

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large
Seat #5

1. NAME: Mr. J. Mark Hayes, II
BUSINESS ADDRESS: 180 Magnolia Street, Spartanburg, SC 29306
E-MAIL ADDRESS: mhayesj@scccourts.org
BUSINESS NUMBER: (864) 562-4144

2. Date of Birth: 1958
Place of Birth: Spartanburg, 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.

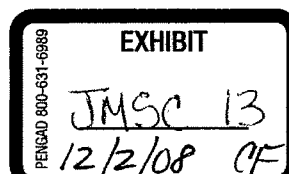
5. Family Status: Never married. No children.

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) Wofford College, Sept. 1976-May 1980
Bachelor of Arts Cum Laude, History;
 - (b) Mercer University School of Law, Aug. 1981-May 1982
(transfer to USC School of Law);
 - (c) University of S.C. School of Law, Aug. 1982-May 1984
Juris Doctor;
 - (d) National Judicial College, General Jurisdiction Course, Reno, NV,
October 2004.

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 – 1984.

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.
Undergraduate:
 - (a) U.S. Senate Intern, Senator Strom Thurmond, 1977;
 - (b) President, Class of 1980, Wofford College;
 - (c) Blue Key Society;
 - (d) Phi Gamma Mu;
 - (e) Who's Who Among American Colleges and Universities;
 - (f) Sigma Alpha Epsilon fraternity, 4 years – held positions of President and



Vice-President;

- (g) State Student Legislature, Delegation Chairman, Attorney General;
- (h) Judicial Commission, junior year;
- (i) Judicial Commission Chairman, senior year;
- (j) Campus Union Assembly, freshman and sophomore years;

Law School:

- (k) Order of the Barrister;
- (l) Moot Court;
- (m) International Moot Court Team;
- (n) Finalist, USC Mock Trial.

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</u>
(a) 6 th Annual Civil Law Update	1/25/08;
(b) 23 rd Criminal Law Update	1/25/08;
(c) 2007 Annual Judicial Conference	8/22/07;
(d) 2007 Circuit Judges Conference	5/16/07;
(e) Fifth Annual Civil Law Update	1/26/07;
(f) 22 nd Annual Criminal Law Update	1/26/07;
(g) 2006 Annual Judicial Conference	8/23/06;
(h) 20 th SC Circuit Judges' Conference	5/10/06;
(i) 21 st Annual Criminal Law Update	1/27/06;
(j) 4 th Annual Civil Law Update	1/27/06;
(k) 2005 Annual Judicial Conference	8/24/05;
(l) 2005 SC Circuit Judges Conference	5/11-13/05;
(m) 20 th Annual Criminal Law Update	1/21/05;
(n) Seminar for Chief Judges	12/10/04;
(o) General Jurisdiction	10/11/04;
(p) Judicial Oath of Office	8/19/04;
(q) Judicial Conference	8/19/04;
(r) 2004 SC Circuit Judge's Conference	5/5/04;
(s) 2 nd Annual Civil Law Update	1/23/04;
(t) 19 th Annual Criminal Law Update	1/23/04;
(u) Judicial Conference	8/21/03;
(v) 2003 SCTL Annual Convention	8/7/03;
(w) 2003 Orientation for Judges	7/7/03;
(x) 2003 SC Circuit Judges' Conference	5/7/03;
(y) Tips from the Bench III	12/13/02;
(z) Auto Torts XXV	12/6-7/02.

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) March 2008: Spartanburg Methodist College, School Law presenter;

- (b) November 2007: University of South Carolina Upstate, Criminal Justice Class presenter;
 - (c) September 2007: Host and presenter for the Wofford College Judicial Symposium on The Constitution: The Third Branch of Government, an Insider's View. Individual Topic: The Judiciary and the Media;
 - (d) 2006: S.C. Budget and Control Board/Insurance Reserve Fund Law Enforcement Defense Counsel Seminar. Topic: S.C. Lawyer Disciplinary Process/Ethics;
 - (e) 2005: S.C. Budget and Control Board/Insurance Reserve Fund Law Enforcement Defense Counsel Seminar. Topic: Legislative Update; Med/mal reform legislation;
 - (f) 2004: Solicitors' Annual Conference, panel discussion on recent judicial decisions;
 - (g) 2003: S.C. Worker's Compensation Claimant's fall meeting, legal update and panel discussion;
 - (h) 1999: Instructor through the Lorman Institute on the educational issue of "Hot Topics in South Carolina School Law", focusing on search and seizure issue in schools and drug testing.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
 South Carolina State Courts since 1984;
 United States District Court of South Carolina since December 1984;
 United States Court of Appeals, 4th Circuit, since December 1984;
 United States Supreme Court since June 1994.
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) August 1984 to July 1985: judicial clerk to the Hon. E.C. Burnett, III, then Circuit Court Judge for the Seventh Judicial Circuit of the State of South Carolina;
 - (b) August 1985 to December 1990: associate with the general practice firm of Burts, Turner, Hammett, Harrison, and Rhodes; after eighteen months, full partner. Duties included general trial work in both civil and criminal matters. Shortly after becoming associated with the firm, specialty area became education-related law;
 - (c) January 1, 1991: partner in the firm of Harrison and Hayes. The character of my practice became more focused on education law, appellate practice, and complex civil litigation;
 - (d) In January 2000, the law firm of Harrison, White, Smith, Hayes & Coggins was formed. Partner until May 2003. My primary focus in the

practice was complex civil litigation, complex insurance coverage cases, appellate practice, education law, and assistance with complex criminal litigation;

- (e) 1991-2003: performed appellate work arguing numerous times in South Carolina Supreme Court and Court of Appeals;
- (f) 2003-present: State of South Carolina Circuit Court Judge, At-Large Seat #5.

