



State of South Carolina  
The Circuit Court of the Ninth Judicial Circuit

R. Markley Dennis, Jr.  
Judge

Post Office Box 1800  
300 B California Avenue  
Moncks Corner, SC 29461-1800  
Phone: (843) 719-4436  
Fax: (843) 719-4599  
mdennisj@sccourts.org

December 1, 2008

Judicial Merit Selection Commission  
Post Office Box 142  
Columbia, South Carolina 29202

In Re: R. Markley Dennis, Jr. - Amendment to Personal Data Questionnaire

Gentlemen:

Please be advised that I would like to amend the Personal Data Questionnaire which was submitted to the Commission September 15, 2008 in connection with my re-election as a Circuit Court Judge. In that regard, please amend No. 34, as follows, to-wit:

I have also had a lawsuit filed against me in the matter of Edward B. Bennett vs. Sheriff Al Cannon, Jr., et al., however this lawsuit was dismissed.

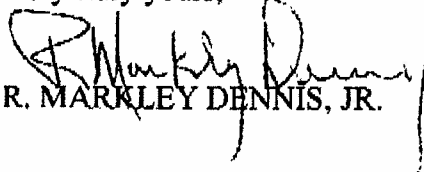
I have also had a lawsuit filed against me in the matter of Robert J. Schieble, Jr., vs. Code Officer Horner, et al., and this lawsuit was also dismissed.

Another lawsuit was filed against me in the matter of Steven McBlain vs. Judge Markley Dennis, et al. This lawsuit was also dismissed.

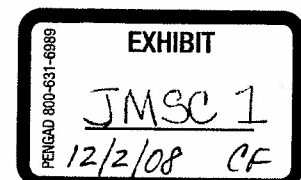
Also, on even date I have received notice by letter from Ms. Rosalyn W. Frierson that an action has been filed in the case of Rickie Jordan, Sr. vs. State of South Carolina, Berkeley County Sheriff, Solicitor, R. Markley Dennis, et al., which action is now pending.

With kind regards, I am

Very truly yours,

  
R. MARKLEY DENNIS, JR.

RMD, JR/ljd





# State of South Carolina Equity Court

CHARLES B. SIMMONS, JR.  
Judge

Suite 313, County Courthouse  
Greenville, S.C. 29601

Telephone (864) 467-8556  
FAX (864) 467-8401

December 1, 2008

Bonnie B. Goldsmith, Assistant Chief Counsel  
House Judiciary Committee  
P.O. Box 11867  
Columbia, SC 29211  
(803) ~~734-9945~~ (fax)  
212-7356

In re: Amendment PDQ

Dear Ms. Goldsmith:

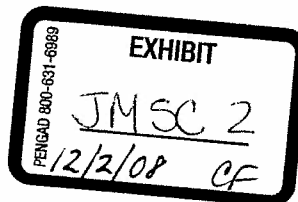
I am amending question #34 on my PDQ to reflect the following:

1. Ralph C. McCullough, II v. Simmons; this was a 2004 bankruptcy action filed in Federal Court against me, in my professional capacity, as well as multiple defendants; the action was dismissed in 2005.
2. Nash v. Laney; this was a pro se action filed in 1992 in Federal Court; according to a SLED report, I was named, in my professional capacity, as one of multiple defendants; the action was terminated in January, 1993.
3. Hunt v. Wombyle, Carlisle, et al; this was a pro se action filed in both state court and federal court wherein I, in my professional capacity, was named as one of multiple defendants; both actions against me were dismissed in 2008.

Should anything else be necessary, please let me know immediately.

Sincerely,

Charles B. Simmons, Jr.



**MASTER-IN-EQUITY**  
SPARTANBURG COUNTY COURTHOUSE  
180 MAGNOLIA STREET, THIRD FLOOR, ROOM 901  
SPARTANBURG, SC 29306

(864) 596-2501

(864) 596-2078 Fax

August 19, 2008

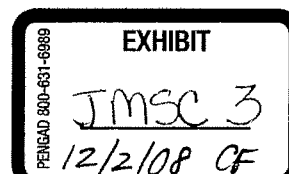
Judicial Merit Selection Commission  
Attn: Andrew T. Fiffick, IV, Esq.  
P. O. Box 142  
Columbia, SC 29202

Re: Gordon G. Cooper  
Master-in-Equity for Spartanburg County

Dear Mr. Fiffick:

After my interview on October 29, 2008, I reviewed my Personal Data Questionnaire which was submitted on August 19, 2008. There were two (2) cases that were not included in my response to Question #34. I wish to amend my response to Question #34 to include the following cases:

1. James Loftin vs. South Carolina Probation and Parole; Jeffrey T. Harmon, Agent; Robert Hall, Magistrate; and Gordon G. Cooper, Judge Civil Action No. 7:07-CV-3792-GRA. This action was filed by James Loftin, pro se in the US District Court of South Carolina, Spartanburg Division. I have checked the court file and a summons and complaint were never served on me. The Plaintiff had made threats at the Probation Revocation Hearing that he might file a federal action against me and the local Magistrate, but again I had no knowledge that the action was actually filed. On January 4, 2008 the action was dismissed as to the SC Department of Probation and Parole, Judge Gordon G. Cooper and Magistrate Robert Hall. Judge G. Ross Anderson, Jr., dismissed the Plaintiff's entire case on June 12, 2008. I had not received any information about this case until you supplied me with a copy of the case and the Court's ruling.
2. The Clifton Corporation and Charles B. Mierek vs Gordon G. Cooper, Master in Equity for Spartanburg County and First South Bank Case No 07-CP-42-125. This action was filed by the Plaintiff seeking to have the Circuit Court issue a Writ of Mandamus to compel the Master in Equity to accept a bid made after a foreclosure sale and to issue a deed to the Plaintiff. This matter was turned over to the Spartanburg County Attorney. The Plaintiff's action was dismissed with prejudice on April 17, 1007. After this matter was turned over to the Spartanburg County Attorney, I did not track the case or follow up on it. Again I was not made aware of any further action in the case until you supplied me with a copy of the dismissal.



My failure to include the cases above was not intentional as is pointed out in my explanation of the cases. In case number 1, I did not have any knowledge that the case was actually filed. In case number 2, the matter was referred to the County Attorney and was handled by that office. After the case was sent to the County Attorney, I did not track it nor was I kept informed as to the progress of the case.

Sincerely,

Gordon G. Cooper  
Master-In-Equity for Spartanburg County

GGC/dm

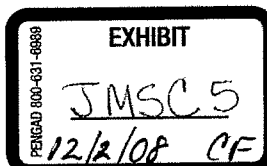
**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, First Judicial Circuit, Seat 1

1. NAME: Mrs. Pandora Jones-Glover  
BUSINESS ADDRESS: PO Drawer 9000  
Orangeburg, South Carolina 29116  
E-MAIL ADDRESS: pljones@orangeburgcounty.org  
BUSINESS NUMBER: (803) 533 6280
  
2. Date of Birth: 1973  
Place of Birth: Charleston, 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 on April 9, 2005, to Kenneth Raye Glover. 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) Clemson University: 1991-1995, BA History;
  - (b) College of Charleston: 1995/1996, took courses in Masters Program to prepare for law school;
  - (c) University of Arkansas School of Law: 1997-2000.
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.  
South Carolina 2001.
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) Pre Law- Phi Alpha Delta (1992-1995);
  - (b) Black Law Students Association – (President 1998-2000);
  - (c) Public Interest Law;
  - (d) Phi Alpha Delta –Clerk (1998).
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.

Conference/CLE Name

Date(s)



- |     |   |             |
|-----|---|-------------|
| (a) | 2003 SC Solicitor's Conference            | 09/28/2003; |
| (b) | Probate, Estate Planning & Trust          | 1/21/2005;  |
| (c) | Real Estate Practices                     | 1/21/2005;  |
| (d) | Build the Foundation You Need to          | 02/03/2005; |
| (e) | SC Assoc of Probate Judges                | 02/28/2005; |
| (f) | New Judges' Orientation                   | 03/18/2005; |
| (g) | 2005 Probate Judges/Court                 | 05/06/2005; |
| (h) | NCPJ 2005 Spring Conference               | 05/11/2005; |
| (i) | JCLE Seminar at SCAC                      | 08/05/2005; |
| (k) | How To Draft Effective Wills              | 09/12/2005; |
| (l) | 13 <sup>th</sup> Annual Probate Bench Bar | 09/16/2005; |
| (m) | SCAPJ Annual Conference                   | 09/21/2005; |
| (n) | NCPJ Fall Conference                      | 11/09/2005; |
| (o) | SCAPJ JCLE Seminar as part of SCAPJ       | 02/06/2006; |
| (p) | SCAPJ Annual Conference                   | 05/12/2006; |
| (q) | Probate Bench Bar                         | 09/15/2006; |
| (r) | SC Black Lawyers Retreat                  | 09/28/2006; |
| (s) | Fundamental Issue in Elder Law            | 11/14/2006; |
| (t) | SCAPJ Legislative Conference              | 02/13/2007; |
| (u) | SCAPJ Legislative Conference              | 02/2008;    |
| (v) | Grants in Courts Summit                   | 04/22/2008; |
| (w) | NCPJ Spring Conference                    | 05/20/2008. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Constitutional Law, Fall 2008, First Session, Claflin University;
- (b) Civil Liberties, Fall 2008, First Session, Claflin University.
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 Bar 2001.
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 for the Honorable Clifton Newman (2000-2002);
- (b) Assistant Solicitor for the First Judicial Circuit (2002-2004);
- (c) First Assistant Solicitor for the First Judicial Circuit (1/2004-July2004);
- (d) Orangeburg County Probate Judge (July 2004 – Present).
- If you are a candidate for **Circuit Court**, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved.

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

15. What is your rating in Martindale-Hubbell? Not Rated. Never requested a rating.

**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: approximately two weeks per month as an Assistant Solicitor.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?  
(a) civil: 5%;  
(b) criminal: 95%;  
(c) domestic: None.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?  
(a) jury: 30;  
(b) non-jury: 70.

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

I served most often as sole counsel as an assistant solicitor.

