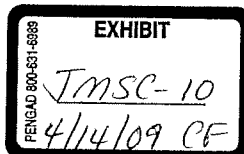


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Fourth Circuit Family Court Judge, Seat 3 (being vacated by the Honorable James Spruill)

1. NAME: Mr. Michael S. Holt  
BUSINESS ADDRESS: 602 West Carolina Avenue, Hartsville, SC 29550  
TELEPHONE NUMBER: (office): (843)857-9177
  
2. Date of Birth: 1970  
Place of Birth: Florence, SC
  
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.
  
5. Family Status: Married April 19, 1997, to Sherry Burton Holt. Never divorced. Two children.
  
6. Have you served in the military? No military service.
  
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) University of South Carolina 1988 to 1992; Bachelor of Arts degree in History and a Minor in South Carolina Studies;  
(b) University of South Carolina School of Law; 1993 to 1996, Juris Doctorate
  
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.  
The State of South Carolina, admitted in 1996.
  
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.  
(a) Kappa Alpha Order fraternity, 1989-1992;  
(b) Student Alumni Association, 1991-1992
  
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

|     | <u>Conference/CLE Name</u>  | <u>Date(s)</u> |
|-----|-----------------------------|----------------|
| (a) | Real Property Foreclosure   | 1-12-09;       |
| (b) | Plaintiff's Personal Injury | 12-9-08        |
| (c) | Social Security Disability  | 10-24-08       |
| (d) | Social Security Disability  | 6-16-08        |
| (e) | Real Estate Transactions    | 12-10-07       |
| (f) | Social Security Disability  | 6-21-07        |



- |     |                            |          |
|-----|----------------------------|----------|
| (g) | Probate Practice           | 8-25-06  |
| (f) | Real Estate                | 8-15-06  |
| (g) | Examining Title Issues     | 12-14-05 |
| (h) | Social Security Disability | 12-9-05  |
| (i) | Social Security Disability | 3-11-05  |
| (j) | Hot Tips-Domestic          | 9-24-04  |
| (k) | Title Insurance            | 9-17-04  |
| (l) | Family Law in SC           | 12-15-03 |
| (m) | Hot Tips-Domestic          | 9-19-03  |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? No
  12. List all published books and articles you have written and give citations and the dates of publication for each. None
  13. 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 Courts, 1996
    - (b) United States District Court of South Carolina, 2000
  14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
 

In 1996 I graduated from law school and began practicing with the Saleeby & Cox law firm in Hartsville, SC. I worked for the late Senator Edward E. Saleeby, Sr. where I handled general litigation. Following Senator Saleeby's retirement I worked under his son, Ed Saleeby, Jr. and James C. Cox. From 1996 until 2005 the main focus of my practice was domestic relations. However, I also handled criminal, real estate as well as social security disability work. In July 2005 I left the Saleeby Law Firm and joined the Wilmeth Law Firm as an associate where my focus would remain the same, however, I was promised that I would be able to do some corporate and estate work. In February 2006 I left the Wilmeth Law Firm and I opened my own office where I continue to practice as a sole practitioner. My areas of focus continue to remain the same with a heavy emphasis on domestic relations.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

    - (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 has prepared you to preside over such matters as a Family Court Judge.

(b) Candidate for Family Court Judgeship:

I have handled many divorce, equitable division and custody actions in Family Court. I have handled adoptions before but this has not been a focus of my practice, however, I am familiar with the process and believe I would be competent to preside over such a hearing. I have represented many juveniles in DJJ actions and I have served as a Guardian Ad Litem as an advocate for children. There is no area of practice in the Family Court which I have not played a role or have significant experience in handling.

15. What is your rating in Martindale-Hubbell? I am not listed in Martindale-Hubbell and have not been since I worked with the Saleeby and Cox Law Firm. I have no particular reason for not being listed except that I have not seen the benefit in my area of practice.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?  
(a) federal: I have not appeared in Federal Court. However, I have appeared in many Social Security Disability hearings.  
(b) state: I am typically in Court on a weekly basis.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?  
(a) civil: 10%;  
(b) criminal: 30%;  
(c) domestic: 60%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?  
(a) jury: 20%  
(b) non-jury: 80%

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole counsel

19. 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) State of SC vs. Robert Hermanades: This case was my first trial which I handled on my own in General Sessions. This case was tried in Darlington County and caused me significant pressure because it was being reported in the local media. I represented a somewhat unsavory individual who was not a very sympathetic character. However, after three days he was found not guilty which I felt was right verdict for the jury. The trial gave me confidence in my trial skills but it also gave me some notoriety in the community because of it being reported in the media.

(b) State of SC vs. Wayne Futrell: This case was tried in General Sessions Court in Chesterfield County where I am not known and it was difficult drawing a jury. The case was a combination of Criminal Domestic Violence and Assault and Battery of a High and Aggravated Nature. This case holds some significance because the Defendant had also been my client in a divorce and it was our position the wife/victim had made false allegations against my client which led to his arrest. The wife/victim made many allegations against the Solicitor's office which caused the case to be referred to the State Attorney General's office. After several days of trial my client was found not guilty.

(c) Mills vs. Mills: This was a domestic case that I tried as a young lawyer. I was up against a much more seasoned and experienced lawyer who had a reputation for not negotiating cases and taking a case to trial. My client had been in a marriage for over twenty years and the Defendant husband had been physical with her and had tried to hide assets from us. After a lengthy trial my client was awarded half the marital estate and significant attorney fees. We survived a motion to reconsider following the order of the Court.

(d) State of SC vs. Brandon Ray: This case was tried in Marlboro County which is where the prosecutor is from. I felt at a disadvantage trying the case because of the solicitor's familiarity with the jury pool. My client had been charged with murder and was facing life in prison. My client argued self defense and in my mind we had done a good job in proving our case. However, the jury found my client guilty of the lesser included offense of voluntary manslaughter. Despite my client being found guilty, I felt a sense of pride because my client was not found guilty of the charge the state had brought against him.

(e) Pamela C. Blackmon and Stephen W. Blackmon vs. Peggy Ann Harrington, Stephen Lee and John Doe: This case was held in Florence County and involved an infant, Mary Ann Harrington, who was born with a heart defect. The Plaintiff wife, Pamela Blackmon, worked with my wife which is how I knew her. Mary Ann's heart had not developed properly which likely was caused by drug use by the Defendant mother. The Plaintiff's had a family and did not have the resources to pay a lawyer to assist them with petitioning the Court for custody. Time was of the essence due to the infant's heart defect and there was no time to waste. The doctors at MUSC would not put the child on a transplant list unless someone other than her mother had custody of the child. It was perceived by the doctors that it would be a waste to give Mary Ann a heart when it was unlikely her mother would be responsible in her care of this child. This case involved a tremendous amount of work and time which I did at no cost to the family. Mary Ann Harrington is now Seven (7) years old.

20. 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. If

- you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter. I have not handled any civil appeals.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter. I have not handled any criminal appeals.
  22. 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. I have not held judicial office.
  23. If the answer to question 22 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.  
Not applicable
  24. 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?  
(a) Mayor, City of Hartsville elected 2005 and serve until 2009.  
(b) I had a late filing of the Statement of Economic Interest form and the Campaign Disclosure form and was fined \$200 (Statement of Economic Interest) and \$300 (Campaign Disclosure) on January 18, 2008 and \$100 (Campaign Disclosure) on January 28, 2009;
  25. 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.  
Not applicable
  26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office.  
I ran for the State Senate in 2004 and lost in the Republican Primary.
  27. 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
  28. Are you now an officer or director or involved in the management of any business enterprise. No
  29. A complete, current financial net worth statement has been provided to the Commission.
  30. 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. Explain how you would resolve any potential conflict of interest.

I have not had any business relationships outside of my practice. I know of no conflicts which could arise.