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

- 15. What is your rating in Martindale-Hubbell AV.
- 22. Have you ever held judicial office? Yes Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
Elected by the South Carolina General Assembly on April 9, 2003 to fill unexpired term of Gary Clary as South Carolina Circuit Judge At-Large Seat #5. Oath administered on May 22, 2003. State-wide jurisdiction over criminal, civil jury, and civil non-jury matters.
- 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) S.C. Electric & Gas Co. v. Aiken Electric Cooperative, Inc. and the S.C. Public Service Commission
This case involved a review of a decision of the PSC to allow an electrical cooperative the right to provide electricity to a newly constructed school even though only part of the property upon which the school facility was located was within the cooperative's geographic area. Legally, this case required an examination of the role of the PSC in deciding statutory construction and the circuit court's proper role in reviewing a decision made by the PSC. The case was affirmed by the Court of Appeals in an unpublished opinion, S.C. Jud. Dept. – Opinion Number 2005-OP-292; a copy is attached.
 - (b) McSherry v. Spartanburg County Council
This case involved the Court reviewing a politically charged issue of a \$25.00 road maintenance fee adopted by a county council. Legally, the case dealt with a review of the County's procedure used in adopting the fee and the County's compliance with provisions of the Home Rule Act. Even though the Court and the Supreme Court's affirmation were expressly or implicitly critical of the method used by the County at its first reading, the adoption of the fee was upheld as legally sufficient. Interesting note as referenced in the Supreme Court's opinion, the County has since changed its implementation procedures. The Supreme Court's affirmation was issued on February 5, 2007 and can be found in Westlaw at McSherry v. Spartanburg County Council, ___ S.E.2d___, 2007 WL415677.

- (c) Cracker Barrel Old Country Store, Inc. v. J.C. Faw, Denny's, Inc., 2005-CP-42-604

The 17-page order issued in this case came after a non-jury hearing that involved the interpretation and application of deed restrictions to a commercial area developed by the plaintiff in 1992. The defendant sought to use the property to establish a competing business in violation of the plaintiff's deed restrictions. Even though titled as a Summary Judgment Order, the case was factually intensive and the attorneys conducted a full trial on the issues. The order, therefore, reflects both a factual and legal analysis. In an unpublished opinion, No. 2007-UP-053, the Court of Appeals affirmed the order on February 7, 2007.

- (d) Smith v. NCCI, Inc. and Liberty Insurance Corp.

This case involved a complex fact pattern where a white-collar employee sought Worker's Compensation benefits for both a back injury and a mental injury due to an injury back accident that occurred doing his job as an auditor for an organization related to the Worker's Compensation industry. Legally, the case required the application of the substantial evidence standard of review and application of S.C. Administrative Procedures Act to the decision made by the full Commission. The significance of the case, outside of the usual fact scenario for a Worker's Compensation case, lies with the mental injury claim. The case presented an extraordinary opportunity to revisit the law as it relates to recovery of benefits for mental injuries and the factual burden which must be met by the person claiming these types of injuries. The Court of Appeals affirmed the order in its opinion located at Smith v. NCCI, Inc., 369 S.C. 236, 631 S.E.2d 268 (S.C. App. 2006).

- (e) Turner v. City of Spartanburg, William Barnett, III, et al

This matter was designated as complex and specially assigned to me. The factual allegations of the case stem from a development project partly undertaken by the City of Spartanburg and private developers. When certain payments to the general contractor failed to be paid, a lis pendens was filed against the City and others for payment. My order dated June 19, 2006 (attached) supplemented my order of February 10, 2005 (also attached). These two orders dismissed, initially, various individual defendants and, subsequently, the City of Spartanburg. The plaintiff had attempted to assert private cause of action against the City based upon S.C. Code section 29-6-250 which pertains to governments' construction projects and bonding requirements.

24. Have you ever held public office other than judicial office? Yes.

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.

- (a) Commission Member - Spartanburg Memorial Auditorium. Appointed approx. 1994;
 - (b) Chairman - Spartanburg Memorial Auditorium Commission. 2000-2003. Appointed by Spartanburg County Council.
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 the spring of 2007, I was a candidate for the Supreme Court but was not screened out of committee. In the fall of 2007, I was qualified and nominated by the Screening Committee for Court of Appeals Seat #6 but was not elected. In the spring of 2008, I was qualified and nominated by the Screening Committee for Court of Appeals Seat #9 but was not elected.
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?
- (a) 1980-1981: First National Bank of South Carolina. Management trainee and loan officer;
 - (b) In law school, I worked for two years as a law clerk with the law firm of O. Fayrell Furr providing legal research and office clerical duties;
 - (c) The summer after my first year of law school, I worked as a clerk in interviewing criminal defendants to determine their eligibility for the public defender in Macon, Georgia. This assignment was made through the Governor's Office of Georgia;
 - (d) In college and high school, I worked several positions as a store clerk, house painter, electrician helper, and ski rental clerk.
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. 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? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally?
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? 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 Association;
 - (b) American Bar Association;
 - (c) State Trial Judges Division of the American Bar Association; Vice-Chair, Committee on Judicial Independence.
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) Spartanburg Memorial Auditorium. Chairman, Board of Commissioners;
 - (b) Commission on Lawyer Conduct (Grievance Board);
 - (c) Supreme Court Commission on Continuing Legal Education and Specialization.

