

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
FOR RETIRED JUDGES/JUSTICES**

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

1. Name: The Honorable Jean Hoefer Toal

Home Address: [Redacted]

County of Residence: Richland County

Business Address: Richland County Judicial Center
1701 Main Street
Suite 323
Columbia, SC 29201

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): 803-576-1985
(cell): [Redacted]

2. Date of Birth: [Redacted] 1943
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]

5. Family Status: Married on August 24, 1967 to William Thomas Toal.
Never divorced, two children.

[Redacted]

[Redacted]

6. List your positions of employment on and/or appointment to the bench chronologically. You are not required to list dates of employment or appointment prior to your last screening.

Chief Justice, South Carolina Supreme Court
Retired December 2015

Chief Justice Retired, Senior Active Retired Judge
2016 – present

7. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary? If so, please describe.

Yes, I have served as a mediator and an arbitrator. I have served as a mediator in several state and federal law suits. For some, I served by requests from the private bar. For the majority, I have served at the appointment of U.S. District Judge Richard M. Gergel and U.S. District Judge Donald C. Coggins.

I have been compensated for some of these engagements and pro bono for others. I have reported any compensation received on the relevant years' U.S. and S. C. Income Tax Returns.

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

CLE's for the past five years are attached.

9. 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.

Sandpit, LLC holds title to the family beach house (3000 Palm Blvd, Isle of Palms, South Carolina). The members/owners are: Jean Hoefler Toal, Lilla Hoefler Hackett, Ann McCallum Hoefler, Christina Hoefler Myers, and Mary Tresca Hoefler Cook. I am the Managing Member. We rent the property through East Islands Realty (Isle of Palms, S.C.) about 50% of the year and each member uses the property. I pay bills, maintain the property and report income using the services of the family's bookkeeper and our accountant. U.S. and S.C. Income Tax Returns are filed annually and Form 1099's and/or K1's are issued to each member.

Herbert W. Hoefler Family, LLC holds title to various pieces of real estate located in Richland and Lexington County. Most of the properties are vacant land. The one income producing piece is an Arby's on Charleston Highway in West Columbia, S.C. The members are the same as Sandpit, LLC. I pay bills, maintain the properties and report income using the family's bookkeeper and accountant. U.S. and S.C. Income Tax Returns are filed annually and Form 1099's and/or K1's are issued to each member.

10. 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.

11. Since your last screening, has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? Since your last screening, have you defaulted on a student loan? Since your last screening, have you filed for bankruptcy? If so, give details.

No to all questions

12. For the last fully completed calendar year, itemize the income, expenses, fees, payments, or additional benefits exceeding \$500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.

I received a mediator fee for services in 2020, 2021, and 2022 as arbitrator and mediator in Michelle H., et al. v. McMaster and Leach, United States District Court for the District of South Carolina Charleston Division. Civil Action No: 2:15-cv-00134-RMG. This is a federal class action suit involving the state management of children in foster care. I was appointed arbitrator and mediator by U.S. District Judge Richard M. Gergle and have served for four years. I received a fee of \$52,800 for services rendered for the above years in December of 2022 and reported same on the U.S. and S.C. individual tax returns for 2022, for Jean H. and William T. Toal. These returns were filed in March 2022 and a refund has been received

13. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals.

I pay my own way in any social engagement involving attorneys. I no longer attend the S.C.

Bar, S.C. Association for Justice, or S.C. Defense Trial Lawyers as a judicial guest of the associations. When I did so, I reported the value on my Judicial Ethics Form.

14. 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

15. 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 that adjoins property in which there have been public improvements of \$200; 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.

16. 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

17. Since your last screening, have you 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 for which a fine of \$125 or less was imposed.

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

18. Since your last screening, have you, to your knowledge, been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No

19. Since your last screening, have you been sued, either personally or professionally? If so, give

details.

No

20. Since your last screening, have you, as a lawyer, judge, or other professional, in South Carolina or any other jurisdiction, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? If so, give the details and describe any final disposition.

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

21. Since your last screening, have you been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench? If so, give the details and the reasons why you believe you were the target of such criticism.

No

22. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, 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 active or a member of any social media or internet site. I am not aware of any presence by me in a social media or internet site. I receive postings by my children on Facebook but have never established a presence or posted on Facebook or any website. I have never searched to determine whether I have been commented about or depicted on any social media site.

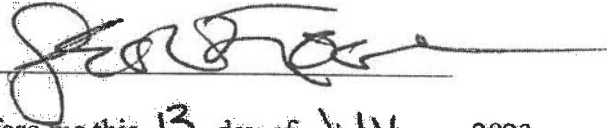
23. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

I have very much enjoyed serving as a Senior Active Judge. I have served as an Acting Circuit Court Judge for each year since I retired. At the appointment of Chief Justice Beatty, I have managed the asbestos docket for many years. I have managed to trial or settlement at least 500 cases. These involve the conduct of complex and multitudinous pretrial hearings and issuance of complex rulings/orders. They also result in approximately five trials to jury each year (usually 1-2 week trials). Additionally, I have tried a large number of jury and nonjury complex cases. I have recently sat as an Acting Associate Justice on two Supreme Court cases. It has been a joy to return to trial work in which I was very active as a lawyer for twenty years before I became a judge.

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: _____

A handwritten signature in black ink, appearing to be "J. Kennedy", written over a horizontal line.

Sworn to before me this 13 day of JULY, 2023.

Chelsea Kennedy
(Notary Signature)

Chelsea Kennedy
(Notary Printed Name)

Notary Public for South Carolina

My Commission Expires: 10/30/2025