19. List five of the most significant litigated matters that 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) SC v. Willie Aiken Ind., #2002GS381976-2002GC38001978;
  - (b) SC v. Jasmine Anderson Ind., #2002GS38001743-1746;
  - (c) SC v. Chance Bennet Ind., #2002GS38001967-1968;
  - (d) SC v. William Carmichael Ind., #2003GS38001314-1315;
  - (e) SC v. Leon Jamison Ind., # 2002GS38001238-1241.

Each of these cases was significant. I disposed of them during my service with the First Circuit Solicitor's Office. I was pleased that I played a role in making those defendants accountable for their illegal activity in my community.

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. NONE.
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. Please attach one copy of briefs filed by you in each matter. NONE.
22. Have you ever held judicial office?  
I was appointed Probate Judge for Orangeburg County in July 2004. I was elected in June 2006. My jurisdiction includes marriage licenses, all matters concerning decedents' estates, minor settlements, wrongful death and survival actions, conservatorships, guardianships and commitment hearings.
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.  
(a) Est. of Sara Weiss Crossman, 2004ES3800447, 2007CP3800599;  
(b) Est. of James McLean, 2004ES3800255;  
(c) Est. of George Haynes Jr., 2006ES3800279;  
(d) Est. of Myra L. Rourk, 2004ES00428;  
(e) Matter of Kesmond Legree, 2000GC380010.
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.  
(a) Adjunct Professor, Claflin University;  
(b) September 2, 2008 – Present.
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.  
(a) Medical University of South Carolina (Admin Specialist) - 1995- 1997;  
(b) United States Postal Service (Data Entry Clerk) - 1996-1997.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. NO.
29. A complete, current financial net worth statement was provided to the Commission.



30. Describe any financial arrangements or business relationships that 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. None.
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?  
2007-CP-32-1981  
Martha Argoe vs. Three Rivers Behavioral Health, LLC and Psychiatric Solutions, its successors; Phyllis Bryant-Mobley, M.D., Aiken Regional Medical Center, Aurora Pavilion, David A. Steiner, M.D., Cherly C. Dodds, M.D., Doris Ann Burrell, R.N., Carolina Care Plan; James F. Walsh, G. Lewis Argo, Jr. and George L. Argoe; Ameriprise Financial, Malcom Lynn Noris and Pandora Jones-Glover.  
The Plaintiff alleges that in my official capacity, I conspired, with the other named defendants, to deprive her of life, liberty and property. A motion for summary judgment is filed on my behalf and is expected to be granted based on judicial immunity.
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. No.
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. No.
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? 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? 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 Bar Association;
    - (b) American Bar Association;
    - (c) National Bar Association;
    - (d) South Carolina Association of Probate Judges;
    - (e) National College of Probate Judges.
  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) Andrew Chapel Baptist Church (list recognitions);
    - (b) Delta Sigma Theta Sorority Incorporated
      - (i) Member Policies & Procedures Committee (1996-1998);
      - (ii) Member Auditing Committee (1996-1998);
      - (iii) Sergeant At Arms (1998-Present);
      - (iv) Chairperson Auditing Committee (1998- Present);
    - (c) Kiwanis Club of Orangeburg – Board Member 2006-2008.
  48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information

may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I worked closely with a circuit court judge for nearly two years. I actively participated in docket meetings, researched issues of law, and drafted orders. During my service as an assistant solicitor, I continued to work closely with the court and court personnel to dispense justice. I observed the professionalism and demeanor of many judges assigned to our court. I experienced first hand how the judge's attitude, demeanor, knowledge of the law and professionalism affected the court personnel and the smooth operation of court. When I took office in 2004, I was able to utilize the skills that I gleaned from each of those judges. As a probate judge, I am prepared, punctual, courteous, and efficient.

I have the experience, dedication, commitment and integrity necessary to enhance and maintain confidence in the judiciary.

49. References:

- (a) Raoul Sailer-Branch Manager  
South Carolina Federal Credit Union  
Post Office Box 1174  
Boulevard Street  
Orangeburg, South Carolina 29115  
(800)845-0432, ext. 4950;
- (b) Rev. Donald E. Greene  
3670 Five Chop Road  
Orangeburg, South Carolina 29115  
(803) 531-0303;
- (c) Timothy Maybank  
Deputy County Administrator  
PO Drawer 9000  
Orangeburg, South Carolina 29116  
(803) 533 1000;
- (d) Samuel Glover  
149 Belton Drive  
Orangeburg, South Carolina 29118  
(803) 667 2221;
- (e) Ernest Finney, Sr.  
Finney Law Firm  
Post Office Box 1309  
Sumter, South Carolina 29151  
(803) 775-9449.

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/Pandora Jones-Glover

Date: 09/25/08

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

Circuit Court  
(New Candidate)

Full Name: Pandora Jones-Glover  
Business Address: PO Drawer 9000  
Orangeburg, South Carolina 29116  
Business Telephone: (803) 533 6280

1. Why do you want to serve as a Circuit Court judge?  
I positively impact the lives of many residents in Orangeburg County. I would like to now broaden my area of service. Serving as circuit court judge, would afford me this opportunity and permit me to enhance the confidence in the judiciary.
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 have no plans to enter into private practice.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?  
I have met the age and residency requirements. As of January 9, 2009, which is prior to the election, I will have met the years of practice requirement.
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 to refrain from *ex parte* communication.  
*Ex parte* communications should only be tolerated in emergency situations or for ministerial or procedural purposes.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
Members of the judiciary should be fair and impartial. If a judge is unable to act fairly and impartially, recusal is appropriate. Lawyer-legislatures, former associates or law partners should gain no procedural advantages.
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?  
Because it is important to maintain confidence in the judiciary, I would give great deference to a party requesting a recusal. However, I would make certain that a legitimate concern exist rather than a tactic for delay.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
In order to maintain confidence in the judiciary, I would recuse myself where there is an appearance of impropriety due to the financial or social involvement of my spouse or close relative.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
With the exception of close friends and family, I will not accept gifts or engage in social hospitality if it could reasonably be perceived as intending to influence me in the performance of my 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 report the misconduct to the appropriate disciplinary authorities.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?  
As probate judge, I am in a unique position. However, during this campaign and if elected, I will discontinue all political involvement.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?  
No
13. If elected, how would you handle the drafting of orders?  
I would draft orders myself or request proposed orders from the prevailing party with notice to opposing counsel.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?  
Microsoft Outlook is a software that I currently utilize to make notes on my calendar and alert of deadlines. If elected, I would continue this practice.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
While a judge has a duty to contribute to the betterment of his community it is important that the activities do not interfere with judicial duties, cast doubt on one's ability to act impartially, or demean the judicial office.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?  
If elected, I will work to improve the judicial system by participating in public events (moot court) and encouraging youth (career day).
17. 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 address this?  
I do feel that serving as a judge strains personal relationships. My commitment to perform my duties efficiently and expeditiously has

- required me to be absent from the home but this is managed. I have a strong support system of family and very close friends.
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: It is generally appropriate to impose stiffer sentences on repeat offenders as lesser measures have proven ineffective.
  - b. Juveniles (that have been waived to the circuit court): It is generally appropriate to consider the age and maturity of a juvenile defendant even though he is being tried as an adult.
  - c. White collar criminals: Although these offenders are termed "white collar criminals" they have committed a crime and should face sentences proportionate to the crime committed. I don't subscribe to the notion that they should be treated differently from someone convicted of a "blue collar crime."
  - d. Defendants with a socially and/or economically disadvantaged background: Disadvantaged social or economic backgrounds should be taken into consideration during sentencing, but poverty is no excuse to violate the law.
  - e. Elderly defendants or those with some infirmity Age or infirmity is no excuse to violate the law. If health is an issue, depending on the offense committed, and my options were probation or a light sentence, I would impose a probationary sentence so that taxpayers would not have to pay for medical expenses.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
To avoid any appearance of impropriety, I would disclose the matter. If there are no objections after full disclosure, I would preside over the matter.
21. Do you belong to any organizations that discriminate based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge?  
A judge should be professional, fair and impartial in dealing with everyone that she encounters. She should conduct herself in a manner that promotes public confidence in the judiciary.
24. 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 apply seven days a week, twenty-four hours a day.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?  
It is inappropriate and unprofessional to display anger when dealing with a criminal defendant, attorney or pro se litigant.
  26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None
  27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No
  28. Have you sought or received the pledge of any legislator prior to this date? No
  29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
  30. 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
  31. Have you contacted any members of the Judicial Merit Selection Commission? No
  32. 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/Pandora Jones Glover

Sworn to before me this 25 day of September, 2008.

Notary Public for S.C.

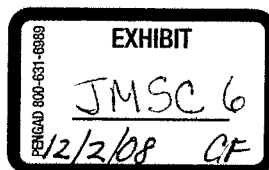
My Commission Expires: 10/25/2015



**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Court of Appeals, Chief Judge, Seat 5

1. NAME: Ms. Kaye G. Hearn  
BUSINESS ADDRESS: P.O. Box 438  
Conway, SC 29528-0438  
E-MAIL ADDRESS: khearnj@sccourts.org  
BUSINESS NUMBER: (843) 915-8980
  
2. Date of Birth: 1950  
Place of Birth: Delaware, OH
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 on February 16, 1980, to George M. Hearn, Jr. Divorced on November 13, 1978, by decree of the Richland County Family Court, R. Howard Grubbs was moving party, desertion for a period of one year. One child.
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) Bethany College, 1968-72; B.A., History, cum laude;
  - (b) Edinboro College, 1973-74 (left the Master's Degree program in Political Science to attend law school);
  - (c) University of South Carolina School of Law, 1974-77; J.D., cum laude;
  - (d) University of Virginia, 1998, L.L.M., Judicial Process.
8. List the states in which you have been admitted to practice law and the year of each admission. Are you a member in good standing in the states in which you are admitted? Has there ever been a time in which you were not a member in good standing? List the date(s) and reason(s) why you were not considered a member in good standing. 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 law in South Carolina in 1977. I am and always have been a member in good standing. I have not taken the bar exam in any other state.
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.