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.

During 18 years of private practice prior to becoming a judge, I was privileged to appear in both state and federal trial courts and to have had an active appellate practice before both the South Carolina Supreme Court and Court of Appeals. My reputation in private practice was one of diligence and competency.

The substantive areas of my practice were diverse and included both complex criminal and civil trials. I also developed a substantial practice in school or education law. As part of my educational work for school clients, my practice spanned the spectrum from teacher contractual issues to community mediation and successful resolution of a racially sensitive student protest that received national attention. Insurance coverage was another area of my practice. These cases required me to look beyond the surface issues to thoroughly research, both factually and legally, a case so that my clients, frequently the underprivileged, received proper due process and the recovery allowed them under the law.

As a judge, I strive to bring the same diligent and competent work ethic from private practice to the bench. I also attempt to promote the judicial system by participating in activities allowed by the code of judicial conduct.

Judges hold a unique position in society as it relates to promoting the administration of justice and respect for the rule of law. I have a strong and sincere belief that service as a Judge requires the additional obligation of

judicial leadership. By "judicial leadership", I do not mean judicial activism or the institutional authority of the judiciary or its Chief Justice; instead, leadership that can have a more far-reaching impact on maintaining and building public trust and confidence in our State's courts. This judicial leadership fulfills the individual judge's obligation to be involved in extrajudicial activities that meaningfully and positively promote and impact the public's respect for the rule of law and our State's court system.

One of my extra-judicial activities arose in October of 2006. I was honored to have been asked by the Honorable William Missouri from Maryland to serve as National Vice-Chair of the NSTJ Committee on Judicial Independence. The chair of the committee was Judge Abraham Gerges from Brooklyn, NY.

As Vice-Chair of the NSTJ Committee that I was privileged to help coordinate was a Judicial Symposium hosted at Wofford College on September 26, 2007. The Symposium is entitled The Constitution: The Third Branch of Government, an Insider's View. The speakers were the Honorable William (Billy) Wilkins (U.S. Fourth Circuit Chief Judge), E.C. Burnett (S.C. Supreme Court Justice, retired), Kay Hearn (Chief Judge, S.C. Court of Appeals), Henry Floyd (U.S. District Court Judge), Perry Buckner and myself (both S.C. Circuit Court Judges). This project was exciting to arrange and the enthusiasm from the judges participating as speakers, invigorating. The State Bar Association generously provided their assistance with the publicity and promotion. The topics included: Judicial Activism, The Federal Courts and Terrorism, The Judiciary and the Media, Judicial Independence, Ethics, and Judicial Elections/Selection in South Carolina. I considered the project hugely successful. I have recently been advised of my appointment as Chair of this committee beginning in the fall of 2008 and have begun preliminary discussions for another event to promote the judiciary.

I am pleased to relate that Wofford College administrators have agreed to assist and offer Wofford as a venue for a similar Judicial Symposium to take place in the fall of 2008. My primary responsibility will once again be to arrange for judges to speak at the event. We are hopeful that at least one member from the U.S. Court of Appeals will participate as well as a member of the U.S. District Court, S.C. Supreme Court, and S.C. Court of Appeals. Even though doubtful the offer will be accepted, an invitation will also be extended to a member of the U.S. Supreme Court.

I considered being a lawyer a great privilege. The decision to become a judge was made only after considerable prayer and thought. Being a judge is a great professional honor. If I am blessed to be re-elected, my desire is to continue to engage in extrajudicial activities which will demonstrate judicial leadership that will have a positive effect on promoting public confidence in the judicial branch.

49. References:

- (a) Dr. Darryl Owings, Superintendent
Spartanburg County School District 6

1390 Cavalier Way
Roebuck, SC 29376

- (b) Mr. Wm. Sterling Anderson
Vic Bailey Ford Lincoln Mercury
PO Box 3568
Spartanburg, SC 29304
- (c) Mr. Fred Williams, Senior Vice-President
National Bank of South Carolina
150 E. Henry Street
Spartanburg, SC 29306
- (d) Ms. Carol Mabry, Acting President
S.C. School for the Deaf and the Blind
355 Cedar Springs Road
Spartanburg, SC 29302
- (e) Dr. Jim Ray, Superintendent
Spartanburg County School District 3
PO Box 267
Glendale, SC 29346

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/09/06/08

Date: J. Mark Hayes, II

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

Circuit Court
(Incumbent)

Full Name: J. Mark Hayes, II
Business Address: Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, SC 29306
Business Telephone: 864-562-4144