31. 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. No
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No
33. 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? No
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No
36. 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
37. 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
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
40. 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. None
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None
42. 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? 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? None

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No
46. 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 State Bar
  - (b) Darlington County Bar Association
  - (c) Municipal Association of South Carolina; Board of Directors (current)
  - (d) Darlington County Economic Development Partnership; Board of Directors (current)
47. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Kiwanis Club; Past President
  - (b) Hartsville Masonic Lodge
  - (c) B&F Social Club
  - (d) First Presbyterian Church, Elder
  - (e) Carolina Elementary School Improvement Committee, Board member
  - (f) University of South Carolina Distinguished Young Alumnus Award, College of Arts and Sciences, 2008
  - (g) Hartsville YMCA; Board of Directors
  - (h) Agape' Hospice; Board of Directors
48. 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.
- Public service is very important to me. Since I returned home from law school to begin working, public service has been at the forefront of most of my activities. I am very passionate about my community and have worked hard to make a positive impact not only at home but across the state. My service as the mayor of my city has been one of the more rewarding experiences of my professional life. A part of my life I would be remiss in not mentioning was a period of time when I worked for a lawyer who subsequently was disbarred for improprieties. For six (6) months in 2005/2006 I worked for this lawyer. When I became aware of her activities I immediately left her firm. Nevertheless, this was a very dark time in my life and caused great stress on me and my family. Having gone through that experience taught me many lessons not only about the profession but about life as well.

49. References:

- (a) Dr. Walter Edgar  
1731 Hollywood Drive  
Columbia, SC 29205  
(803)799-7214
- (b) Gene Norwood, Carolina Band and Trust  
525 South Fifth Street  
Hartsville, SC 29550  
(843)332-1351
- (c) Governor David Beasley  
4817 North Governor Williams Highway  
Society Hill, SC 29593  
(843)393-6995
- (d) Walt Wilkins  
307 McDaniel Avenue  
Greenville, SC 29601  
(864)242-5731
- (e) T.B. Thomas, Jr.  
131 Lawton Drive  
Hartsville, SC 29550  
(843)332-7979

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.

S/ Michael Holt  
Date: 09/09/09.

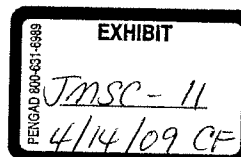


JUDICIAL MERIT SELECTION COMMISSION  
Sworn Statement to be included in Transcript of Public Hearings

Family Court  
(New Candidate)

Full Name: Michael S. Holt  
Business Address: 602 West Carolina Avenue  
Hartsville ,SC 29550  
Business Telephone: (843)857-9177

1. Why do you want to serve as a Family Court Judge? Many lawyers view this as a natural progression in this field. I see this as an opportunity to take on new challenges but remain within my profession. Public service is important to me and I find the judiciary as the pinnacle of the legal profession which is rooted in service to community. Serving as a Family Court judge would be a great honor.
2. Do you plan to serve your full term if elected? I have no doubt I would serve a full and complete term.
3. Do you have any plans to return to private practice one day? I am 38 years old so to say that I would not return to private practice is difficult to rule out. However, if given this opportunity I am of the belief that I would view this as a career and would not have an ambition to return to private practice.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? I have met the statutory requirements.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? I do not believe it is appropriate for any *ex parte* communications to take place. It is my opinion such communication would undermine the legitimacy and credibility of the court and would create the appearance of bias and favoritism.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I am a sole practitioner and have not practiced with anyone in over three (3) years. It is my belief that due to the passage of time, should a former associate or partner appear before me, I believe I could hear the matter before the Court in a fair and balanced manner and would not find it necessary to recuse myself. As it relates to lawyer legislators, I have been in many court settings where a lawyer legislator has been present and I have never witnessed favoritism toward that individual. I trust that my ethics would not



- permit me to show favoritism at the expense of another party. I would treat all members of the bar with utmost respect and dignity.
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? If I had created a record and I was confident the disclosure would not influence my decision, I do not believe I would necessarily recuse myself because a party made such a motion. Certainly each case is different but my role as a judge would be to make a record and make a decision which I believe serves the interests of all parties in the courtroom.
  8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? In all likelihood I would place on the record what the issue was and then recuse myself. If a family member has a connection to the case or has a financial interest, it would not be fair to the litigants to hear the case.
  9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept gifts. I do not accept gifts in the public office which I serve and I would not accept gifts should I be given the opportunity to be a judge. Social hospitality in South Carolina is difficult to decline, anyone can attest to that. However, a judge has to know what those boundaries are. Were I a judge, I am sure there will be social occasions which will be necessary to decline because of appearances.
  10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? If the misconduct was absolutely clear to me I would have an obligation and duty to report such behavior.
  11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? I do not believe any evaluation or review would be necessary. I serve as Mayor for the City of Hartsville, SC and if I was given the honor of being a Family Court judge, I would resign from this position. Otherwise, I am not aware of anything else which would call for an evaluation.
  12. Do you have any business activities that you would envision remaining involved with if elected to the bench? I have no other business or professional associations which I am involved with other than my law practice.
  13. Since family court judges do not have law clerks, how would you handle the drafting of orders? I would likely follow the common practice of requiring the lawyers in the action to draft the orders and then carefully review the orders before signing and filing. However, I

have drafted many family court orders and I am equipped to do so should it be necessary.

14. If elected, what method would you use to ensure that you and your staff meet deadlines? I am not familiar with the common method used by judges to track their cases; however, I will likely incorporate an electronic process used between myself and my staff.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case? I would give instructions to the parties at the appointment of the Guardian Ad Litem. I would make it clear the role of the Guardian Ad Litem and would only appoint Guardians who had been trained or who were attorneys which had served as Guardians before. The Guardian would be required to be at every hearing. The Guardian's actions and conduct would be closely scrutinized by the Court in order to be sure the Guardian is acting in good faith and is being fair and equitable to all parties while serving the interests of the minor child or children.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges are not and should not be policy makers. Policy making should be left up to the legislative branch of government and not the judiciary.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system? I would likely consider hosting or organizing symposiums or conferences among the judiciary, bar and the legislature in order to streamline the process and look for ways to make the process either more efficient or improve upon it.
18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? The question may be applied in two different ways. Would serving as a judge cause strain in my relationships? If this is the question my answer would be that I do not think so. I am very committed to my work; however, I do my best to make time for my family which is my first priority. Should the question be whether the role of a judge would have the potential to damage relationships due to decisions made from the bench, then perhaps. However, as professionals we are confronted with those dilemmas frequently and it is imperative that we remain a zealous advocate for our client.
19. Would you give any special considerations to a *pro se* litigant in family court? It would depend on their financial situation because a *pro se* party with limited financial resources would be at a disadvantage in the courtroom. However, a *pro se* litigant should never have the court

as its counsel because this is not fair to the party who has retained an attorney. Plus, it creates distrust and creates the impression of a court that is not impartial. Such considerations would be to perhaps explain the rules and create a level of expectation about the process and what is purpose of the hearing or trial.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? I receive no additional benefits other than the salary I derive from being Mayor.
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? It would likely depend upon the specific circumstances whether I would hear such a case, however, my instincts tell me that I would not hear the matter.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? I am not a member of any such organization which discriminates against anyone.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? I have met the required hours for CLE courses.
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
  - a. Divorce and equitable distribution: 50%
  - b. Child custody: 25%
  - c. Adoption: 5% (I have worked on adoptions before and I am familiar with the process, adoptions are not very common in my opinion and it appears parties seeking adoptions focus on lawyers who primarily deal with adoptions.)
  - d. Abuse and neglect: 10%
  - e. Juvenile cases: 10%
25. What do you feel is the appropriate demeanor for a judge? Most, if not all, Family Court settings are emotional. Families typically are in a crisis and they are not sure of the process. In my opinion it is very important for the Court to remain a dignified place and maintain order. Thus, the Court must maintain a degree of separation; however, the Court must also remember the human element and treat the parties with absolute respect and kindness. This includes treating the respective lawyers with respect and making all reasonable accommodations to the parties in order to facilitate the process.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? I would like to think my answer to Question 25 is my everyday demeanor. It is how I have

tried to live my life and how I have tried to treat people. I am sure there are exceptions as is the case with anything, however, I do believe I would treat people with courtesy and respect whether I am on the bench or not.