Bethany College Activity: 1968-72

- (a) Member, Who's Who in American Colleges and Universities;
- (b) Resident Assistant;
- (c) Alpha Xi Delta sorority (President);
- (d) Association of Women Students (Vice- president);
- (e) History honorary (President);
- (f) Cheerleader (Captain);
- (g) Leadership honorary;
- (h) Recipient, Vira Heinz Award (scholarship for study abroad awarded to junior woman based on scholarship, leadership, and conduct);
- (i) Senior Fellow in History Department;
- (j) Earned Distinction on Senior Comprehensive Exam in History;
- (k) Recipient, Senior History Prize;
- (l) Cum Laude graduate.

USC Law School Activity: 1974-77)

- (a) Member, Wig and Robe;
- (b) Member, International Law Moot Court Team (team won regionals and advanced to semi-final round at nationals);
- (c) Legal writing instructor;
- (d) Research assistant to Professor Randall Bell;
- (e) American Jurisprudence Award, Conflict of Laws;
- (f) Recipient, Coleman Karesh Scholarship;
- (g) Cum Laude graduate.

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)	Appellate Issues (Bridge the Gap)	3-10-03;
(b)	South Carolina Judicial Conference	8-03;
(c)	National Council of Chief Judges' Conference	11-03;
(d)	Family Court Bench Bar	12-5-03;
(e)	Appellate Issues (Bridge the Gap)	3-8-04;
(f)	Using Electronic Evidence in Civil Litigation	7-15-04;
(g)	South Carolina Judicial Conference	8-04;
(h)	Hot Tips from the Coolest Domestic Practitioners	9-24-04;
(i)	Wofford and the Law	9-25-04;
(j)	National Council of Chief Judges' Conference	11-04;
(k)	South Carolina Family Court Bench/Bar	12-3-04;
(l)	Appellate Issues (Bridge the Gap)	3-7-05;
(m)	South Carolina Judicial Conference	8-06;
(n)	National Council of Chief Judges' Conference	11-05;
(o)	South Carolina Family Court Bench/Bar	12-12-05;
(p)	Trial and Appellate Advocacy	1-28-06;

- (q) Appellate Issues (Bridge the Gap) 3-6-06;
  - (r) S.C. Family Court Summit 7-06;
  - (s) South Carolina Judicial Conference 8-06;
  - (t) National Council of Chief Judges' Conference 11-06;
  - (u) AutoTorts 12-2-06;
  - (v) South Carolina Judicial Conference 8-07;
  - (w) National Council of Chief Judges' Conference 11-07;
  - (x) South Carolina Judicial Conference 8-08.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Hearsay Rule in the Family Court, Columbia, S.C., July 21, 1979;
  - (b) Order Writing for Circuit Judges, Columbia, S.C., Aug. 1979;
  - (c) Order Writing for Family Court Judges, Columbia, S.C., Nov. 16, 1979;
  - (d) Moderator, Organizer, and Presenter at People's Law School, Horry Georgetown Tech, 1980-1984;
  - (e) Appellate Court Writs, Columbia, S.C., June 19, 1980;
  - (f) Order Writing for Law Clerks, Columbia, S.C. Aug. 1980;
  - (g) Order Writing for Law Clerks and Staff Attorneys, Columbia, S.C., Aug. 1981;
  - (h) Rules and Procedures of the Family Court, S.C. Trial Lawyers Convention, Hilton Head, S.C., Aug. 20, 1981;
  - (i) Appellate Advocacy Brief Writing, Greenville, S.C., Apr. 2, 1982;
  - (j) Appellate Advocacy Brief Writing, Charleston, S.C., May 1982;
  - (k) Appellate Advocacy Brief Writing, Florence, S.C., June 25, 1982;
  - (l) Appellate Advocacy Preservation of the Record, Columbia, S.C. July 15, 1983;
  - (m) Opinion Writing for Appellate Judges, Columbia, S.C., Oct. 1983;
  - (n) Separation and Antenuptial Agreements, Columbia, S.C., Oct. 12, 1984;
  - (o) Effective Order Writing, Columbia, S.C., Dec. 6-7, 1984;
  - (p) Order Writing, New Family Court Judges' School, Columbia, S.C., Feb. 28, 1985;
  - (q) Order Writing, Bridge the Gap, Columbia, S.C., Mar. 1985;
  - (r) Order Writing, Bridge the Gap, Columbia, S.C., August 1985;
  - (s) Complex Issues in Family Court, Statutory Update, and Alimony Perspective – Co-Moderator, Columbia, S.C., Nov. 19-20, 1987;
  - (t) Practical Problems in Legal Ethics, Columbia, S.C. Dec. 1987;
  - (u) Order Writing, New Family Court Judges' School, Columbia, S.C., July 21-22, 1988;
  - (v) Children's Rights, SCDSS Family Violence Conference, Columbia, S.C., Mar. 19-20, 1990;
  - (w) Judge's Perspective on Adoption, Columbia, S.C., April 6, 1990;
  - (x) Domestic Relations, Bridge the Gap, Columbia, SC, Aug. 1990;

- (y) Domestic Relations, Bridge the Gap, Columbia, SC, March 1991;
- (z) The Future of Families in the Courts, Greenville, S.C., Apr. 4, 1991;
- (aa) Domestic Relations, Bridge the Gap, Columbia, SC, Aug. 1991;
- (bb) Order Writing, New Alimony Statute, Abuse and Neglect, and Contempt – Moderator, New Family Court Judges’ School, Columbia, S.C., Aug. 27-28, 1991;
- (cc) Domestic Violence, Magistrate’s JCLE, Columbia, S.C., November 8, 1991;
- (dd) Domestic Relations, Bridge the Gap, Columbia, SC, March 1992;
- (ee) Adoption, Abuse and Neglect – Moderator, New Family Court Judges’ School, Columbia, S.C., July 28, 1992;
- (ff) Separation Agreements, Columbia, S.C., Dec. 1992;
- (gg) Domestic Relations, Bridge the Gap, Columbia, SC, May 17, 1993;
- (hh) The Future of Family Court, S.C. Trial Lawyers Convention, Hilton Head, S.C., August 18, 1993;
- (ii) Suppression Hearings in Family Court, Solicitors’ Conference, Myrtle Beach, S.C., Oct. 4, 1993;
- (jj) How the Family Court is Using ADR and Mediation in the Courtroom, S.C. Bar Mid-Winter Meeting, Charleston, S.C., Jan. 21, 1994;
- (kk) Domestic Relations, Bridge the Gap, Columbia, SC, February 28, 1994;
- (ll) Juvenile Delinquency, Family Court Judges’ School, Columbia, S.C., June 24, 1994;
- (mm) Family Court Rules, Columbia, S.C. July 29, 1994;
- (nn) Waiver Hearings, Family Court Bench/Bar Seminar, Columbia, S.C., Aug. 19, 1994;
- (oo) Domestic Relations, Bridge the Gap, Columbia, SC, March 6, 1995;
- (pp) Domestic Relations, Bridge the Gap, Columbia, SC, May 16, 1995;
- (qq) The Hot Evidentiary Issues Under the New Rules, The Judicial Conference, Columbia, S.C. , Aug. 24, 1995;
- (rr) Judicial Perspective on Briefs and Oral Arguments, Ethical Issues Facing Family Law Practitioners, Columbia, S.C., Dec. 19, 1995;
- (ss) Domestic Relations, Bridge the Gap, Columbia, SC, March 5, 1996;
- (tt) The Future of Appellate Courts, Seminar for New Appellate Court Judges, Columbia, S.C., May 1, 1996;
- (uu) Preserving the Trial Record, Circuit Court Judges Seminar, Fripp Island, S.C., May 1996;
- (vv) Preserving the Trial Record, The Judicial Conference, Columbia, S.C., Aug. 22, 1996;
- (ww) Ethics: A View from the Bench, S.C. Public Defenders’ Conference, North Myrtle Beach, S.C., Sept. 30, 1996;
- (xx) A View from the Bench, Ethics for Family Law Practitioners, Columbia, S.C., Dec. 10, 1996;
- (yy) Appellate Writs and Motions Practice, S.C. Bar Mid-Winter Meeting, Charleston, S.C., Jan. 25, 1997;

- (zz) Family Law Update, The Judicial Conference, Columbia, S.C., Aug. 22, 1997;
- (aaa) Perspectives on Judging, S.C. Student Trial Lawyers Association, Columbia, S.C., Oct. 1, 1997;
- (bbb) The Rules of Evidence and The Dead Man's Statute, S.C. Probate Judges Conference, Myrtle Beach, S.C., Oct. 13, 1997;
- (ccc) Automatic Stay, Petitions for Supersedeas, Family Court Seminar, Conway, S.C., Oct. 21, 1997;
- (ddd) Appellate Ethics Update, Ethics Seminar, Columbia, S.C., Nov. 14, 1997;
- (eee) Order Writing, Probate Judges Conference, Columbia, S.C., Feb. 26, 1998;
- (fff) Important Rules of Appellate Practice, S.C. Practice and Procedure Update, Columbia, S.C., March 20, 1998;
- (ggg) Comparative Negligence Developments, S.C. Tort Law Update, Columbia, S.C., Sept. 25, 1998;
- (hhh) Preserving Evidentiary Matters on Appeal, Winning Evidence, Columbia, S.C. Feb. 19, 1999;
- (iii) Appellate Issues, Court of Appeals Bench/Bar seminar, Columbia, S.C., October 22, 1999;
- (jjj) Appellate Issues, Bridge the Gap, Columbia, S.C. May 2000;
- (kkk) Appellate Issues, Family Court Bench/Bar seminar, Columbia, S.C., Dec. 1, 2000;
- (lll) Appellate Issues, Bridge the Gap, Columbia, S.C. March 2001;
- (mmm) Issues in Comparative Negligence, 2001 South Carolina Tort Law Update, Columbia, S.C., September 28, 2001;
- (nnn) Appellate Issues, Ring Out the Old, Ring In the New, Columbia, S.C. December 21, 2001;
- (ooo) Appellate Issues, Bridge the Gap, Columbia, S.C., May 15, 2002;
- (ppp) Appellate Issues, Family Court Bench/Bar, Conway, S.C., Dec. 6, 2002;
- (qqq) Appellate Issues, Bridge the Gap, Columbia, S.C., March 10, 2003;
- (rrr) Oral Argument, South Carolina Trial Lawyers' Association Convention, 2003;
- (sss) Now we have Campbell, what do we do with it?, South Carolina Defense Trial Attorneys' Association, Sea Island, GA, Nov. 7, 2003;
- (ttt) Appellate Issues, Family Court Bench/Bar, Conway, S.C., Dec. 5, 2003;
- (uuu) Appellate Issues, Bridge the Gap, Columbia, S.C., March 8, 2004;
- (vvv) Using Electronic Evidence in Civil Litigation, July 15, 2004;
- (www) Hot Tips from the Coolest Domestic Practitioners, Columbia, S.C., September 24, 2004;
- (xxx) Wofford and the Law, Panel Leader for Legal Symposium, Spartanburg, SC, September 25, 2004;
- (yyy) Appellate Issues, South Carolina Family Court Bench/Bar, Conway, S.C., December 3, 2004;