1. Why do you want to serve another term as a Circuit Court Judge?
During my first term as a Circuit Court judge, I have attempted to work diligently to assure all parties that have appeared before me were treated fairly and with respect. I was humbled that in the most recent Judicial Survey conducted by the South Carolina Bar Association, my work was scored as "excellent" in every category by the overwhelming majority of respondents. Professionally, serving as a state court judge has been an extreme honor which I hope to continue for an additional term.
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 do not attempt to engage in, or allow, *ex parte* communications with attorneys who have matters pending before me and I do not view such attempts to communicate with me with favor. Only in the rarest and extreme situation can *ex parte* communication without proper notice and opportunity to be heard be considered appropriate unless the communication is required for administrative purposes in General Sessions matters involving approval of expert fees or expenses in indigent cases.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
My philosophy on recusal, as well as other issues of judicial conduct, is to exercise recusal in a manner consistent with the ethical canons in order to avoid improprieties and the appearance of improprieties. In researching the issue of recusal, I do note that a judge's decision concerning recusal should be cautiously entered into, otherwise

subjecting the court to frivolous attacks which are meritless. However, the same writers encourage discretion with recusal as a way of assuring dignity and integrity while also maintaining an orderly function to the judicial system.

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

As referenced above, recusal is a means of achieving judicial conduct that is consistent with canons of ethics. The amount of deference given to the party making the request depends upon the particular facts the situation presented at the time the request was made.

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

Disclosure on the record of the financial or social involvement of a family member is, naturally, the first step in assuring the attorneys that the "appearance" of impropriety would not affect any decision on my part. After providing the attorneys an opportunity to share the information disclosed to them with the parties, on-the-record consent for me to remain as the judge would be sought. If consent was not given, arguments and a ruling on the record would be made concerning the issue of recusal.

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

My personal standard is to accept gifts or social hospitalities only from family members or friends, and that are not being extended to me for a reason associated with the position.

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

I would conform the situation to be consistent with S.C. Appellate Rule 407, Rules Governing Professional Conduct 8.3, which requires a lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer and other respects shall inform the appropriate professional authority. This same rule applies to the reporting of judges when the wrongful judicial conduct raises a substantial question as to the judge's honesty, trustworthiness, or fitness for office and other respects.

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?

Generally, the party that has been successful prepares the initial draft of the order. The order is shared with the opposing counsel for comment before the final order is prepared or signed by me. However, it is not uncommon for the final orders to be prepared by me where a pro se litigant is involved or if the matter is extremely contentious between the parties.

14. What methods do you use to ensure that you and your staff meet deadlines?

To my knowledge, meeting deadlines has not been an issue during my first term. We have a calendar system which has significant events and deadlines listed.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

My belief is that judicial restraints from the bench should be observed in regards to judicial activism. Public policy is best set by the publicly elected officials and great deference should be given to setting public policy as directed by the General Assembly.

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?

Consistent with Canon 4, I have attempted to be involved in projects that help promote the legal system and improve the law and the administration of justice. During my tenure as Circuit Court judge, I have also been involved in the following projects:

- Fall 2008: National Chair of the Committee on Judicial Independence for the National State Trial Judges (NTSJ) Division of the American Bar Association. In the process of coordinating the second Judicial Symposium to be held at Wofford College.
- September 2008: Panel member for the National Business Institute Judicial Forum on "What Civil Judges Want You to Know".
- March 2008: Spartanburg Methodist College, School Law presenter.
- November 2007: University of South Carolina Upstate, Criminal Justice Class presenter.
- September 2007, as National Vice-Chair of the Committee on Judicial Independence for the National State Trial Judges (NSTJ) Division of the American Bar Association, in coordination with Wofford College, organized a judicial symposium to recognize national "Constitution Day" and to raise awareness of the importance and role of the judiciary. The theme for the symposium was The Constitution: The Third Branch of Government, an Insider's View. This event brought together a broad spectrum of judges (William Wilkins, Fourth Circuit, U.S. Court of Appeals; E.C. Burnett, III, S.C. Supreme Court; Henry Floyd, United States

District Court; Kaye Hearn, S.C. Court of Appeals; and Perry Buckner and myself, S.C. Circuit Court). The presentations were a rare opportunity for the general public to hear from respected judges about issues the judges feel are important to the judiciary.

- Fall 2008: Planning has begun for a second judicial symposium to be held at Wofford College.
- State delegate, National State Trial Judges Division of the ABA Annual Conferences, August 2005, Chicago, IL; August 2006, Honolulu, HI; August 2007, San Francisco, CA.
- United States Department of Transportation National Highway Safety Administration (NHTSA) Southeastern Regional Advisory Team DUI Task Force Advisory Committee, Circuit Court Representative.
- Supreme Court Commission on Continuing Legal Education and Specialization, Circuit Court Representative.
- S.C. Budget and Control Board's Office of Insurance Reserve Fund Law Enforcement Defense Counsel Annual Meeting speaker; Ethics and Med/Mal update.
- State Solicitors' Annual Conference program presenter
- South Carolina Worker's Compensation Claimant Conference, speaker and panelist.

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 do not feel that my role as a Circuit Court judge has in any way strained my personal relationships. I credit this in large part to the support and many prayers from my family and friends, and I plan to continue to seek their support and prayers.