27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? I do not believe it is appropriate for a judge to express his or her anger in the courtroom. It is my opinion that the Court weakens its credibility if it becomes angry. It also can chill a courtroom and cause the respective attorneys to be less than zealous in their representation for fear of upsetting the Court.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? I have not incurred any costs at this point unless one considers gas used to drive to Columbia.
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not applicable.
30. Have you sought or received the pledge of any legislator prior to this date? No, I have not.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No, I have not.
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No, I have not. I know of no friends or colleagues who have contacted members of the General Assembly on my behalf.
33. Have you contacted any members of the Judicial Merit Selection Commission? Absolutely not.
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? I am familiar with it and should I be fortunate to be one of the candidates to seek pledges, I will strictly provide by this rule.

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

s/Michael S. Holt

Sworn to before me this 9th day of March 2009.

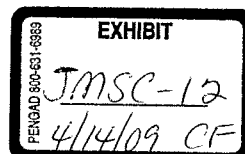
Notary Public for South Carolina

My commission expires:10/22/2012

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Fourth Circuit Family Court, Seat 3

1. NAME: Ms. Salley Huggins McIntyre  
HOME ADDRESS: 111 South 14<sup>th</sup> Avenue, Dillon, SC 29536  
  
BUSINESS ADDRESS: PO Box 1658, Dillon, SC 29536 (mailing address)  
E-MAIL ADDRESS: salley@ghlaw.org  
TELEPHONE NUMBER: (office): 843-774-3341
  
2. Date of Birth: 1969  
Place of Birth: South Carolina
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.
5. Family Status: Married June 12, 2003, to Frederick Martin "Marty" McIntyre, Jr. Three children.  
I was divorced in Florence County in August 2002. I was the moving party. I divorced on the grounds of one year separation.
6. Have you served in the military? No.
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) University of South Carolina, 1987-1991, BS in Accounting;
  - (b) University of South Carolina School of Law, 1992-1995, Juris Doctorate.
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.  
I was admitted to practice law in South Carolina on November 13, 1995.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
  - (a) While in college from 1987 through 1991, I was a page in the House of Representatives for The Honorable Marion H. "Son" Kinon and The Honorable James E. Lockemy. When the House was not in session, I worked different odd jobs at the State House as I was needed;



(b) While in law school, I was a volunteer Guardian *ad Litem* for the South Carolina Guardian *ad Litem* program. If I am not mistaken, I completed my training during my second year in law school (1993).

10. Describe your continuing legal or judicial education during the past five years. Include **only** the title and date of any continuing legal or judicial education course completed.

|     | <u>Conference/CLE Name</u>                             | <u>Date(s)</u> |
|-----|--|----------------|
| (a) | Cool Tips from the Hottest Domestic Law Practitioners  | 4/25/08        |
| (b) | Children's Issues in Family Court                      | 3/21/08        |
| (c) | Hot Tips from the Coolest Domestic Law Practitioners   | 09/19/08       |
| (d) | Title Insurance Claims and Underwriting Seminar        | 11/13/08       |
| (e) | Children's Issues in Family Courts                     | 3/23/07        |
| (f) | Hot Tips from the Coolest Domestic Law Practitioners   | 9/21/07        |
| (g) | Title Insurance Claims & Underwriting                  | 11/8/07        |
| (h) | Children's Issues in Family Court                      | 3/17/06        |
| (i) | Children's Issues in Family Court                      | 8/30/05        |
| (j) | Hot Tips from the Coolest Domestic Law Practitioners   | 9/23/05        |
| (k) | Fundamentals of Real Estate Closings in South Carolina | 12/6/05        |
| (l) | Guardian <i>ad Litem</i> Training                      | 3/5/04         |
| (m) | Hot Tips from the Coolest Domestic Law Practitioners   | 9/24/04        |
| (n) | Hot Tips from the Best Domestic Law Practitioners      | 9/19/03        |
| (o) | Mediation Training                                     | 10/11/03       |

11. 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.

I taught a business law class through Coker College shortly after being admitted to the bar. It was a night class taught at the National Guard Armory in Mullins and mainly consisted of adult students who were working full time and attending school part time.

12. List all published books and articles you have written and give citations and the dates of publication for each. None.

13. 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) Supreme Court of South Carolina and lower courts, November 13, 1995;

- (b) U.S. District Court for the District of South Carolina, July 21, 1997.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

Upon graduating from law school, I clerked for the Honorable James E. Lockemy from August 1995 until June 1996. In June 1996, I became an Associate at the firm of Greene & Bailey, P.A. in Dillon, SC. In June of 1998, A. Glenn Greene, Jr. and I formed Greene & Huggins, P.A., where I am currently practicing.

Since joining the firm of Greene & Bailey, P.A., (now Greene & Huggins, P.A.) I have maintained a general practice in the areas of real estate, domestic, personal injury and probate. As the years have passed, my real estate and domestic work have increased substantially, and I have had very little work in the areas of personal injury and probate. Practicing in a small town, one has to have a general practice to service most of the community.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (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 has prepared you to preside over such matters as a Family Court Judge.

I have been involved in nearly all aspects of South Carolina Family Court. I have represented clients in divorce, alimony and equitable division of property cases, the overwhelming majority of which involved child custody. I have served as attorney for the Dillon County Guardian *ad Litem* program since 1998, with 10 years of that being on a strictly volunteer basis. I have worked numerous adoption cases, and I have handled those juvenile cases to which I have been appointed. I feel that my seasoned experience in these areas duly qualifies me to be a successful Family Court Judge.

Divorce I have handled cases on all grounds of divorce, fault and no-fault, contested and uncontested. I have also represented parties in the determination of common law marriage and defended parties on the grounds of condonation, reconciliation and recrimination. In a majority of these cases, litigation involved valuation of property, including but not limited to real estate, business, retirement, profit sharing plans and the like. I have also had to prepare numerous Qualified Domestic Relations Orders. On the flip side of the assets cases, I have also had to litigate cases where parties were not very wealthy and were about to lose everything or possibly their marital money was tied up in a home



owned by the "in-laws", and other individuals had to be added as parties to the action.

Alimony I have represented individuals in divorces when they were defending against alimony, seeking a reduction of alimony or attempting to receive an award of alimony. In a few cases, I had to seek to uncover additional assets to prove that the other party was able to pay alimony because they were hiding assets or understating the value or the income production of assets.

Child Custody and Support I have been involved in numerous custody and support cases during my practice. Some parties were married and some were not. I have also represented Grandparents in seeking custody with their own child as the Defendant. I have served as the Guardian *ad Litem* in many private actions. I try not to have more than five pending private actions at a time. These type cases are very demanding and in a small town, you get called upon frequently to serve. I have also handled cases regarding the psychological parent and the intentional alienation of children toward one parent. I have negotiated many child support cases, including but not limited to deviation from the guidelines, imputed wages and income from second and third jobs that were revealed during discovery.

Adoption I have been the moving party, the defending party and the Guardian *ad Litem* in adoptions. Since I serve as the Attorney for the Dillon County Guardian *ad Litem* program, I am typically asked to serve as the Guardian during the adoption. I have also represented grandparents, siblings and stepparents in adoptions.

Abuse and Neglect As the volunteer attorney for the Dillon County Guardian *ad Litem* Program, I am involved in almost all of the Abuse and Neglect cases in Dillon, unless my office has a conflict, which is quite rare. DSS court is held on average two days a month in Dillon with 10 to 12 cases being heard per day.

Juveniles Occasionally, I am appointed to serve as the attorney for Juveniles or as their Guardian. Because of my representation of the Guardian *ad Litem* program, I only get called upon once or twice a year.

15. What is your rating in Martindale-Hubbell?

My Martindale-Hubbell rating is "BV".

**Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.**

16. What was the frequency of your court appearances during the last five years?

(a) federal: None;

(b) state: On average, I appeared in court at least two days a week.

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?

- (a) civil: 30%;
  - (b) criminal: 0%;
  - (c) domestic: 70%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 0%;
  - (b) non-jury: 100%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel.

19. 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) Tex Allen Taylor, II v. Felicia Gayle Shaw 2006-DR-34-69.