- (zzz) Appellate Issues, Bridge the Gap, Columbia, S.C., March 7, 2005;
- (aaaa) Professionalism, Forum on Professionalism at the Charleston School of Law, Charleston, S.C.;
- (bbbb) Oral Arguments, S.C. Bar Convention, January 28, 2006;
- (cccc) Appellate Issues, Bridge the Gap, Columbia, S.C., March 6, 2006;
- (dddd) Expediting Appeals in Dependency Cases, S.C. Family Court Summit, Columbia, S.C., July 2006;
- (eeee) Appellate Advocacy, Charleston School of Law, Visiting Adjunct Professor, Fall 2006 semester;
- (ffff) Order Writing, 14<sup>th</sup> Annual Probate Bench/Bar, Columbia, S.C., Sept. 15, 2006;
- (gggg) Keeping Your Verdicts Without Compromising Your Ethics, AutoTorts, Atlanta, G.A., December 2, 2006;
- (hhhh) Oral Argument, Family Court Bench/Bar, Conway, S.C., December 7, 2006;
- (iiii) Appellate Advocacy, Charleston School of Law, Visiting Adjunct Professor, Fall 2007 semester;
- (jjjj) Ethics, Summary Court Judges' Conference, Myrtle Beach, S.C., September 7, 2007;
- (kkkk) Panel on the Constitution, Wofford College, Spartanburg, S.C., September 26, 2007;
- (llll) Appellate Issues, Bridge the Gap, Columbia, S.C., March 10, 2008;
- (mmmm) Appellate Issues, Bridge the Gap, Columbia, S.C., May 12, 2008;
- (nnnn) New Appellate Rules in Workers' Compensation Cases, Clarion Townhouse, Columbia, S.C., May 2008;
- (oooo) Appellate Advocacy, Charleston School of Law, Visiting Adjunct Professor, Fall 2008 semester.

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

- (a) S.C. Appellate Practice Handbook  
(S.C. Bar CLE 1985), Contributing Author;
- (b) Marital Litigation in S.C.  
Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1997), Editorial Board;
- (c) South Carolina Damages  
Terry E. Richardson, Jr., and Daniel S. Haltiwanger (S.C. Bar CLE 2004), authored chapter titled, "S.C. Modified Comparative Negligence";
- (d) The Appellate Prosecutor: A Practical and Inspirational Guide to Appellate Advocacy  
Ronald H. Clark (S.C. Bar CLE 2005), authored chapter on oral argument.

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.

Admitted to practice before the State Courts of South Carolina in 1977. Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1980.

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) 1977-1979

Law clerk to the Honorable Julius B. Ness, Associate Justice of the S.C. Supreme Court;

(b) 1979-1985

Associate and partner in firm which eventually became Stevens, Stevens, Thomas, Hearn & Hearn; located in Loris and Myrtle Beach, S.C.;

(c) 1985-1995

Family Court Judge for the Fifteenth Judicial Circuit (Chief Administrative Judge from 1987-1995);

(d) 1995-1999

Judge, S.C. Court of Appeals;

(e) 1999-present

Chief Judge, S.C. Court of Appeals.

15. What is your rating in Martindale-Hubbell? b.v. as of May 1986.

22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

Yes. I was elected Family Court Judge in 1986 and served until 1995. The family court has jurisdiction over matters involving domestic relationships, such as divorce, division of marital property, custody, visitation rights, adoptions, and termination of parental rights. The family court also has jurisdiction over minors under the age of seventeen who have committed crimes, unless those crimes are serious enough for the child to be "waived up" to General Sessions court.

In 1995, I was elected to serve as a judge on the S.C. Court of Appeals, and in 1999, I was elected Chief Judge of the Court of Appeals. I continue to serve in that position. The court of appeals has jurisdiction over all appeals, with the following seven exceptions (see § 14-8-200 of the South Carolina Code):

(a) death penalty cases;

(b) final decisions of the Public Service Commission setting public utility rates;

(c) challenges to the constitutionality of a statute or ordinance (unless the Supreme Court deems the constitutional question raised

- insignificant);
- (d) final judgments from the circuit court involving “the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the State, its agencies, political subdivisions, public service districts, counties, and municipalities, or any other indebtedness authorized by Article X of the Constitution of this State”;
  - (e) judgments dealing with elections or election procedures;
  - (f) orders limiting the investigation of the state grand jury; and
  - (g) orders dealing with an abortion by a minor.
23. If the answer to question 22 is yes, describe or attach five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) Shaw v. Atlantic Coast Life Ins. Co.  
322 S.C. 139, 470 S.E.2d 382 (Ct. App. 1996), cert. denied, 520 U.S. 1167 (1987) (holding that an employee seeking to recover benefits under ERISA was entitled to a jury trial);
  - (b) Davenport v. Cotton Hope Plantation Horizontal Property Regime  
325 S.C. 507, 482 S.E.2d 569 (Ct. App. 1997) (en banc), aff’d as modified, 333 S.C. 71, 508 S.E.2d 565 (1998) (holding that assumption of risk has been subsumed by South Carolina’s adoption of comparative fault);
  - (c) State v. Hamilton  
327 S.C. 440, 486 S.E.2d 512 (Ct. App. 1997), cert. denied, 525 U.S. 904 (1998) (finding no error in trial judge’s decision to allow the State to prove defendant had two prior burglary convictions despite defendant’s willingness to stipulate to his prior convictions);
  - (d) State v. Slater  
360 S.C. 487, 602 S.E.2d 90 (Ct. App. 2004) (Hearn, C.J., dissenting and finding Slater was not entitled to a self defense charge), rev’d, 373 S.C. 66, 644 S.E.2d 50 (2007) (agreeing with dissent that charge of self defense was not warranted);
  - (e) In re Expediting Appeals from Termination of Parental Rights Proceedings  
366 S.C. 670, 623 S.E.2d 661 (Ct. App. 2005) (recognizing the need for stability in children’s lives and implementing an expedited procedure for handling appeals from termination of parental rights proceedings, adoption proceedings, and/or DSS actions involving the custody of a minor child).
24. Have you ever held public office other than judicial office? No.
25. List all employment you have 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.



Adjunct Professor of Appellate Advocacy for the Charleston School of Law. Employed for the Fall Semesters of 2006, 2007, and 2008, from August through November. The class meets two hours per week, and I co-teach with my former law clerk, William Cook.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?  
Yes. In May of 2007, I unsuccessfully ran for Seat 5 on the South Carolina Supreme Court. The Judicial Merit Selection Committee nominated Donald Beatty, H. Bruce Williams, and me for the seat. The Honorable Donald W. Beatty won the election. In February of 2008, I ran for Seat 3 on the South Carolina Supreme Court. The Judicial Merit Selection Committee nominated John Kittredge, John Few, and me for the seat. The Honorable John Kittredge won the election.
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?  
None, other than occasional employment during high school and college.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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. None.
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? 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?  
I was sued for divorce by my first husband in 1978. The action was uncontested. I was also sued in my capacity of Bar Examiner in the case of John V. Crangle v. Board of Law Examiners of South Carolina, et al. The case was dismissed.
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. N/A.
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. N/A.
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? 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? 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 Bar Association;
  - (b) Council of Chief Judges  
Immediate Past President, 2006-2007  
President, 2005-2006  
Chair, Education Committee, 2003  
Member, Executive Board, 2001-Present

- Member, Education Committee, 2000-2002;
- (c) Conference of Family Court Judges  
Treasurer, 1990  
Secretary, 1991  
President, 1992.
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.  
In 2004, I was the portrait honoree of the South Carolina Trial Lawyers' Association.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.  
1984-86: Member, South Carolina Board of Bar Examiners.
49. References:
- (a) Ed Kelaher  
P.O. Drawer 14547  
Surfside Beach, SC 29587  
843-238-5648;
- (b) Janet Simmons  
c/o Conway National Bank  
1360 Hwy. 501  
P.O. Box 320  
Conway, SC 29528  
843-347-4601;
- (c) The Hon. William L. Howard  
P.O. Box 993  
Charleston, SC 29402-0993  
843-724-6669;
- (d) The Honorable David W. Harwell  
Nelson Mullins Riley & Scarborough  
Beach First Center, 3rd Floor  
3751 Robert M. Grissom Parkway  
Myrtle Beach, SC 29577  
843- 946-5673;
- (e) Rev. Charles Jackson  
1802 Middle Loop Rd.  
West Columbia, SC 29169  
803-796-7525.

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/Kaye G. Hearn  
Date: 09/18/08

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

Supreme Court/Court of Appeals  
(Incumbent)

Full Name: Kaye Gorenflo Hearn  
Business Address: P.O. Box 438  
Conway, SC 29528  
Business Telephone: (843) 915-8980

1. Do you plan to serve your full term if elected?  
I plan to run for Justice Waller's seat upon his retirement from the Supreme Court.
2. Do you have any plans to return to private practice one day?  
No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?  
Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
In my thirteen years as an appellate judge, I have rarely found *ex parte* communications to be a problem. My office staff is trained to screen telephone calls for *ex parte* communications. Most of the attempts at *ex parte* communications that I encounter are parties, particularly inmates, attempting to contact me through letters. My administrative assistant and law clerks have been instructed to transmit any such letters directly to the clerk of court. The court itself has procedures in place to handle emergency motions and petitions for supersedeas which may require communications with the court.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
I recuse myself whenever there is a possibility that my impartiality might be questioned. I maintain a list of standing disqualifications which is frequently updated.
6. 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?  
I would defer to granting the motion. Even though I might not feel that my partiality would be affected, if a party reasonably believes I would be less than fair, I would recuse myself.

