have honored my promise.

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: _____