This case involved a Father and Mother that were never married. They were operating under a Final Order in which the Mother was given custody and the Father was given more than standard visitation. I was retained after the case was initially filed and the first attorney discovered she had a conflict. The Father learned that the Mother had pending criminal charges, was unable to maintain a stable living environment and a stable job. Father was seeking sole custody of his minor daughter. During Discovery, we were able to determine that the Mother was engaged in a lifestyle that did not serve the best interests of the child. Weeks before the final hearing, the Mother retained a new attorney and the day of the hearing we were able to settle the case by splitting some of the decision making regarding the minor child. The Father was to be responsible for making the decisions regarding the minor child's education, daycare, extra curricular activities and discipline. The Mother was to be responsible for making the decisions regarding the minor child's grooming, clothing, religious issues, social issues, non-emergency medical, dental and healthcare treatment. This case was important because although the Father did not receive full custody, he was able to make the crucial decisions that he felt were being overlooked in his child's life. The Father and I had worked very hard in preparing the case and had numerous witnesses ready to testify about the Mother's inability to parent, which was a strong factor in the settlement negotiations.

- (b) Jennifer Green v. Brenda Wilson 2000-DR-17-604.

This was a contested custody case where the Grandmother, Wilson, was initially given custody of her then two (2) year old grandchild by consent in 1996. In 2000, the Mother, Green, filed an action seeking custody of her then six (6) year old child. I represented the Grandmother who had raised the minor child since birth. The Mother had been in and out of the child's life only during times in which she herself lived with Grandmother. The Mother had been involved in a very

abusive relationship with Mr. Green for many years. Mr. Green was not the father of this minor child. One of the altercations between Mr. Green and Mother resulted in Mother suffering severe brain trauma. Mother continued to stay with Mr. Green after recovering from the incident. Mother was under a Court Order to not expose the minor child to Mr. Green during any visitation. During the 2000 case, Mother continued to expose the minor child to Mr. Green and even hid Mr. Green in the storage building behind the house when the Guardian went for a surprise home visit. After extensive investigation by the Guardian *ad Litem*, my client and the private investigator, we were able to litigate the case and win custody with gradual visitation to the Mother. The Mother had to make a certain number of specified visits before she graduated to her next schedule of extended visitation and then to her final schedule. All visitations were to be held outside of the presence of Mr. Green. Mother has in eight (8) years failed to make it past her first set of scheduled visitations. This was a very intense case that lasted over a year. At the end of the case, Mr. Green threatened my life but the child has remained safe.

(c) Tammy Small Moore v. Rodney Wade Moore 2001-DR-33-360.

This case is significant because it involves the Tobacco Settlement. I chose this case because when my client walked in all she could say was that she wanted her children and out of her marriage. She believed there was no money to fight over. By the end of this case, we had four attorneys involved (2 on each side) and we had hired an expert from the University of South Carolina to testify in regards to the Tobacco Settlement. Needless to say, this was the first time this "expert" had ever testified. She had been studying the buyout but had never been called to testify in a divorce hearing. During Discovery, we were able to determine that Mr. Moore was the owner of some of the farms in question and also listed as the grower of these and other farms along with his father. The payout was based on grower and owner. My client received yearly payouts from her husband's portion of the proceeds for over five (5) years. In addition to the tobacco issue, we had crops, livestock and equipment to value. My client had very little upfront money to hire an investigator so much of the investigation was left up to me and my client. Counting moving cows is really hard to do. Ultimately, we videoed the cows owned by the husband as our number was much higher than his. When we were finally able to settle the case, we also settled issues about who was to pay what portion of their daughter's upcoming wedding. It was a very long and time consuming case but I was so happy to see my client get what she, by law, was entitled to receive.

(d) Victor Pernelll Abraham v. Jackelin Moreno 2006-DR-17-360.

I debated about adding this as one of my most significant litigated cases but decided that this is a case for the Guardians *ad Litem* in South Carolina that struggle with their Court Ordered duties and this is one of the cases that helped me decide to run for this position. I was appointed as the Guardian in this private action after the Temporary Hearing where the Mother (Moreno) lost custody to the Father (Abraham). Father and Mother were never married. Father was under a Court Order to pay child support but there was never an order for custody. This case was active for over one year. I visited with the child numerous times over the course of this case. I went to her home where she lived in Rock Hill in October of 2008 and visited with her, her teachers, her Father and Step-mother. I left all of my numbers for school personnel and teachers to contact me if they needed me for any reason. I explained who I was and what my role was. I visited with the minor child in Marion County during Thanksgiving of 2008. The hearing was set for the first part of December. I did not speak with the child between Thanksgiving and the first day of trial. The trial started in December and continued until a day in February. After, the Judge ruled on this case, it was discovered that a DSS investigation was pending in York County for allegations of abuse, and was first opened after Thanksgiving but before the trial started in December. When I first heard about the DSS investigation, I became very alarmed and was unable to get much more of an answer other than the case was an Unfounded Category II. I immediately filed a Motion to Re-open the case so that I could continue to investigate. The motion was granted and eventually another hearing was held. At the conclusion of the hearing, the Court left the child with her Father but ruled that the Step-Mother could not administer any corporal punishment to the minor child. This case is significant because I had technically been relieved as the Guardian but because we are charged with a duty to serve the best interest of the child, I felt that I could not ignore this allegation and thankfully I didn't. Re-opening this case has provided more protection for this minor child and has certainly made DSS more aware of the issues surrounding her environment.

(e) Linda P. Oxendine v. Herbert Oxendine 2006-DR-17-237.

This is a case that I became involved in after the temporary hearing. I represented the Mother. There were two minor children and very little assets to fight over. We had two (2) temporary hearings in this matter because of the Father encouraging his daughters to misbehave to the extent that they could have been arrested or killed. The Father allegedly told the 13 year old daughter to take her Mother's car and drive to Dillon. At the time that she took the car it was approximately 5 am. The child was in Daniel's Island and had her younger sister in the car with her. The Father instructed her to drive for almost two (2) hours

before he met them and picked them up. The Father did not contact anyone until almost 10 am the next morning to let anyone know that he had the children. It was late that afternoon before he took the children to the Sheriff's department. He has called law enforcement on two (2) different occasions while the girls were present to have the Mother's car searched for drugs. The Father has made several unfounded reports to DSS. As a result of the psychological trauma to the children, all visitations between the children and their Father must be supervised. Despite Father's allegations of Mother's alleged drug use, Mother has successfully passed all random drug tests and Father has failed two random drug tests. This case is significant because the father has made every attempt at alienating the children's relationship with their Mother which has ultimately cost him his relationship with them.

20. 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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). Not applicable.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). NONE.  
Not applicable.
22. Have you ever held judicial office? No.
23. If the answer to question 22 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.  
Not applicable.
24. Have you ever held public office other than judicial office?  
I was elected to serve as the Mayor of Dillon from May 1999 until May 2003. I did not seek a second term. Reports were timely filed with the State Ethics Commission.
25. 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.  
Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. 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.
28. Are you now an officer or director or involved in the management of any business enterprise?

I am the owner of Latta Title Agency, a title insurance agency. I have owned this business for approximately five years.

29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest.  
My law partner, A. Glenn Greene, Jr., handles only probate and civil matters. At this time, he only works part time. There would be no conflict of interest as he does not practice in Family Court. In the event that a conflict did arise, I would take the appropriate steps concerning recusal.
31. 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?  
No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?  
No.
33. 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?  
I have never had a tax lien or other collection procedure instituted against me by a federal, state or local authority. I have never defaulted on a student loan. I have never filed for bankruptcy.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?  
My husband and I have been named as Defendants with numerous adjoining landowners regarding our beach house located in North Myrtle Beach. We are named as Defendants since our property adjoins the land claimed by the Plaintiff. We have been named in the event that we claim an interest in the property in dispute (which we do not).
36. 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.
37. 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.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or

a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions.

None.