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

I accept only ordinary social hospitality among family and friends.

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

If I were to receive information that a judge or an attorney likely committed a violation of the Code of Judicial Conduct or the Rules of Professional Conduct, I would take appropriate action, which might include direct communication with the lawyer or judge. If I had knowledge that a violation had been committed by a judge or lawyer, I would take appropriate action, which may include sanctions if it occurred in a case over which I was presiding or may include reporting to the appropriate authority governing judicial or lawyer discipline.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated?

No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

No.

11. How do you prepare for cases that are before you?

My method of preparing the cases that come before me at the court of appeals has evolved over the thirteen years I have served on the court. Regarding those cases assigned to me to author, my law clerks and I read the briefs and records and discuss them. Based on that discussion, the clerk assigned to the case prepares a bench memorandum. I review the memorandum before distributing it to other judges on the panel. With respect to the cases I am hearing for which I am not the assigned author, I read the briefs and records as well as the bench memoranda prepared by the authoring judge's chambers. My law clerks likewise read the briefs and records in cases assigned to the other judges on the panel as well as the bench memoranda. Prior to oral argument, my clerks and I schedule a chambers conference when we thoroughly discuss each of the cases assigned to the panel that term. The day before oral arguments, a panel conference is scheduled with the two other judges and their law clerks at which we all thoroughly discuss every case assigned to the panel that week. After oral argument, I meet with my clerks to discuss any changes in our proposed disposition of the cases as a result of the arguments. Then we begin working on the final opinion in the cases assigned to me to author.

Bench memoranda in PCRs, Anders, and routine cases are initially prepared by the central staff at the court of appeals. When these

- cases are sent to chambers for my review, I read the case and the memorandum prior to my reviewing and signing the proposed opinion.
12. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I believe a judge's responsibility is to follow the law as enacted by the General Assembly. With regard to construing statutory provisions, I consider myself a strict constructionist. I am not a judicial activist in any way; however, some decisions do ultimately turn on a policy decision. In those instances, I endeavor to make my decision based on what I can glean to be the public policy of our state as expressed in legislative enactments and in prior decisions by the South Carolina Supreme Court.
13. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?  
I have always been extremely active in CLEs in South Carolina. I have been a presenter at more than 80 CLEs since I began to practice law. I also speak frequently at civic meetings and such events as Palmetto Girls State because I believe it is important to educate the public about our excellent judicial system. I am an active member of the National Council of Chief Judges of State Courts of Appeal, an arm of the National Center for State Courts whose membership is composed of chief judges from across the country. I served as President of the organization from November of 2005 until November of 2006. I have also served as an adjunct faculty member at the Charleston Law School since 2006, teaching appellate advocacy. I plan to continue being active in education programs for lawyers, judges, and the public.
14. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you plan to address this?  
Any demanding job presents opportunities for stress on one's family. I am fortunate to have a lawyer-husband who is keenly aware of the demands of my position and completely supportive of me. My mother has lived with us since the birth of our daughter (now a junior at Wofford) and has been a tremendous help to me in maintaining a balance between work and family commitments. I am very actively involved in my church and find that maintaining my spiritual strength helps greatly in relieving stress. Finally, although I believe that a judge must abide by the canons of ethics twenty-four hours of every day, I try very hard to be a normal wife and mother too.
15. Are you currently serving on any boards or committees? If so, in what capacity are you serving?  
I am the Immediate Past President for the National Council of Chief Judges and continue to serve on the Council's Executive Committee.

I am also a member of the Chief Justice's Commission on the Profession, the Alternative Dispute Resolution Committee for the South Carolina Bar, the University of South Carolina's Law School Partnership Board, the Board of Advisors for the Charleston Law School, and the Advisory Board of the Charleston Law School Law Review.

16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

a) The use and value of historical evidence in practical application of the Constitution:

I would consider historical evidence in reaching any decision on the practical application of the Constitution because such evidence helps to reveal the drafters' intent; however, I would not consider historical evidence controlling.

b) The use and value of an agency's interpretation of the Constitution:

I would give an agency's interpretation of the Constitution little weight. Interpreting the constitution is a function of the judiciary, not an agency.

c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

I believe that documents produced contemporaneously with the Constitution should be given the greatest weight because they may provide insight into the intention of the drafters. However, there is no need to consider these areas when the language of the Constitution is clear and unambiguous.

17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision?  
It is plenary in nature.

18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes?

All grants of authority, including that of local governments, flow from the plenary power of one of the three branches of state government.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No.

20. Do you belong to any organizations that discriminate based on race, religion, or gender?  
No.



21. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
Yes.
22. Have you written any scholarly articles?  
I have written a chapter on Comparative Negligence for South Carolina Damages (S.C. Bar CLE 2004), and I have written a chapter on oral argument for The Appellate Prosecutor: A Practical and Inspirational Guide to Appellate Advocacy (S.C. Bar CLE 2005).  
I was a contributing author to the South Carolina Appellate Practice Handbook (S.C. Bar CLE 1985), and I was on the editorial board for Roy T. Stuckey and F. Glenn Smith's treatise, Marital Litigation in S.C. (S.C. Bar CLE 1997).  
I also wrote a thesis as part of the L.L.M. program at the University of Virginia, from which I graduated in 1998.
23. What do you feel is the appropriate demeanor for a judge?  
A judge should reflect sincere interest in matters before the court and should be extremely well prepared for every case. A judge should conduct himself or herself in a calm and dignified manner and should be polite and courteous to litigants, lawyers, court personnel, and the public.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?  
The rules apply twenty-four hours a day, seven days a week.
25. Is there be a role for sternness or anger in meetings with attorneys?  
There is rarely, if ever, a place for sternness at the appellate level. There is never a place for anger by a judge in a courtroom.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?  
No money has been spent on my campaign.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?  
No.
28. Have you sought or received the pledge of any legislator prior to this date?  
No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
No.
30. 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.
31. Have you contacted any members of the Judicial Merit Selection Commission?  
No.
32. 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/Kaye Glorenflo Hearn

Sworn to before me this 18<sup>th</sup> day of September, 2008.

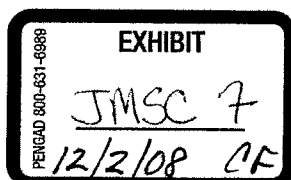
Notary Public for S.C.

My Commission Expires: 1/31/2017

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Judge of the Fifth Judicial Circuit, Seat 3

1. NAME: Mr. G. Thomas Cooper, Jr.  
BUSINESS ADDRESS: P.O. Box 192, Columbia, SC 29202  
E-MAIL ADDRESS: gcooperj@sccourts.org  
BUSINESS NUMBER: (803) 576-1783
  
2. Date of Birth: 1940  
Place of Birth: Wilmington, DE (raised in 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 on September 1, 1979, to Hope Howell Cooper. Divorced from Patricia D. (Cooper) Russell on July 21, 1979, Family Court, Fifth Judicial Circuit, Desertion for a period of one (1) year (prior to Separation for One (1) Year Statute). Three 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) 1958-63, Clemson University, B.S.;
  - (b) 1963-66, George Washington University, L.L.B.;
  - (c) Harvard Law School Program of Instruction for Lawyers (1972-Criminal Law).
  
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.  
South Carolina 1967; District of Columbia, 1967.
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) Clemson - Tennis Team, Block "C"; Fraternity President; High Court Attorney;
  - (b) George Washington University of Law School - American Law Student Association Delegate to the ABA; Phi Delta Phi Legal Fraternity; Legislative Assistant to Congressman Tom F. Gettys, Fifth District, South Carolina.



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)	All JCLE Programs	2002 – 2008;
(b)	Brookings Construction Law Seminar	2002;
(c)	General Jurisdiction (NJC)	4/8 - 4/19/02;
(d)	Handling Capital Cases (NJC)	3/16 - 3/21/03;
(e)	Selected Criminal Evidence Issues (NJC)	1/26 - 3/12/04 (Web Based);
(f)	Advanced Evidence (NJC)	9/26 - 9/29/05;
(g)	Environmental Economics for State Officials (Free Institute).	10/26-10/30/05

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) 1981 - "Arbitration or Litigation", Lecturer, South Carolina Bar CLE;
- (b) 1993 - "Alternative Dispute Resolution", Panelist;
- (c) 1995 - "The Nuts and Bolts of a Construction Project", Program Coordinator, South Carolina Bar CLE;
- (d) 1995 - "New Circuit Court Arbitration Rules", Panelist.

I was a member of the American Arbitration Association National Arbitration Training Faculty. From 1996-2000, I traveled around the United States giving one (1) day seminars to new AAA arbitrators. All of these seminars qualified for a CLE credit in the states where CLE is mandatory.

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.

State of South Carolina Supreme Court, April 13, 1967;  
 U.S. District Court, South Carolina, April 13, 1967;  
 U.S. District Court, District of Columbia, June 22, 1967;  
 U.S. Supreme Court, September 18, 1972;  
 U.S. Fourth Circuit Court of Appeals, April 15, 1974.

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) 1968-70 - Partner -- West, Holland, Furman & Cooper;
- (b) 1971-74 - G. Thomas Cooper, Jr., Attorney at Law;
- (c) 1971-74 - Assistant Solicitor, Kershaw County;
- (d) 1974-76 - Associate Probate Judge, Kershaw County;
- (e) 1975-77 - Partner - West, Cooper, Bowen & Smoot;

- (f) 1977-85 - Senior Partner - Cooper, Bowen, Beard & Smoot;
- (g) 1985-95 - The Cooper Firm;
- (h) 2000-Present - Resident Judge, Fifth Judicial Circuit, Seat 3;
- (i) 2002 - Chief Administrative Judge for Common Pleas;
- (j) 2003, 2006, 2007 - Chief Administrative Judge for General Sessions.