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: By being a "repeat" offender, the defendant generally has demonstrated an inability to conform his or her behavior to society's norms. As a result, the sentence imposed will be more harsh.

b. Juveniles (that have been waived to the circuit court): I cannot recall a single incident where this has occurred. However, being a juvenile, additional sentencing options may be present such as a Youthful Offender sentence, which may lead to an effort of rehabilitation.

c. White collar criminals: I do not believe white collar criminals are treated differently in my court. Nevertheless, white collar criminals sometimes do present an opportunity for the judicial system to recover

some of the monetary costs associated with the crime that may not be present with other types of criminals.

d. Defendants with a socially and/or economically disadvantaged background: For every person that comes before me to be sentenced, a plea summary sheet is prepared which contains some basic information about the person. Historically, I sentence approximately 1,200 to 1,500 individuals a year. From the information collected, a few common threads exist in these individuals. First is a lack of formal education; second, the relatively young age at which these individuals are having children; third, the fact that these individuals are not married but yet are having multiple children; and fourth, the lack of employment or, if employed, the apparent lack of substantial employment in relation to the obvious family responsibility as represented by the existence of one or more children. Frequently, a defendant's social and/or economic status is considered by me in attempting to prevent repeativism by crafting a sentence that requires them to obtain a GED or finish their high-school education.

e. Elderly defendants or those with some infirmity: Generally, it is the nature of the criminal offense which drives the sentence imposed. However, the age of the defendant, and especially if elderly, can have a mitigating influence on the sentence, given that an elderly person may spend the remainder of his or her life in jail as a result of the offense. I am also mindful of a person's infirmities and resulting strain that is placed on the Department of Corrections. If appropriate, alternative sentencing is strongly considered.

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? No
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?
An even-tempered demeanor that enhances confidence in the judicial process.
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?
Always - but especially on the bench and in chambers.

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 live by an adage that a former law partner taught me as a young lawyer – “Whom the gods destroy, they first make angry.” While anger may be an expected emotion, allowing that anger to alter the successful operation of a court proceeding would be inappropriate. SCACR Rule 407, Rule 3.5, provides in its comment section that the advocate’s function is to present evidence and arguments so that the cause may be decided according to law. Refraining from abusive or obstreperous conduct is a corollary of the advocate’s right to speak on behalf of the litigant. Where conduct of a party or an attorney angers a judge, the judge should strive to avoid reciprocation, protect the record for subsequent review, and preserve the professional integrity of the court process by patient firmness or sternness, which has been observed to be no less efficient than belligerence or theatrics.
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/J. Mark Hayes, II

Sworn to before me this 6th day of September 2008.

Notary Public for South Carolina

My commission expires: 1/25/2012

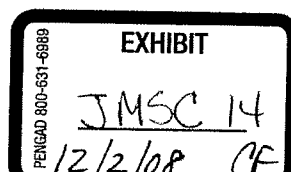
JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying: Circuit Court At Large #7

1. NAME: Mr. Jesse Cordell Maddox, Jr.
BUSINESS ADDRESS: PO Box 8002, Anderson, SC 29622
BUSINESS NUMBER: (864) 260-4636
2. Date of Birth: 1958
Place of Birth: Richland County, 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: Divorced November 18, 1998, moving party J. Cordell Maddox, Jr., Lexington County Family Court, Separation for One Year; divorced September 2007, moving party J. Cordell Maddox, Jr., Pickens County Family Court, Separation for One Year. Three children.
6. Have you served in the military? N/A.
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) Furman University, B.A. in Political Science, 1976 - 1980;
 - (b) USC School of Law, J.D., 1980 - 1983.
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, admitted 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) Furman University Honor Counsel;
 - (b) USC Student Government 1980 - 1983;
 - (c) USC Honor Counsel 1980 - 1983.
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) Annual Judicial Conference	08/20/08;
(b) Annual Civil Law Update	01/25/08;
(c) Hot Topics in Trial Practice	12/14/07;
(d) Skeet Shoot	11/16/07;



- | | | |
|-----|---------------------------------|-----------|
| (e) | Annual Judicial Conference | 08/22/07; |
| (f) | Nuts & Bolts | 07/27/07; |
| (g) | Seminar for Chief Judges | 02/22/07; |
| (h) | Annual Civil Law Update | 01/26/07; |
| (i) | Annual Criminal Law Update | 01/26/07; |
| (j) | Annual Judicial Conference | 08/23/06; |
| (k) | Circuit Court Judges Conference | 05/10/06; |
| (l) | Annual Criminal Law Update | 01/27/06; |
| (m) | Annual Civil Law Update | 01/27/06; |
| (n) | Annual Meeting | 11/30/05; |
| (o) | Annual SC Solicitors Conference | 09/25/05; |
| (p) | Annual Judicial Conference | 08/24/05; |
| (q) | Circuit Court Judges Conference | 05/13/05; |
| (r) | Circuit Court Judges Conference | 05/12/05; |
| (s) | Judicial Oath of Office | 08/19/04; |
| (t) | Judicial Conference | 08/19/04; |
| (u) | Circuit Court Judges Conference | 05/05/04; |
| (v) | Annual Civil Law Update | 01/23/04; |
| (w) | Annual Criminal Law Update | 01/23/04. |
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) 2008 - Harvard Law School, Self Represented Litigant Course;
- (b) 2008 - 2 Hour CLE Major Complex Cases for S.C. Bar.
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) South Carolina Courts - December 16, 1983;
- (b) U.S. District Court - December 15, 1983;
- (c) U.S. Court of Appeals - June 25, 1984.
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) From 1983 - 1986 I practiced as an associate and partner with Charles Welborn, Jr. in a two-man office in Anderson, SC. My practice was predominantly Civil in nature and involved exposure to collection work, civil matters of all nature and general real estate practice;
- (b) From 1986 - 1992 I was an Associate and then Partner at Jones, Sptiz, Moorehead, Baird & Maddox in Anderson SC. My practice was predominantly a Civil Practice with some small amounts of real estate and criminal matters;