39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. 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.
- |                |         |
|----------------|---------|
| Nametags       | \$20.10 |
| Business Cards | \$32.40 |
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. 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? 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. No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?  
Since announcing my intentions of running for this seat, I have had numerous friends and colleagues ask what they could do to assist me. I have very carefully explained to them the rules, particularly the 48 hour rule, and asked that they strictly abide by the same. I am not aware of any direct contacts.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. 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) Dillon County Bar Association, President, 2008-present;
  - (b) American Bar Association.
47. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) Dillon Rotary Club, 1996- present  
President 2001-2002, President Elect, Program Chair  
Multiple Paul Harris Fellow
- (b) South Elementary School Improvement Council Committee,  
2007 -2008 member; 2008-2009 Chairman
- (c) South Carolina Paralegal Task Force, 2008-2009 member
- (d) Pro Bono Attorney for the Dillon County Guardian *ad Litem* Program,  
1998–present
- (e) Pro Bono Work for the SC BAR, 1996 – present
- (f) Welvista-Pee Dee Advisory Board, 2008-present
- (g) Member Main Street United Methodist Church  
Board of Trustees 2001-2003;  
Chairman Board of Trustees 2003
- (h) Dillon County Communities in Schools – Board Member 2002-2004
- (i) Walk America – Honorary Chair 2002
- (j) Dillon County United Way Board Member, 1999 - 2002  
Campaign Chairman 1999
- (k) Dillon County YMCA Board Member 1997-2002

AWARDS

- (l) 1998 Young Career Woman - Dillon County
- (m) Elected Official Honor Award 2003 –  
For Leadership and Dedication in the Field of Historic Preservation  
Presented by Governor Mark Sanford

48. 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.

I have always been a very hard worker from a very young age. I was blessed with two loving, hard-working parents who taught me to have strong morals, character and value. I lost my father to cancer when I was 20 years old and just beginning my junior year in college. My father always taught me that money would never buy happiness and that giving and doing for others would make you a more fulfilled person. I never went into the practice of law for the money. Fortunately, I have been able to make a good living to help support my family through my legal career while helping others in my small rural town. I have served my community and the children in my community for many years and have maintained a well-balanced career and home life. My Guardian work has been the most fulfilling. Knowing that I, along with the hard work of my office staff, have made a difference in children’s lives is very rewarding. I am very passionate about my cases. I feel that I can carry this positive influence and energy over to the bench and continue to help children and families in South Carolina.

49. References:

- (a) Mike Rouse  
P. O. Box 229



Dillon, SC 29536  
Church: 843-774-8381  
Parsonage: 843-774-2173

- (b) Phil Wallace  
511 Johnson Drive  
Dillon, SC 29536  
Home: 843-774-3728  
Office: 843-774-2478
- (c) Steve Jacobs, Banker  
P. O. Box 1049  
Dillon, SC 29536  
843-774-3361
- (d) Nancy H. Bailey  
401 W. Cheves St.  
Florence, SC 29501  
843-679-3865
- (f) Gwen T. Hyatt  
P. O. Drawer 1220  
Dillon, SC 29536  
843-774-1425

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.

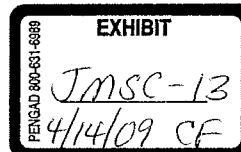
s/Salley Huggins McIntyre  
Date: 03/11/09

JUDICIAL MERIT SELECTION COMMISSION  
Sworn Statement to be included in Transcript of Public Hearings

Family Court  
(New Candidate)

Full Name: Salley Huggins McIntyre  
Business Address: PO Box 1658  
Dillon, SC 29536  
Business Telephone: 843-774-3341

1. Why do you want to serve as a Family Court Judge? I have practiced Family Court since entering private practice in 1996. I have also been very active in my community and in my children's school activities and extra-curricular activities. As my parents raised me, they helped me build my strong character and they constantly reminded me that my reputation was all that I really had. I have always been told that how we treat others is how we are perceived as individuals. I feel that I possess the temperament, character and self-discipline that are required from the bench. I have a strong desire to direct my passion for the Judicial System from the other side of the Courtroom.
2. Do you plan to serve your full term if elected? YES.
3. Do you have any plans to return to private practice one day? NO.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? YES.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? My philosophy is that *ex parte* communications are forbidden except in very limited situations. Understanding that for administrative and scheduling purposes there will almost always be some *ex parte* communication, but there should never be any need to discuss the merits of the case in great detail. Further, occasionally due to limited time frames, there will be the need to execute an *Ex Parte* Order which will require some communication concerning the merits of the case. A hearing is generally scheduled immediately to address the *Ex Parte* Order. Other than limited, emergency situations, there should be no *ex parte* communications.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? My current law partner does not practice in Family Court so that will not be an issue. In the past ten years, we have only had one Associate that worked in our firm, and that was for a period less than six (6) months. It was over two (2) years ago that the Associate worked with our firm. That Attorney/Associate is now with the



Fourth Circuit Solicitor's Office. However, I would disclose this to the parties involved and if anyone had any issues in regards to me presiding over cases where the Associate was involved, then I would give them the opportunity to ask me to recuse myself and proceed in accordance with the Judicial Canons. As for lawyer-legislators, I would treat them as I do any other attorney or *pro se* litigant appearing before me. A Judge should always be fair and impartial and should strive to maintain confidence in our judicial system.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? If after disclosing any and all appearances of bias and explaining to the parties that I felt confident that it would not prejudice my impartiality and they still requested that I recuse myself, then I would carefully consider whether or not the requesting party had a legitimate concern or whether he or she was attempting to delay the judicial process. I would recuse myself only if I felt the request for recusal was sincere and legitimate. Again, judges should work to maintain the integrity of the judicial system, and how a judge handles a request for recusal is a direct reflection on the issue of appearance of impropriety.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
I would always disclose any appearance of impropriety in relation to a financial or social involvement regarding my spouse or close relative. If after assuring the parties that it would not prejudice my impartiality in anyway and they still insisted that I recuse myself, I would respectfully recuse myself. The ultimate goal is to establish confidence in those appearing before our judicial system. If at first they feel they have lost on this issue, then their confidence in our system is lost. All parties should be on a level playing field when appearing before the Court and it is the responsibility of Judges to insure the parties of this expectation.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? My standards would be that the acceptance of gifts from friends and social hospitality gifts are acceptable as long as they are monetarily appropriate for the occasion. As for gifts from others, I would not accept any as they may be intended to influence or may appear to influence my judicial duties.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would immediately report misconduct of a lawyer or of a fellow judge to the Office of Disciplinary Counsel.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? NO.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? None other than a few rental properties.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders? As an attorney appearing before Family Court Judges, it has typically been the practice for the presiding Judge to require one of the attorneys to prepare the Order, have it approved by the other attorney(s), and then present the same to the Court for approval and signature. I would continue with the current practice. However, in an extremely adversarial case, I would probably draft the Order myself. I have drafted many Orders and feel confident that I could draft an Order if I felt the parties could not agree on the preparation before submission.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? My staff and I use Microsoft Outlook with reminders and ticklers and log documents and hearings so that we have a check and balance system between hearings, when orders are due and when they are signed and mailed. I would continue this and incorporate it into whatever programs the State would require or recommend us to use. My office also keeps a written calendar in case our computer crashes. I would also continue this practice.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case? I have served as the Attorney for the Dillon County Guardian *ad Litem* Program in Abuse and Neglect Cases since 1998. I am familiar with the requirements both in private cases and in DSS/Abuse and Neglect Cases. The Guardians must take their jobs seriously and others must take the Guardian's job seriously. Many times the Guardian is overlooked in scheduling and negotiating cases. Not only do the Guardians need to be educated about their role, but the other attorneys do also. Typically, the best way to ensure the guidelines are followed is to prepare an Order for the Guardian detailing his or her responsibilities during the pendency of the case. Also, all Guardians in private cases should execute and file the appropriate affidavits with the Court and serve the attorneys involved with these affidavits.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges have a duty to apply the law to the cases before them but be careful not to legislate from the bench. When a matter is presented before a Judge, then the presiding Judge must use the statutory law as established. I support public policy within judicial boundaries.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?  
In the past, I have participated in Law Day at local schools, Mock Trial Competitions, job shadowing and career day. I would continue to be as involved in these activities as much as my schedule would allow.
18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? I have discussed serving as a judge with my husband for several years and he is very supportive. My family has always supported my career choice. I have a very tight knit family and all of my immediate family lives in Dillon. They are willing and able to assist with our children. My husband is very strong in his Christian values and has always helped me spiritually, emotionally and physically with balancing my career and our family. I do not anticipate having any personal relationships strained because of the love and support the members of my family give each other, and because of the overwhelming support I have received from my friends throughout the years. If an issue does develop, I would address it appropriately and explain to whoever has concerns the Oath that I took and what my duties are to fulfill that Oath.
19. Would you give any special considerations to a *pro se* litigant in family court? No, I would hold them to them to the same standard as an attorney and treat them with the same respect and fairness.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
NO.
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? I would first fully disclose any financial interest in the case before me. If after giving full disclosure, there was no objection, I would hear the case. If there was any objection, I would certainly recuse myself.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? NO.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? YES.
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: 35%
  - b. Child custody: 25%
  - c. Adoption: 3%
  - d. Abuse and neglect: 10%

- e. Juvenile cases: Less than 1%
25. What do you feel is the appropriate demeanor for a judge? I feel that the appropriate demeanor of a judge is to be courteous, sensitive, fair and impartial at all times.
  26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? These rules would apply on an off the bench, seven days a week, twenty-four hours a day.
  27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? I feel that anger can sometimes reveal our weaknesses and is not professional. However, I believe you can be stern without displaying anger. A judge should always have control in the courtroom while dealing with attorneys and *pro se* litigants.
  28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?  
Nametags: \$20.10  
Business Cards: \$32.40
  29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
Not applicable.
  30. Have you sought or received the pledge of any legislator prior to this date? NO.
  31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? NO.
  32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?  
NO. NO.
  33. Have you contacted any members of the Judicial Merit Selection Commission? NO.
  34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? YES.