My practice began in 1967 as a general practice concentrating on real estate, family law and Plaintiff's work. When my partner, John West, was elected Governor in 1970, the firm broke up and I went out on my own. I became an Assistant Solicitor for Kershaw County and continued my general practice. In the 1970's my practice involved corporate representation, personal injury and other forms of civil litigation. When John West left the Governor's office in 1974, we formed a new firm with the intention of establishing a statewide practice with offices in Camden, Columbia and Hilton Head. We started acquiring statewide work when John was named Ambassador to Saudi Arabia. After his departure, the firm continued into the 1980's and I eventually returned to a sole practice. About this time (1977), I started an active construction law practice.

15. What is your rating in Martindale-Hubbell? Rating: A-V
22. Have you ever held judicial office? Yes
- (a) 1975-78 - Assistant Probate Judge for Commitments, Kershaw County, appointed January 1975;
  - (b) 2000-Present - Resident Judge, Fifth Judicial Circuit, Seal 3;
  - (c) 2002 - Chief Administrative Judge for Common Pleas, Fifth Judicial Circuit;
  - (d) 2003 - Chief Administrative Judge for General Sessions, Fifth Judicial Circuit;
  - (e) 2006 - Chief Administrative Judge for General Sessions, Fifth Judicial Circuit;
  - (f) 2007 - Chief Administrative Judge for General Sessions, Fifth Judicial Circuit.
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.
- (a) QZO, Inc. v. Moyer, 358 S.C. 246, 594 S.E.2nd 541 (Ct.App.2004);
  - (b) Conner v. City of Forest Acres, 363 S.C. 460, 611 S.E.2nd 905 (2005);
  - (c) Overcash v. South Carolina Elec. And Gas Co., 364 S.C. 569, 614 S.E.2nd 619 (2005);
  - (d) Curtis Shell v. Richland County School Dist. One, 362 S.C. 408, 608 S.E.2d 428 (2005);
  - (e) Coggershall v. Reproductive Endocrine Associates of Charlotte, 376 S.C. 12, 655 S.E.2d 476 (2007).
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? If so, give details, including dates.

Kershaw County Council, 1990 - 2000, Elected.

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?  
Yes, in 1984, I was an unsuccessful candidate for the South Carolina Senate; in 1992, I was an unsuccessful candidate for the South Carolina House of Representatives.
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 was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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. N/A.
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?  
In 1996, I was sued in New York as an investor in a fraudulent limited partnership action. This case involved a limited partnership known as Kenbee Management which was the subject of an Administrative Order by Secretary of State Miles banning the sale in South Carolina of further interests in Kenbee Management for securities violations. I invested and lost a considerable amount in this fraudulent limited partnership.  
In 2002, I was sued by an inmate/client at the Department of Mental Health for conspiracy to keep him in custody at the Department. The South Carolina Attorney General handled the matter which has been dismissed.

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)?  
Yes. For the 1997, 1998 and 1999 Sessions of the Legislature, I was employed as a contract lobbyist (part time) for the South Carolina Trial Lawyers Association.
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. No.
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. No.
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. \$0.00.
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? 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) Kershaw County Bar Association (1967 - Present) President 1970;
  - (b) South Carolina Bar Association (1976-Present);  
Fee Dispute Committee 1978-84;  
Legislative Affairs Committee, 1986-90;
  - (c) American Bar Association (1997-2000).
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) Camden Country Club, President 1976-77;
  - (b) Congaree Land Trust, President 2000;
  - (c) Associated Charities, Director 1987-2000;
  - (d) Springdale Hall Club, Secretary and General Counsel 1990-2000;
  - (e) Camden Rotary Club, Paul Harris Fellow 1985-2000.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
- From July through December 1999, I sat as Chairman of an arbitration panel in Raleigh, North Carolina. Hearings were conducted over a period of fifty-four (54) days. The case involved attorneys from New York, Alabama, Massachusetts and Texas. As Chairman, and the only attorney on the panel, it became my responsibility to conduct the discovery and hearings in an orderly and fair process. This was the most complex of several multimillion multi-hearing day arbitrations I conducted on behalf of the American Arbitration Association.
49. References:
- (a) Mr. Samuel R. Small  
President and Chief Executive Officer  
First Palmetto Savings Bank  
Post Office Box 430  
Camden, South Carolina 29020
  - (b) Mr. Pierce W. Cantey, Jr., CPA  
Cantey, Tiller, Pierce and Associates  
Post Office Box 862  
Camden, South Carolina 29020
  - (c) Mr. R. Max Ford, President  
Midlands Printing Company  
1117 Broad Street  
Camden, South Carolina 29020



- (d) AMENDED ANSWER  
The Honorable Joyce C. McDonald  
Clerk of Court for Kershaw County  
Post Office Box 1557  
Camden, South Carolina 29020
- (e) Mr. Maxwell L. Wood  
776 Red Fox Road  
Camden, South Carolina 29020

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/G. Thomas Cooper, Jr.

Date: 09/08/08

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

Circuit Court  
(Incumbent)

Full Name: G. Thomas Cooper, Jr.  
Business Address: Richland County Judicial Center  
1701 Main Street, Room 323 (29201)  
Post Office Box 192  
Columbia, South Carolina 29202  
Business Telephone: 803-576-1783

1. Why do you want to serve another term as a Circuit Court Judge?  
At this stage of my career, I can think of nothing I would rather do than what I am doing. I enjoy my work. I enjoy the intellectual challenge and the variety of situations that confront me every day. I enjoy the people I work with and being in a position to serve the citizens of South Carolina. This position was a dream of mine for many years and now that it has happened, I could not be happier.
2. Do you plan to serve your full term if re-elected?  
I will be 72 on November 2, 2012. Therefore, I will only be able to serve approximately 50% of a full term.
3. Do you have any plans to return to private practice one day?  
No
4. Have you met the Constitutional 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?  
Pursuant to Canon 3 of the Code of Judicial Ethics, Section (B)(7), I do not allow or participate in *ex parte* communications with parties or attorneys. However, my position as Chief Administrative Judge for the Fifth Judicial Circuit has required me to communicate with attorneys regularly for scheduling and administrative purposes.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
Pursuant to Canon 3 of the Code of Judicial Ethics, Section (E), I will recuse myself from all matters that involve former law partners. As Chief Administrative Judge for the Fifth Judicial Circuit, I regularly saw lawyer-legislators in my Court. Recusal is not a practical option

or no judge could preside in their cases. If bias is raised as an issue, I will deal with it.

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?

I would give great deference to the party who raised the issue of bias or prejudice unless I know that the concern is disingenuous and raised for the purpose of delay or "judge shopping". In most, if not all, cases I would recuse myself.

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 recuse myself unless the involvement was truly "de minimus".

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

Pursuant to Canon 4 of the Code of Judicial Conduct, I will accept only "ordinary social hospitality" as allowed by Section (D)(5)(c). With attorneys, this means only modest occasions of food, meals or beverages, usually with groups. I have not and will not dine or otherwise socialize with parties or attorneys that have matters pending before me. I accept invitations for meals and/or lodging from the South Carolina Trial Lawyers Association, the South Carolina Defense Trial Lawyers Association, the Richland County Bar Association and the Kershaw County Bar Association. I am always conscious of the "appearance of impropriety" when in the company of attorneys.

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

Pursuant to Canon 3 of the code of Judicial Ethics, Section (D), I would either "take appropriate action" or report the misconduct, depending on my degree of knowledge of the misconduct.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated?

No

12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?

No

13. How do you handle the drafting of orders?

Simple orders I draft myself, or with the help of my clerk. In the case of complex orders, I usually ask both sides to submit proposed orders on disk or via email from which I can edit. For the majority of cases, I make an independent decision and ask the prevailing party's attorney, by letter, to prepare a draft order according to the specifics set forth in the letter and copy all attorneys involved in the case.

14. What methods do you use to ensure that you and your staff meet deadlines?  
Although we have few deadlines, we calendar all events in writing.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
My job is to enforce and, on occasion, to interpret the law as written. I have no public policy agenda.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?  
As Chief Administrative Judge for the Fifth Judicial Circuit, I have not had much time to engage in activities of this nature. However, I have spoken to the Richland County Young Lawyers, the South Carolina Law Review, and the Camden Rotary Club about my job and the justice system. I have also served as a judge in the 2006 High School Mock Trial Case sponsored by the South Carolina Bar. I would hope to do more in the future.
17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?  
No, I have a loving understanding wife and all of our children are grown and independent.
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: Most offenders I see are repeat offenders. I tend to be harder on repeat than first time offenders, but I always try to fit the punishment to the particular crime.
  - b. Juveniles (that have been waived to the circuit court): I usually want juvenile offenders to learn something from the process. I may be more lenient or try to devise an alternate sentence if I think the juvenile can be rehabilitated and learn to obey the rules of society.
  - c. White collar criminals: I have little sympathy for white collar criminals.
  - d. Defendants with a socially and/or economically disadvantaged background: Socially or economically disadvantaged backgrounds are no excuse for criminal behavior. Persons in socially or economically disadvantaged neighborhoods need to be safe and free from crime, and criminal elements should be removed from their midst. I do not give much consideration to reducing a sentence based on a defendant's background.
  - e. Elderly defendants or those with some infirmity: Depending on the crime and all other factors, I give some consideration to advanced

age and/or infirmity. I think I have to do this in consideration of the length of sentence and the ability of the Department of Corrections to deal with the defendant.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
Probably not.
21. Do you belong to any organizations that discriminate based on race, religion, or gender?  
No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
Yes
23. What do you feel is the appropriate demeanor for a judge?  
A judge needs to be patient, understanding, tolerant and willing to listen. He or she needs to maintain a sense of equilibrium in dealing with litigants and their attorneys. He or she should be dignified, yet courteous to litigants, jurors, witnesses and all others with whom the judge deals in an official capacity.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?  
I believe they apply 24-7.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
No. Frustration is common, impatience is tempting, but never anger.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?  
None
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?  
No
28. Have you sought or received the pledge of any legislator prior to this date?  
No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
No
30. 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

31. Have you contacted any members of the Judicial Merit Selection Commission?

No

32. 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/G.T. Cooper, Jr.

Sworn to before me this 8<sup>th</sup> day of September, 2008.