- (c) From 1992 - 2001, I was a Partner with the Law Firm of Glenn, Haigler, Maddox & McCLAIN. My practice continued to be predominantly a civil practice with some criminal work;
 - (d) From 1996 - 2000, in addition to practicing law, I served in the South Carolina House of Representatives representing District 9 in Anderson County;
 - (e) I have served as a Circuit Court Judge since February 6, 2002 to present.
15. What is your rating in Martindale-Hubbell? BV.
 22. Have you ever held judicial office? Yes. Circuit Court At Large Seat #7 - 2002 to present.
 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) McCall v. State Farm Mutual.Auto.Ins.Co, 359 S.C.372 (2004);
 - (b) Webb v. CSX Transportation Inc, 364 S.C. 639 (2005);
 - (c) State v. Tindall, 665 S.E.2d 188 (SC Ct. App. 2008);
 - (d) State v. McCluney, 361 S.C. 607 (2004);
 - (e) State v. Roberts, 361 S.C. 1 (2004).
 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.
SC House of Representatives - 1996 to 2000. Report was timely filed.
 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. N/A.
 26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates. N/A.
 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? N/A.
 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. N/A.
 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/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. 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. N/A.
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. N/A.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? 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.
SC Bar - Member House of Delegates in the 1990's.
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.
S.C. Circuit Court Judges 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. 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. N/A.
49. References:
- (a) Jack Buice, Banker
First Citizens Bank
102 North Main Street
Anderson, SC 29624
(864) 231-6062
 - (b) Marlene McClain, Friend
209 Arden Chase
Anderson, SC 29621
(864) 934-3653
 - (c) Charles Welborn Jr., Attorney
309 South Main Street
Anderson, SC 29624
(864) 225-2565
 - (d) Brent Copeland, Friend
1406 North Fant Street
Anderson, SC 29621
(864)226-6574

(e) Cathy Phillips, Clerk of Court
Anderson County Clerk of Court
PO Box 8002
Anderson, SC 29622
(864) 260-4303

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/Jesse Cordell Maddox, Jr.

Date: 09/23/08

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

Circuit Court
(Incumbent)

Full Name: Jesse Cordell Maddox, Jr.
Business Address: 100 South Main Street
Anderson SC, 29624
Business Telephone: 864-260-4636

1. Why do you want to serve another term as a Circuit Court Judge?
I love my job and feel that it is an important contribution to my community.
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?
None at this time.
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?
Ex Parte communications are forbidden and intentional *ex parte* communications are not allowed by me or my office. The only circumstance would be an emergency situation if both parties are notified and the absent party consents to the communication.
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 do not automatically recuse myself unless required by ethical rules. If an opposing party raises the issue I usually recuse myself unless the motion is made for the purpose of delay.
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?
The appearance of bias can be as important as actual bias. If the motion is not for delaying the case and neither party is prejudiced, I usually 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 treat it seriously and recuse if it is clear the appearance of

- impropriety exist.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
Acceptance should be limited and only from those that offer as a result of friendship, and not position. In reality, very few gifts are offered and none accepted.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would speak directly with the party and notify the appropriate agencies if convinced misconduct is present.
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 either ask the prevailing party to submit the proposed order along with a computer disc and make the changes or I do the order myself.
14. What methods do you use to ensure that you and your staff meet deadlines?
My secretary and law clerk now keep separate diary list of deadlines.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I believe my job is to interpret the law passed by the legislature. I do not and would not promote public policy or act as a judicial activist.
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 continue to speak at CLE's and in the community when asked. I would hope to do so 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?
Job pressure strains personal relationships with family. I try to avoid allowing the pressure to affect those I love. Unfortunately, I have not always been successful in shielding my family from judicial job pressure. I will keep addressing the issues openly with my family.

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:
Absent extenuating circumstances, I am less likely to sentence them in the low range of possible sentences. Violent offenders are harshly sentenced.
 - b. Juveniles (that have been waived to the circuit court):
If non-violent, I sentence to YOA. Juveniles represent a special problem that is addressed case by case.
 - c. White collar criminals:
I look for alternative sentences when possible. I also fashion the sentence with restitution as a goal.
 - d. Defendants with a socially and/or economically disadvantaged background:
This is very difficult, but I treat them like all other defendants that appear before me.
 - e. Elderly defendants or those with some infirmity:
I look for alternative sentences for non-violent elderly or infirm defendants.
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?
No
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?
Patience is required at all times. Firmness is also very helpful.
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 try to apply the rules seven days a week. I am rarely successful.
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?
Restrained anger and an appropriate manifestation of that anger may be appropriate to make a point. This should rarely be used. Anger is rarely appropriate with pro se litigants.

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. Although my secretary has typed the application.
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 / 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/Jesse Cordell Maddox, Jr.

Sworn to before me this 23rd day of September, 2008.