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

s/Salley Huggins McIntyre

Sworn to before me this 11th day of March, 2009.

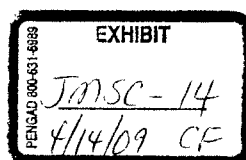
Notary Public for South Carolina

My commission expires: 11/15/2016

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Ms. Elizabeth Rogers Munnerlyn  
BUSINESS ADDRESS: 207 West Main Street  
Bennettsville, South Carolina 29512  
TELEPHONE NUMBER: (office): (843)479-9577
  
2. Date of Birth: 1969  
Place of Birth: Bennettsville, Marlboro County, S.C.
  
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.
  
5. Family Status: Married December 29, 1990, to Jerry Ronald Munnerlyn. Never divorced. Two children.
  
6. Have you served in the military? No.
  
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) Converse College, 1986-1990; B.A. in Finance with a Minor in German; Graduated Magna Cum Laude in May 1990.  
(b) University of South Carolina School of Law, 1990-1993; J.D.; Graduated in May 1993.
  
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.  
Admitted to practice in South Carolina in 1993.
  
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.  
Law School  
(a) Public Interest Law Society, Committee Co-Chair (1990-1991), Treasurer (1991-1992), Vice-President (1992-1993).  
(b) Women's Law Association (1990-1992).  
(c) Environmental Law Society (1990-1991).  
(d) Student Bar Association (1990-1993).  
College  
(a) Equestrian Team, President (1988-1989), Secretary (1987-1988), Treasurer (1989-1990). Competed and placed at the 1989 National Collegiate Finals.



- (b) Phi Sigma Iota (International Foreign Language Honor Society), President (1989-1990).
  - (c) Alpha Lambda Delta National Honor Society, 1987-1988.
  - (d) Yearbook Staff (1987-1988).
  - (e) Teaching Assistant, 1988-1990. Taught German drill sessions to first year German students.
  - (f) Academic Tutor, 1988-1989, Spring 1990.
  - (g) Young Executives Business Club, 1989-1990.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.
- |     | <u>Conference/CLE Name</u>                           | <u>Date(s)</u> |
|-----|--|----------------|
| (a) | Hot Tips from the Coolest Domestic Law Practitioners | 9/19/08;       |
| (b) | 2008 S. C. Solicitors' Assoc.                        | 9/28-30/08;    |
| (c) | 2007 Annual Solicitor's Conf.                        | 9/23-26/07;    |
| (d) | 21 <sup>st</sup> Annual Criminal Law Update          | 1/27/06;       |
| (e) | New Child Support Guidelines                         | 7/19/06;       |
| (f) | Hot Tips from the Coolest Domestic Law Practitioners | 9/22/06;       |
| (g) | 2006 Annual SC Solicitors' Conference                | 9/24-27/06;    |
| (h) | Hot Tips from the Coolest Domestic Law Practitioners | 9/23/05;       |
| (i) | 2005 Annual Solicitor's Conference                   | 9/25-28/05;    |
| (j) | 2004 Annual SC Solicitor's Conference                | 9/26-29/04;    |
| (k) | Revised Lawyer's Oath CLE                            | 9/27/04;       |
| (l) | SC Family Court Bench/Bar                            | 12/3/04.       |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? No.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. 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.  
South Carolina State Courts on November 15, 1993.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.



- (a) Law Clerk, Circuit Judge James E. Lockemy, August 1993 – August 1994.  
Clerk for the Honorable James E. Lockemy who was at that time an At Large Circuit Judge; researched both criminal and civil issues and attended Court with the Judge on a regular basis traveling throughout the State during this one year tenure.
- (b) Assistant Solicitor, Fourth Circuit Solicitor Gordon McBride, August 1994- April 1996.  
Full Time Juvenile Prosecutor for the Fourth Circuit which includes Marlboro, Chesterfield, Darlington and Dillon counties. Also, maintained responsibilities for prosecution in General Sessions Court during this time.
- (c) Partner, Rogers & Munnerlyn, P.A., May 1996-December 2008.  
One of two attorneys in this small town law firm. Handled a variety of matters including domestic, real estate, probate, and civil cases.
- (d) Assistant Solicitor (Contract basis), Fourth Circuit Solicitor's Office, January 1997- present.  
Prosecuted criminal cases from Murder to Criminal Domestic Violence 2<sup>nd</sup> offense in General Sessions as well as Juvenile Court. Solely responsible for administrative responsibilities as well as prosecution of cases in Marlboro County from 1998 until the present. Prosecuted all juvenile cases in Marlboro County from 1998 – 2008.
- (e) Sole Practitioner, Elizabeth R. Munnerlyn, P.A., January 2009-present.  
Continuing practice of Rogers & Munnerlyn, P.A. as the sole practicing attorney in the areas of domestic, real estate, probate and civil matters.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (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 has prepared you to preside over such matters as a Family Court Judge.

Divorce and Equitable Division of Property.

Approximately 40% of my practice has encompassed cases involving these issues. I have handled numerous divorce cases on the no fault ground as well as on the grounds of adultery, habitual drunkenness/drug use, and physical cruelty with proof being not only by direct eyewitness testimony but oftentimes by indirect circumstantial evidence as well as other documentary evidence.

The division of real and personal property cases have included the appraisal and/or sale of property to accomplish a division as well as the issuance and negotiation of Qualified Domestic Relations Orders to

divide retirement/401(k) accounts and the like including those that are already in pay status.

Child Custody.

Approximately 40% of my practice has encompassed cases involving this issue. 30% of these also involve divorce as set forth above. Cases involving either custody or divorce and equitable distribution comprise 50% of my practice. I have handled custody battles between parents who were married as well as those who had children out of wedlock. A number of these cases have related to a stepchild or other non-related child where the doctrine of psychological parenting has come into play. Most of these cases have involved the use of a Guardian ad Litem. However, I have had a number of custody cases involving older children where the Court found it unnecessary to appoint a Guardian and proceeded with trial often utilizing the in chambers interview of a child or children.

The final component in my experience with custody cases has been as the court appointed Guardian ad Litem for the child/children in private cases.

Adoption.

These cases compose a smaller percentage of my practice – perhaps 5% of my overall legal experience. However, I have handled both contested and uncontested TPR and adoption cases as well as blood related and non-blood related adoptions.

By court appointment, I also have served as the Guardian for the child/children in a number of private adoption cases.

Abuse and Neglect.

My primary experience with actions surrounding the abuse and neglect of a child has been in my capacity as attorney for the lay Guardians ad Litem appointed to represent the children in these cases in Marlboro County. I along with my former law partner have served in this capacity for approximately the last ten years in all cases involving lay Guardians. Since January of this year, I have been serving solely in this capacity.

This contract requires my appearance in Family Court for every DSS Abuse and Neglect day in Marlboro County which is normally scheduled for one day out of every court term. Therefore, this would encompass approximately 5% of my overall legal experience.

Juvenile Justice.

I have served as Juvenile Prosecutor in two different capacities during my 16 year legal career. The first of these was in a full time position as the sole Juvenile Prosecutor for the Fourth Circuit which covers Marlboro, Dillon, Chesterfield, and Darlington counties from 1994 to 1996.