Notary Public for South Carolina

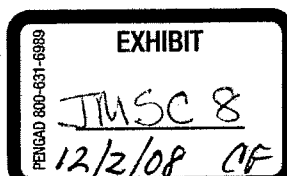
My commission expires: 3/10/2018

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: 9th Circuit, Seat 3

1. NAME: Mr. Roger M. Young, Sr.  
 BUSINESS ADDRESS: 100 Broad Street, Ste. 368, Charleston, SC 29401  
 E-MAIL ADDRESS: ryoungj@sccourts.org  
 BUSINESS NUMBER: (843) 958-2015
  
2. Date of Birth: 1960  
 Place of Birth: Cass City, Michigan
  
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 on April 13, 1984, to Janice Marie Usry Young. In the process of getting a divorce on the grounds of one year separation. She will be filing in Beaufort County in late September and the divorce should be finalized in mid-October. 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) Baptist College at Charleston (nka Charleston Southern University) BS 1977-80;
  - (b) USC School of Law JD 1980-83;
  - (c) University of Nevada-Reno MJS 1996-2000.
  
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.  
 South Carolina 1983.
  
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) Student Government Senate 2 years in college;
  - (b) Participant in National Trial Competition and Moot Court Competition in law school.
  
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>Course Name</u>	<u>Date</u>	<u>Sponsor</u>	<u>Course #</u>	<u>Hours</u>
Technology Comm. Meeting	1/23/03	SC Bar	230406	3.00



18 Ann. Crim. Law Update	1/24/03	SC Bar	230320	6.25
2003 SC Cir. Judges' Mtg.	5/07/03	SCACJ	231219	7.25
The Civil Jury in America	8/07/03	RPF	231866	1.50
2003 Ann. Convention	8/07/03	SCTLA	232136 1	2.00
Litigation Under the SC Tort	8/15/03	SC Bar	231787	6.00
Judicial Conference	8/21/03	SCCA	231878	7.50
<b>JCLE CREDIT SUMMARY FOR 2003</b>				<b>43.50</b>

19th Ann. Crim. Law Update	1/23/04	SC Bar	240494	3.00
2nd Ann. Civil Law Update	1/23/04	SC Bar	240495	3.00
2004 SC Cir. Judges' Mtg.	5/05/04	SCACJ	241391	7.25
Judicial Conference	8/19/04	SCCA	242204	7.25
Judicial Oath of Office	8/19/04	Sup Ct	243454	1.00
General Jurisdiction	10/11/04	NJC	241409 5	7.17
Seminar for Chief Judges	12/10/04	SCCA	243397	5.50
<b>JCLE CREDIT SUMMARY FOR 2004</b>				<b>84.17</b>

Crim. Seminar	1/07/05	CCM	250441	3.00
20th Ann. Crim. Law Update	1/21/05	SC Bar	250188	3.00
Preparing Communities for Public	3/18/05	SC Bar	250747	6.25
2005 Cir. Judges Mtg.	5/11/05	SCCJC	252009	3.00
2005 Cir. Judges Mtg.	5/13/05	SCCJC	252011	2.50
Handling Capital Cases	6/13/05	NJC	252298 2	2.25
2005 Ann Jud. Conference	8/24/05	SCCA	252532	7.75
2005 Ann. SC Solicitors' Conf.	9/25/05	SCSA	253033	14.50
Ann. Mtg.	11/03/05	SCDTAA	253709	6.50
Confidentiality in the Courts	12/05/05	NJC	254456	9.25
<b>JCLE CREDIT SUMMARY FOR 2005</b>				<b>78.00</b>

4th Ann. Civil Law Update	1/27/06	SC Bar	260222	3.00
21st Ann. Crim. Law Update	1/27/06	SC Bar	260224	3.00
Bridge the Gap	3/06/06	SC Bar	261294	.50
20th Cir. Ct. Judges' Mtg.	5/10/06	SCCJC	261804	7.25
2006 Ann. Jud. Conf.	8/23/06	SCCA	262555	9.00
Ann. Mtg.	11/09/06	SCDTAA	263398	6.50
22nd Ann. Crim. Law Update	1/26/07	SC Bar	270000	3.00
5th Ann. Civil Law Update	1/26/07	SC Bar	270586	3.00
<b>JCLE CREDIT SUMMARY FOR 2006-2007</b>				<b>35.25</b>

Sentencing Issues	3/19/07	NCS	271840	2.00
Judges Conference	5/16/07	SCCJC	272554	7.00
Case Management Order	6/15/07	CCBA	272457	2.00
Nuts and Bolts of Sexually	7/27/07	SC Bar	273034	6.00
2007 Ann. Jud. Conference	8/22/07	SCCA	272889	8.00



Skeet Shoot	11/16/07	SC Bar	274554	1.00
23rd Ann.\.I SC Crim Law Update	1/25/08	SC Bar	280414	3.00
6th Annual Civil Law Update	1/25/08	SC Bar	280217	3.00
<b>JCLE CREDIT SUMMARY FOR 2007-2008</b>				<b>32.00</b>

Cir. Judges Conference	5/14/08	SCCJC	2832936	6.50
2008 Ann. Mtg.	7/24/08	SCDTAA		
2008 Ann. Convention	8/07/08	SCTLA		
Ann.Judicial Conference	8/20/08	SCCA	2838848	8.75

### **JCLE PENDING CREDIT THROUGH AUGUST, 2008**

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.
- (a) Panelist, "Expert Opinions: "The Amistad Case: A Spoletto at the Avery Event," May 31, 2008;
  - (b) Speaker/panelist, "Tips for Trying a Complex, Multi-Party Case," South Carolina Bar Convention, January, 25, 2008;
  - (c) Speaker/panelist, "Mental Health Evidence as Mitigation," South Carolina Public Defender's Conference, September 25, 2007;
  - (d) Speaker, "Professionalism: The Ethics of Competence in the Courtroom," South Carolina Administrative and Regulatory Law Association Annual Meeting, September 21, 2007;
  - (e) Speaker, "A Doctor's Duty to Warn," Forensic Psychiatry Grand Rounds, University of South Carolina School of Medicine, August 3, 2007;
  - (f) Speaker, Panelist and Coordinator, "Nuts and Bolts of Handling a Sexually Violent Predator Case," South Carolina Bar CLE, July 27, 2007;
  - (g) Speaker, "Ethical Considerations for the Municipal Attorney," South Carolina Municipal Association CLE, December 1, 2006;
  - (h) Speaker, "Using Technology in the Courtroom," Charleston County Bar CLE, December 16, 2005;
  - (i) Panelist/Speaker, "Recent Decisions," South Carolina Solicitor's Conference, September 26, 2005;
  - (j) Speaker, "So You're Trying Your First Case," South Carolina Bar CLE video publication;
  - (k) Speaker/panelist, "Ethics and the New Code of Professionalism," South Carolina Public Defender's Conference, September 27, 2004;
  - (l) Speaker, Law and Society Class, The Governor's School of South Carolina, July 1, 2003;

- (m) Speaker, "Tips from the Bench: Non-Jury Trials," South Carolina Bar Continuing Legal Education Division, December 13, 2002;
- (n) Speaker, "SUEM: A Discussion on Equitable Principles in Their Application to the Law," South Carolina Bar Continuing Legal Education Division, October 11, 2002;
- (o) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, May 14, 2002;
- (p) Speaker, "Six by Six" CLE, Charleston County Bar Association, December 13, 2001;
- (q) Speaker, "Recent Judicial Decisions Update on Tax Sales in South Carolina," South Carolina Bar Continuing Legal Education Division, October 12, 2001;
- (r) Speaker, "Recent Judicial Decisions Update on Tax Sales in South Carolina," 34<sup>th</sup> South Carolina Association of Counties Annual Conference, July 26, 2001;
- (s) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, March 13, 2001;
- (t) Speaker, "Recent Judicial Decisions Involving Tax Sales," County Auditors, Treasurers and Tax Collectors Academy, February 8, 2001;
- (u) Moderator, "Business Torts, Accounting & Damages," South Carolina Bar Continuing Legal Education Division CLE, October 13, 2000;
- (v) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, May 23, 2000;
- (w) Speaker, "Law of Tax Sales," Charleston County Bar Association Real Estate Section, March 7, 2000;
- (x) Speaker, "Recent Judicial Decisions Involving Tax Sales," County Auditors, Treasurers and Tax Collectors Academy, February 3, 2000;
- (y) Speaker, "Twelve by Twelve" CLE, Charleston County Bar Association, December 16, 1999;
- (z) Speaker, "Equitable Remedies," South Carolina Bar Continuing Legal Education Division CLE, October 8, 1999;
- (aa) Moderator, "Mechanic's Liens," South Carolina Bar Continuing Legal Education Division, March 26, 1999;
- (bb) Speaker, "Practice Before Masters-in-Equity," Bridge the Gap, South Carolina Bar Continuing Legal Education Division and the Supreme Court of South Carolina, March 9, 1999, May 18, 1999;
- (cc) Speaker, "Law on Tax Sales," Practice Before Masters-in-Equity and Special Referees CLE, South Carolina Bar Continuing Legal Education Division, October 9, 1998;

- (dd) Speaker, "Law on Tax Sales," Practice Before Masters-in-Equity and Special Referees CLE, South Carolina Bar Continuing Legal Education Division, October 18, 1996.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Tax Sales of Real Property in South Carolina, 1999 (South Carolina Bar-Continuing Legal Education Division);
  - (b) The Law of Real Estate Tax Sales, South Carolina Lawyer, September/October 1999;
  - (c) Master's Thesis, Using Social Science to Assess the Need for Jury Reform in South Carolina, published in 52 South Carolina Law Review 135, Fall 2000;
  - (d) "Sexually Violent Predator Acts," Issues in Community Corrections chapter note, Community Based Corrections, (4<sup>th</sup> ed. Wadsworth-Thomason Learning 2000);
  - (e) Law, Economics, the Constitution and Pink Flamingos, Post and Courier, August 10, 2001;
  - (f) How Do You Know What You Know?": A Judicial Perspective on Daubert and Council/Jones Factors in Determining the Reliability of Expert Testimony in South Carolina, South Carolina Lawyer, November, 2003.
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 1983.
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.  
I was in private practice from 1983 to 1995 as a sole practitioner. I was associated with a lawyer named Howard Chapman in Charleston from 1983 until his death in late 1984. After that I was on my own with a general practice, mostly civil.
15. What is your rating in Martindale-Hubbell?  
Never applied for a rating while in private practice.
22. Have you ever held judicial office? Yes.
- (a) 1988-90 appointed Municipal Court judge for North Charleston. Misdemeanors only;
  - (b) 1995-2003 elected Master in Equity for Charleston County, civil non-jury;
  - (c) 2003-present, elected Circuit Court 9th Judicial Circuit, anything except family court and probate.