Notary Public for South Carolina

My commission expires: 6/7/2014

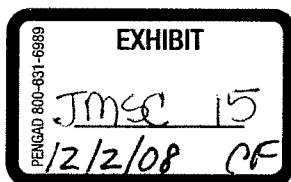
**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, Judge, At-Large Seat 9

1. NAME: Ms. J. Michelle Childs
BUSINESS ADDRESS: Richland County Judicial Center
1701 Main Street
P.O. Box 192
Columbia, SC 29202
E-MAIL ADDRESS: mchildsj@sccourts.org
BUSINESS NUMBER: (803) 576-1770

2. Date of Birth: 1966
Place of Birth: Detroit, 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 August 31, 2002, to Dr. Floyd Lancelot Angus.
Never divorced. No 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) University of South Florida, 1984-1988, B.S. Management;
 - (b) University of South Carolina School of Law, 1988-91, Juris Doctor of Law;
 - (c) Cambridge University, FitzWilliam College, Study Abroad Law Program (Summer 1990);
 - (d) University of South Carolina Moore School of Business, 1989-91, Master of Personnel and Employment Relations.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

I took the bar exam and was admitted to practice law in South Carolina in 1992. I also took the Employment and Labor Law Specialization exam and was certified by the South Carolina Supreme Court as a specialist in Employment and Labor Law in 2000. I have not renewed my Employment and Labor Law certification since 2002 since I no longer actively practice law, and thus, do not meet the specialization requirements of continuing to practice law



and handling specified matters within the areas of Employment and Labor law, which is a criteria for maintaining the certification.

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.

University of South Florida Activity - (1984-88)

- (a) Honors Program;
- (b) President, Delta Sigma Theta Sorority;
- (c) Student Tutor;
- (d) Homecoming Queen;
- (e) Outstanding Graduate Award.

University of South Carolina School of Law Activity - (1988-91)

- (a) Order of the Barristers;
- (b) Associate Justice, Moot Court Team;
- (c) Frederick Douglas Moot Court Team;
- (d) Vice President, Black Law Students Association;
- (e) Student Attorney General, Undergraduate Program;
- (f) Cambridge University, FitzWilliam College, Study Abroad Law Program (Summer 1990);
- (g) University of South Carolina Moore School of Business (1989-91);
- (h) Society for Human Resource Management.

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) 6th Annual Civil Law Update	01/25/08;
(b) 23rd Annual Criminal Law Update	01/25/08;
(c) National Judicial College General Jurisdiction Course;	10/14 - 10/24/07
(d) Annual Judicial Conference	08/22-8/23/07;
(e) SC Trial Lawyers' Association Conference	08/02-08/04/07;
(f) SC Circuit Court Judges' Association Conference	05/16-05/18/07;
(g) 5th Annual Civil Law Update	01/26/07;
(h) 22nd Annual Criminal Law Update	01/26/07;
(i) SC Defense Attorneys Association Annual Meeting	11/09-11/11/06;
(j) South Carolina Black Lawyers' Association Conference;	09/28/06
(k) SC Solicitors' Association Conference	09/24/06;
(l) ABA Annual Meeting	08/05/06;
(m) SC Defense Attorneys' Association Joint Meeting	07/27/06;
(n) Orientation for New Circuit Court Judges	07/10/06;
(o) Spring Seminar	05/12/06;
(p) New Court Developments	02/21/06;
(q) 21st Annual Criminal Law Update	01/27/06;

(r)	Fourth Annual Civil Law Update	01/27/06;
(s)	Bar Examiner Credit	01/01/06;
(t)	15th Annual Criminal Practice in SC	11/18/05;
(u)	29th Annual Conference on Workers' Compensation;	10/23/05
(v)	The Promise of Voter Equality	10/21/05;
(w)	South Carolina Legal History	09/20/05;
(x)	Workers' Compensation Update	08/26/05;
(y)	SC Workers' Compensation Law	08/05-08/06/05;
(z)	SC Workers' Compensation Law	07/28/05;
(aa)	Ethics	05/19/05;
(bb)	Annual Spring Seminar	05/06/05;
(cc)	Medical Seminar	02/26/05;
(dd)	Tort Reform or Torts Deformed: A Primer on Pending Legislation and Its Possible Effects;	02/22/05
(ee)	Torts & Insurance Practice	01/22/05;
(ff)	Bar Examiner Credit	01/01/05;
(gg)	SC Workers' Compensation Law	11/5-11/6/04;
(hh)	Revised Lawyers' Oath CLE	11/05/04;
(ii)	SC Workers' Compensation Law	08/05-08/08/04;
(jj)	New Lawyer's Oath CLE	08/05/04;
(kk)	Young Lawyers Division Meeting	08/05/04;
(ll)	SC Workers' Compensation Law	07/23-07/24/04;
(mm)	SC Workers' Compensation Law	07/16/04;
(nn)	Pros and Cons of TORT Reform	01/20/04;
(oo)	Bar Examiner Credit	01/01/04;
(pp)	SC Workers' Compensation Law	10/20/03;
(qq)	SC Workers' Compensation Law	07/25/03;
(rr)	SC Workers' Compensation Law	05/30/03;
(ss)	Equal Employment Opportunity Seminar	03/19-03/20/03;
(tt)	Ethical Considerations	02/25/03;
(uu)	Legal Jeopardy	01/28/03;
(vv)	Bar Examiner Credit	01/01/03.