From 1997 until the present, I have served on a part-time contractual basis as Assistant Solicitor for the Fourth Circuit which has included

prosecuting juveniles. From 1998 until the Fall of 2008, I handled all juvenile cases in Marlboro County as part of my assignment as Special Prosecutor for Marlboro County.

From July 1996 through December 1996, I did contract with the Public Defender Board of Marlboro County to serve as Juvenile Public Defender for Marlboro County before returning to the Solicitor's office in a part-time capacity.

15. What is your rating in Martindale-Hubbell?  
I am listed in Martindale-Hubbell but never completed the ranking process. For the last thirteen years, I have been in a two person firm in a small town in a rural area. Our business has been dependent upon word of mouth and community involvement and exposure locally. In the early days of our practice, we were listed in Martindale Hubbell but found we received little or no clients or cases from the service. Therefore, the ranking process was not a priority for our practice.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?  
(a) federal: None  
(b) state: Over the last 5 years, I have spent at least 50% of my time in either General Sessions, Family Court, Probate Court or Civil court each month.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?  
(a) civil: 5%;  
(b) criminal: 35%;  
(c) domestic: 60%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?  
(a) jury: 20%  
(b) non-jury: 50%

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel.

19. 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) State vs. Chuckie Smith and Celester McCollum; Case numbers 97-GS-34-70 and 97-GS-34-103. This was a murder case which I prosecuted as Assistant Solicitor in Marlboro County. There were originally three co-defendants and one was dismissed from the case at the directed verdict stage. The remaining two co-defendants, Chuckie Smith and Celester McCollum, were charged with Murder. The jury returned a guilty verdict of

murder as to Chuckie Smith and voluntary manslaughter as to Celester McCollum.

Having a concern about the inconsistency of these verdicts issued by the jury and the ability of the inconsistent convictions to withstand appellate scrutiny, the trial judge and counsel agreed to set aside the jury verdict as to Defendant Smith and accept a guilty plea from him to voluntary manslaughter for which he was sentenced. This case led to the only lawsuit which has been filed against me as discussed in question number 34 herein.

- (b) State vs. Kendell Green; 2005-GS-34-473, 474, 475. This was another General Sessions matter prosecuted by me as Assistant Solicitor for Marlboro County. Kendell Green was charged with Murder, Kidnapping, and Grand Larceny more than \$5,000.00. He was tried utilizing the testimony of a co-defendant and the physical evidence found at the scene and was ultimately convicted receiving a sentence of natural life with 10 years consecutive on the Grand Larceny case. This was the most succinctly and efficiently tried serious case in my career concluding in less than three days from drawing of the jury through jury deliberation and sentencing.
- (c) State vs. Brandon L. Ray; Case numbers 2007-GS-34-657 and 658. This case was also a murder case prosecuted by me as Assistant Solicitor in Marlboro County. This case was originally set to be tried utilizing the testimony of a co-Defendant. However, on the eve of trial, the co-Defendant reneged on his deal to testify. As a result, we had to proceed with trial in anticipation of the co-Defendant refusing to testify pursuant to the constitutional rights accorded him by the 5<sup>th</sup> amendment of the United States. We were very careful to handle this without prejudicing the case. The jury did return a verdict of guilty as to voluntary manslaughter and the Defendant Ray was sentenced to 22 years in prison.
- (d) Kyong Yi Knight vs. Craig Stanley Knight; case number 99-DR-34-56. This was a domestic case including the issues of divorce, equitable division, and custody. My client was the wife who was of Korean descent having married the Defendant while he was in the military. Her English was not good, but we were able to overcome the communication barrier to try the case. This case included the division of a military pension which was in pay status.
- (e) John Moody, Jr. vs. Hope Michelle Price; case number 2005-DR-34-43. This was a domestic case on the issue of change in custody based on a substantial change in circumstances. My first involvement with the Plaintiff actually came in 2003 when we brought an action in Marlboro County which established jurisdiction for custody and visitation issues involving the subject minor children herein in South Carolina pursuant to the UCCJA. This action was filed in 2005 for a change in custody to my client, the father. This involved two children ages 9 and 10 and was tried without the

benefit of a Guardian ad Litem after the Court determined that it was not necessary to have the same appointed. We did achieve a change in custody through the submission of documentary evidence and testimony regarding the instability of the Mother in providing for the children and the increased stability of the father since the last ruling by the Court.

20. 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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).
  - (a) Estate of E.C. McInnis, Jr. vs. Alyce B. McInnis, Appeal from the Probate Court to Circuit Court and subsequently to the Court of Appeals; Opinion from the South Carolina Court of Appeals filed on January 28, 2002, Opinion No. 3439.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). None.
22. 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. No.
23. If the answer to question 22 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. Not applicable.
24. 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? No.
25. 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.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. 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.
28. Are you now an officer or director or involved in the management of any business enterprise? No. However, my husband and I own several rental

properties and manage them ourselves. This is not set up as a separate business entity but is reported on our individual income tax return.

29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest.

The only potential conflict would be in juvenile matters and any specific private cases which I had previously been involved as a private attorney. I have had a contract with the Fourth Circuit Solicitor's Office for the last thirteen years. However, I have not handled any juvenile cases since the Fall of 2008.

My former law partner is also now the elected Solicitor for the Fourth Circuit. I would not be able to hear any matters directly involving the elected Solicitor. If the prosecutor was one with whom I was not directly involved and the cases were not within my responsibility at the time of my employment, I believe that I could handle any juvenile matters which would come up in the Fourth Circuit with full disclosure of my previous prosecutorial responsibilities.

31. 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? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. 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? No to all questions.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?  
Yes. Chuckie Smith, #252066 vs. State of South Carolina; and Elizabeth R. Munnerlyn, Assistant Solicitor, individually and in her official capacity in the Fourth Judicial Circuit, et al. This was filed in Marlboro County in case number 00-CP-34-94.  
This was a suit filed by a criminal Defendant whom I tried for Murder in my capacity as Assistant Solicitor. He was found guilty by a jury and subsequently was allowed to enter a plea for Voluntary Manslaughter for which he was sentenced. The suit purported to make a claim for damages against me for my acts in prosecuting this case. The lawsuit was dismissed by Order of the Honorable J. Michael Baxley dated February 7, 2003.
36. 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.

37. 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.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. 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. None at this time.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. 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? 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.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?  
I have made only a few contacts of friends and family members who may be able to help me solicit support when it is appropriate to do so. However, I have been very specific to all those individuals that I do not wish for anyone to ask for a pledge of support from any member of the General Assembly until after the screening is complete and the 48 hour Rule has ended which is scheduled to be May 5, 2009.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate?

I have been introduced to one member of the Judicial Merit Selection Commission thus far – Alan Clemmons. However, this was an introductory and very brief meeting and no request for support was made at this time.

46. 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) South Carolina Trial Lawyers Association (past member)
  - (c) American Bar Association (past member)
47. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Kiwanis, member (2000-present); President (2003-2004)
  - (b) United Way, Board member (2000-2005)
  - (c) Junior Charity League, member (1994-2004)
48. 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.
- Marlboro County is a rural and economically depressed area of the State. Growing up and working here has given me a greater understanding of the average person's fear of the court system and their need for its assistance. The Family Court system is often the only exposure that many people have to our system of justice. They are intimidated by it but have a real need for its assistance in resolving their own differences in the most personal and emotional areas of their lives.
- It is important for the Family Court to put forth a knowledgeable, understanding and even-mannered individual as Judge to assist the public in resolving these most important issues. It is the Judge who must put these litigants at ease and provide a fair and complete hearing which leaves them feeling satisfied with the operation of the system if not the actual result.
49. References:
- (a) Lon Lester  
First Citizens Bank  
314 East Main Street  
Bennettsville, South Carolina 29512  
(843)479-1121
  - (b) Scott Andrews  
First Presbyterian Church  
130 Broad Street  
Bennettsville, South Carolina 29512  
(843)479-3961
  - (c) William B. Rogers, Jr.  
Fourth Circuit Solicitor



P. O. Box 616  
Bennettsville, South Carolina 29512  
(843)479-6516

(d) Harry R. Easterling, Sr.  
Goldberg & Easterling, P. A.  
P. O. Drawer 655  
Bennettsville, South Carolina 29512  
(843)479-2878

(e) Elizabeth B. York  
S.C. Department of Social Services  
P. O. Drawer 1377  
Hartsville, South Carolina 29551  
(843)332-2231

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.