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.
- (a) Kuznick v. Bees Ferry Associates, 96-CP-10-4495, affirmed in part, reversed in part, 342 SC 579, 538 SE2d 15 (SC App 2000), cert. granted 7-3-01;
  - (b) LowCountry Open Land Trust v. SC, 96-CP-10-1933, affirmed 347 SC 96, 552 SE2d 778 (SC App 2001);
  - (c) S.C. DNR v. Town of McClellanville, 96-CP-10-367, affirmed 345 SC 617, 550 SE2d 299 (SC 2001);
  - (d) Campsen v. City of Isle of Palms, 99-CP-10-4554, affirmed No. 2001-UP-281 (SC App 2001);
  - (e) NorthPointe HOA v. G & B Homes, LLC, 99-CP-10-932, affirmed No. 2001-UP-059 (SC App 2001).
24. Have you ever held public office other than judicial office?  
1990-94, elected to South Carolina House of Representatives.  
Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office.  
Always filed timely.
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.  
I have received an adjunct faculty appointment to the USC School of Medicine Department of Neuropsychiatry for 2007 and 2008. I receive no pay and lecture when my schedule permits.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?  
I ran unsuccessfully for the circuit court in 2001 for the seat now held by Judge Deadra Jefferson.
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? Explain the nature of the business, your duties, and the term of your service. No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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. None.
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? No. Have you ever defaulted on a student loan? No. Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally? 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? No. Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. 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 Bar 1983-present;
  - (b) Charleston County Bar 1983-present;
  - (c) American College of Business Court Judges 2007-present.
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. None.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
- I try to never lose fact that we are dealing with people and their lives. Being in court is usually the most important thing going on in their life at that time, and they deserve their day in court. People usually understand you have to rule for and against somebody, but they feel better about the outcome if they perceive they received a fair hearing. I try to treat each litigant and their counsel with dignity and respect, no matter the severity or heinousness of the crime or the amount in controversy. This usually results in reciprocal respect by everyone involved.
49. References:
- (a) The Honorable R. Keith Summey,  
Mayor, City of North Charleston  
5069 Ashby Avenue  
North Charleston, SC 29405  
843.740.2504
  - (b) H. B. Limehouse, Jr.  
8 Cumberland Street  
Charleston, SC 29401  
843.577.6242
  - (c) Jessica Grissom  
Asst. V.P.  
Wachovia Bank, N.A.  
7804 Rivers Avenue  
North Charleston, SC 29406  
843.769.7361

- (d) Vic Revelise  
8580 Roanoke Drive  
North Charleston, SC 29406  
843.569.2832
- (e) Sullivan Tindal, Jr.  
853 Shadow Lane  
North Charleston, SC 29406  
843.553.2501

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/ Roger M. Young, Sr.

Date: 09/18/08

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

Circuit Court  
(Incumbent)

Full Name: Roger Mack Young, Sr.  
Business Address: 100 Broad Street, Suite 368  
Charleston, SC 29406  
Business Telephone: 843-958-2015

1. Why do you want to serve another term as a Circuit Court Judge?  
I find this is the most stimulating and challenging job imaginable. I look forward to going to work every day. It's a great privilege to be able to do this. I have a front row seat at the place where the fallout of human conflict and interaction is resolved. I can't imagine doing anything else.
2. Do you plan to serve your full term if re-elected?  
yes
3. Do you have any plans to return to private practice one day?  
no
4. Have you met the Constitutional 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?  
I tell my law clerks this is something they have to be vigilantly on guard about, more so than me, because it has been my experience that lawyers know better and don't try to have *ex parte* communications with me about a case. However, they have been known to try to tell the law clerk about the case, which may influence them about a case, which in turn may influence me when they talk to me about it. So I carefully explain that to them when they begin their employment. Other than that, I only talk to lawyers about a case *ex parte* if it involves a scheduling matter, which is permitted. However, while permitted, it seldom makes any sense to do so because you still have to get in touch with the other side to let them know something got scheduled and invariably they aren't available at that time. So unless it's an emergency, I don't waste my time with it.
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 don't recuse myself because lawyer-legislators appear before me because that just passes the problem on to someone else. I just rule like I think I'm supposed to and figure I just have to let the chips fall where they may. The only person I ever practiced with died over 20 years ago so I don't have a problem with former associates or law partners. The only time I ever really recuse myself is if a local lawyer is involved in a malpractice action. I think most judges trying to avoid those and so we reciprocate hearing those cases when we hold court out of town. Not only do you avoid the uncomfortable aspect of ruling against someone who you come in contact with socially, the other side is usually comforted as well.

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?

I have found it usually works to set people down and explain to them that it's my job to preside over the court and make a ruling and sometimes ultimately make a judgment on who prevails. One of the most important aspects of a trial is that the parties feel they received a fair hearing. I tell them I respect that, and that if I really felt uncomfortable making a rule either for or against them I would bring in another judge to hear the case. We have others, so it's not a problem to get another judge if the appearance were reality. Most people seem to appreciate that approach.

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 recuse myself unless it is a de minimis amount, which I would disclose but probably not recuse myself unless someone could come up with a non pre-textual reason for my recusal. I would not preside over a case with a family member as a party or witness.

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

I have friends who are attorneys and they will occasionally pick up a lunch check when we are out. Most of the time we split the check or alternate who pays. The only time anyone pays for my hotel room is when we are at conventions like SCTL A or SCDTLA, and they invite all the judges and pay for their expenses. My non-lawyer friends are basically family members who think I make a bunch of money and never offer to buy me lunch or dinner.

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

If it rose to the level of illegality I would feel compelled to report it to the proper authorities.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated?  
no
12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?  
no
13. How do you handle the drafting of orders?  
I usually have my law clerks draft most of the routine orders based on how I tell them I want to rule. In non-jury matters I often have the attorneys submit proposed orders in lieu of closing arguments.
14. What methods do you use to ensure that you and your staff meet deadlines?  
My law clerk and I each keep a running list of matters under advisement utilizing an Excel template one of my law clerk created a few years ago.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
Most of the things state circuit court judges do involve presiding over trials and making sure rules of procedure and evidence are followed. Occasionally we'll rule on something that could be considered a policy matter, and as a former legislator I appreciate the role that legislative debate has in our society. If at all possible, I defer to the legislative process.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?  
I frequently speak to groups, especially at CLEs. In addition the Chief Justice has appointed me to be one of three Business Court judges in a trial attempt to measure whether this will assist South Carolina in trying to improve its business climate. I also serve on the adjunct faculty on the School of Medicine at USC in the Neuroscience Department, which is an area I find particularly exciting.
17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?  
I am in the process of getting divorced which will be final in mid-October. It was not caused by my job, but then again I'm a judge 24/7, so it's impossible to say it had no effect whatsoever. I was on the road for most of 2006 and 2007. That probably didn't help. My children love me and are proud of what I do. I have been a judge most of their lives, so they have grown up knowing I can't discuss cases. They view me as a father who happens to be a judge. They are now 21 and 19 and don't seem intimidated in the slightest by what I do.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: Most repeat offenders are there because of drugs or alcohol - if not directly, then certainly indirectly. If they aren't charged with a violent crime, I'd like to see them get some help because tossing them in jail doesn't fix the problem and we can't afford to send every drug addict and alcohol to prison. We don't have the space. By the same token, if the crime is serious enough and the person does not seem to a good candidate for probation, then some prison time is usually appropriate.
  - b. Juveniles (that have been waived to the circuit court): I've dealt with a lot of real heartbreak in this area. Every case is too fact specific to have a general philosophy other than I wish there was some way to change human nature so that young people didn't make mistakes that can ruin the rest of their life. Thankfully, we have a good youthful offender system to take care of most of those that deserve some jail time.
  - c. White collar criminals: In General Sessions court white collar criminals tend to be people who defrauded a credit card company or stole a check. We don't see many Enron-type cases that are high-profile, big money fraud cases. Most of the time the state and the victims agree to probationary sentences so the victims can get paid restitution.
  - d. Defendants with a socially and/or economically disadvantaged background: Depends on what they are charged with. Generally, people charged with violent crimes go to prison while people charged with non-violent crimes get probation or county jail time. Most people who appear in General Sessions court fit this category.
  - e. Elderly defendants or those with some infirmity: If an elderly person appears before me, especially if they have no record, I usually send them to get evaluated because it is invariably a sign of diminishing capacity and they need medical help. Senior citizens don't typically start a life of crime at the end of their life. If a person has a mental infirmity and is competent to stand trial or plead, I listen to what their medical doctor has to say to see if it affected why they committed the crime. If so, that is certainly an appropriate sentencing consideration.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
no
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
Probably. For instance, I and my family members have auto insurance with a large, national mutual insurance company. As policy holders we have a *de minimis* ownership interest in the company. However, I

routinely hear cases where that company either defends insureds or is a defendant itself. De minimis by definition means your interest is so minimal as to be insignificant and not likely to be affected by the outcome.

21. Do you belong to any organizations that discriminate based on race, religion, or gender?  
no
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
yes
23. What do you feel is the appropriate demeanor for a judge?  
Treat other people like you would like to be treated - with dignity and respect.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?  
24/7
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
I don't think judges should display anger while wearing the robe. You can express your feelings about a particularly bad act without resorting to emotion, whether dealing with a party or an attorney. It is also self-defeating because it raises a side issue of judicial temperament which takes away from the confidence people should have in the courts.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?  
none
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?  
no
28. Have you sought or received the pledge of any legislator prior to this date?  
no
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
no
30. 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? no Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? no

31. Have you contacted any members of the Judicial Merit Selection Commission?  
no
32. 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/Roger Mack Young, Sr.

Sworn to before me this 18<sup>th</sup> day of September, 2008.

Notary Public for South Carolina

My commission expires: 12/04/2017