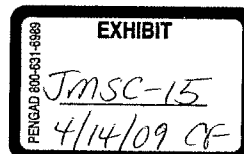
S/ Elizabeth R. Munnerlyn  
Date: 03/13/09

JUDICIAL MERIT SELECTION COMMISSION  
Sworn Statement to be included in Transcript of Public Hearings

Family Court  
(New Candidate)

Full Name: Elizabeth Rogers Munnerlyn  
Business Address: 207 West Main Street  
Bennettsville, South Carolina 29512  
Business Telephone: (843)479-9577

1. Why do you want to serve as a Family Court Judge?  
This is a logical progression of my legal career. I have been admitted to the practice of law for 16 years now. Nearly all of my trial experience has been in Family Court and General Sessions Court. My experience encompasses all aspects of matters heard by the Family Court. Through my dealings in the public eye as a prosecutor, I have learned to deal in stressful situations with those who have competing interests in an even tempered and fair manner. These experiences will surely prove to equip me well for the responsibilities of a Family Court Judgeship.
2. Do you plan to serve your full term if elected?  
Yes.
3. Do you have any plans to return to private practice one day?  
I feel that serving as a Family Court Judge is the best use of my talents and abilities. If this is the vote of the legislature, I do not plan to return to the private practice of law.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?  
Yes. I am currently thirty-nine (39) years of age and have resided in Marlboro County which is within the Fourth Judicial Circuit for the past sixteen (16) years. I have been a member of the South Carolina Bar for sixteen (16) years since 1993 and have been in private practice for the past thirteen (13) years since 1996.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
I do not believe that such should be allowed or tolerated. The only situation where this might be necessary deals with the custody of a child where there is danger of harm to that child or such other circumstances exist which would warrant the immediate issuance of an *ex parte* temporary custody order. If an *ex parte* order is issued, it must be served upon the parties affected immediately with provision for the Court to hear any petitions by parties adversely affected.



6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

Judges must be particularly careful to act impartially. Where impartiality might reasonably be questioned would require disqualification. Any matters with which a former law partner or associate was involved when the Judge was a member of their firm or an associate would be disqualifying pursuant to Canon 3(E). Matters involving lawyer-legislators are not specifically disqualifying; however, I believe that the Judge's impartiality would reasonably be questioned in such a situation such that disqualification would be appropriate.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

Upon being informed of a potential bias or appearance thereof on my part, I would recuse myself upon motion by a lawyer. If the parties consented after meeting outside the presence of the Judge to waive the disqualification, then I would consider hearing the matter but only after full agreement on the record by all parties.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If my spouse or a relative within the third degree of either of us were a party, a lawyer, a material witness, or had a greater than de minimis interest in the proceeding, disqualification would be required.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

The same standard I have set for myself to this point would continue to apply. In general, gifts would not be appropriate. However, gifts and supplies incident to a speaking engagement related to the law is appropriate where given by someone not appearing or likely to appear as a party before the Judge. Ordinary social hospitality would be accepted. Gifts from family and friends for a special occasion such as a birthday or anniversary are acceptable so long as they are commensurate with the occasion and the degree of relationship.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

If there is a substantial likelihood of commission of a violation of the Code of Judicial Conduct or Rules of Professional Conduct by either a fellow Judge or a lawyer, I have a duty to report the same to the appropriate disciplinary authority. Before making such report, I would communicate with the offending Judge or Lawyer about the circumstances and my need to report the same.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?  
Not at the present time.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?  
My husband and I own a few rental properties which we manage ourselves. So long as we own these properties, I will continue my involvement in the management thereof.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?  
As is a widely accepted practice in our state, I would request the assistance of lawyers involved in the cases before me to present proposed orders for my review once I have ruled from the bench. If any matters are taken under advisement, I can personally draft those orders or issue written instructions to the attorneys involved regarding the drafting of proposed orders for presentation to me.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?  
I would maintain a database of cases heard with dates and relevant information as well as keep a paper tracking system of dockets showing cases heard in each county each week.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?  
I would propose to ensure compliance by the issuance of specific orders setting forth to all involved the guidelines under which a Guardian is appointed in a matter.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
Judges must issue decisions in a diligent and impartial manner upholding the independence and integrity of the Judiciary. It is important when doing this to follow the law as set by the legislature and court precedent. Unless it directly relates to the judicial system, judges should not become involved in the setting and promoting of public policy.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?  
There are already many new programs in existence throughout the state which help in alleviating the multitude of cases coming through the court system. I would like to get involved in implementing some of these programs in our circuit. Examples include a Truancy Court to handle truant children as well as more active drug courts for juveniles.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?  
I do not think that being a Judge would be any more strenuous mentally or make the management of my time any more difficult than practicing law as I have been for the last thirteen (13) years. It is always a balancing act to manage your career and your family. However, with the assistance of competent clerical help and a supporting spouse and extended family, I have little concern about my ability to handle the pressure of being a Family Court Judge.
19. Would you give any special considerations to a *pro se* litigant in family court?  
No. Pro Se litigants enter the system with the knowledge that they are not entitled to any special treatment. They are a litigant just like any other litigant and are not entitled to anything more than an attorney would be. In my role, I can only give limited guidance as to the operation of the system but cannot help him/her in the trial of the case.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No.
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
If in fact it is a *de minimis* interest, I think it would be appropriate to hear it. However, I would fully inform the litigants of this interest before proceeding.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: I would estimate that 40% of my overall legal experience encompassed these issues.
  - b. Child custody: I would estimate that 40% of my legal experience included cases involving custody. Most of these cases overlap with cases involving divorce and equitable distribution.
  - c. Adoption: I would estimate that 5% of my overall legal experience includes adoption cases.

- d. Abuse and neglect: By contract with the Guardian ad Litem program through the Governor's office, my law partner and I have served as the attorney for the lay Guardians ad Litem for the children in abuse and neglect cases in Marlboro County for approximately the last 10 years. This has necessitated our appearance in court every term of court for the same period of time when DSS scheduled their abuse and neglect cases. Though I have made numerous appearances in these cases, the percentage in relation to my overall legal experience is approximately 5%
  - e. Juvenile cases: Near the beginning of my legal career, I held the position of full time juvenile prosecutor for the Fourth Circuit for nearly two years. I have been a part-time prosecutor in the Fourth Circuit Solicitor's Office for the last twelve years. I have been responsible for handling all Juvenile cases in Marlboro County for approximately the last ten years. I would estimate that this would represent 5% of my legal experience.
25. What do you feel is the appropriate demeanor for a judge?  
I believe that a Family Court Judge should be reserved and even-tempered. The matters which come before a Family Court Judge are some of the most emotional and personally important issues in people's lives. It is important for a Family Court Judge to be viewed as wise, contemplative and always even-mannered. The litigants can then respect the system if not the actual decision that is made.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?  
These rules would apply at all times whether on the bench or in my personal life. My experience as a prosecutor living and working in a small town has instilled in me the importance of your reputation and character in all areas of your life. Judges are held to an even higher standard making this rule of appropriate behavior necessary at all times.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
No. Anger implies a lack of control which has no place on the bench. However, if it was necessary to maintain control of the courtroom and establish the authority of the Court, it may be appropriate to act in a stern and emphatic manner.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics

Committees? None at this time other than gas and meals for travel to Columbia.

29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
Not applicable.
30. Have you sought or received the pledge of any legislator prior to this date? No.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?  
No. Of the friends and colleagues I have communicated with, I have asked that no solicitation for support be made until the screening is completed and the 48 hour period ended which is scheduled to be May 5, 2009.
33. Have you contacted any members of the Judicial Merit Selection Commission?  
No. I have been introduced to one member of the Judicial Merit Selection Committee at the time of completing this form.
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/Elizabeth Rogers Munnerlyn

Sworn to before me this 13th day of March 2009.

Notary Public for South Carolina

My commission expires: 4/11/2013