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

Yes. During my employment at Nexsen, Pruet, Jacobs & Pollard, LLP, I routinely spoke to various organizations and groups and lectured at several CLEs and seminars on a variety of employment law issues (the Civil Rights Act of 1991, the Family and Medical Leave Act, Title VII, Age Discrimination, Sexual Harassment, Workers' Compensation, the Fair Labor Standards Act, employment at-will, employment policies and procedures, general employment law issues) and have written materials on various employment law topics. I have also assisted in the preparation of two employment-related manuals (1)

"The South Carolina Employer's Legal Reference Manual," and, (2) "The South Carolina Public Employer's Legal Reference Guide." (Center for Governance-Institute of Public Affairs).

I have also taught seminars on the applicability of the Civil Rights Act of 1991, sexual harassment law, and interviewing skills in the Practical Legal Training Schools in Capetown, Johannesburg, and Pretoria, South Africa in September 1998 and March 2001.

Additionally, both as a Workers' Compensation Commissioner and Circuit Court Judge, I have served on panels and lectured at several CLEs on Workers' Compensation, trial and professional responsibility issues.

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

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) South Carolina State and Local Courts 1992;
- (b) United States District Courts 1992;
- (c) Fourth Circuit Court of Appeals 1993;
- (d) United States Supreme Court 1998.

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.

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? AV.

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 to the position of Circuit Court Judge in May 2006 and have served in this position since August 2006. I also have additional responsibilities as Chief Administrative Judge of General Sessions for Richland and Kershaw Counties and as Chief Administrative Judge for Business Courts for Richland County.

I formerly served as a Commissioner with the South Carolina Workers' Compensation Commission. I received a gubernatorial appointment in 2000 to serve a six year. The Workers' Compensation Commission handles matters involving on-the-job injuries. The Workers' Compensation Commission is not part of South Carolina's unified judicial system.

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) Brown v. Greenwood Mills, Inc.

366 S.C. 379, 622 S.E. 2d 546 (Ct. App. 2005) - (Served on Full Commission Panel of Workers' Compensation Commission)

The claimant developed byssinosis while working with cotton at Greenwood Mills, but was also a long-term cigarette smoker. The Single Commissioner awarded benefits for an occupational lung disease. The Full Commission affirmed the decision. The Circuit Court also affirmed the decision, but declared the Full Commission should have allocated a portion of the claimant's disease to his long history of cigarette smoking, a non-compensable cause of his lung disease. The Court of Appeals affirmed the compensability of the occupational lung disease but reversed the Circuit Court's finding that the Full Commission should have apportioned the benefits since the award was supported by the record.;

(b) Pitts v. McCormick School District

WCC # 0208104, Civil Action No. 04-CP-24-1612 (Richland County Circuit Court) - (Served as Single Commissioner of Workers' Compensation Commission)

The claimant had pre-existing conditions of chronic post-traumatic stress syndrome ("PTSD"), obsessive compulsive personality disorder, and mania. Claimant was employed as a middle school teacher. He alleged that his PTSD was aggravated from incidents by students disrupting the classroom and, in particular, while he was teaching in the classroom and a child screamed after seeing a spider. This event reminded him of a prior incident leading to the onset of his PTSD. As a Single Commissioner, I determined that the claimant's job duties and the incident alleged were not extraordinary or unusual in comparison to the normal conditions of his employment as a teacher. The Full Commission and the Circuit Court affirmed the decision.;

(c) State v. Fletcher

379 S.C. 17, 664 S.E.2d 480 (2008) (Served as Acting Associate Justice);

(d) Lakefhia McCrea v. Jafer Gheraibeh

No. 4577, slip op. (S.C. --), *aff'g* No. 2006-UP-072, slip. op. (Ct. App. Feb.2, 2006);

(e) State of South Carolina v. Antonio Mobley

(State Grand Jury of South Carolina - Indictment # 2008-GS-47-01)
(Served as Circuit Court Judge)

The State Grand Jury indicted the defendant for the crime of murder. The indictment included a jurisdictional allegation stating that such conduct arose out of "a crime involving criminal gang activity or a pattern of criminal gang activity pursuant to the provisions of Article 3 of Chapter 8, Title 16," an amendment to the State Grand Jury Act effective June 12, 2007. The defendant filed a motion to reconsider [the venue order] and motion to quash the indictment on the ground that the State Grand Jury lacked subject matter jurisdiction to indict him.

The State presented evidence related to criminal gang activity to the State Grand Jury. However, during the deliberations, the jury asked numerous questions regarding the criminal gang activity allegation in the indictment. The attorney for the State answered those questions in such a way as to indicate that it was not necessary to support the State Grand Jury's subject matter jurisdiction or to consider the issue at all.

I determined that the State Grand Jury was required to determine that it had subject matter jurisdiction over the matter. Although evidence was presented from which the State Grand Jury could have concluded that Defendant was involved in criminal gang activity, the State's responses to the State Grand Jury's questions concerning its jurisdiction led the State Grand Jury to believe that it was not necessary to consider such information for purposes of issuing the indictment or establishing subject matter jurisdiction. Thus, I held the indictment was insufficient as a matter of law since the defendant's due process guarantees under the State Constitution had been violated by the issuance of an indictment not supported by a proper finding of the allegations of gang-related activity and such finding was necessary to confer jurisdiction upon the State Grand Jury.

24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty?
- (a) I was elected to the position of Circuit Court Judge in August 2006 and still currently serve in this position. I also have additional responsibilities as Chief Administrative Judge of General Sessions for Richland and Kershaw Counties and as Chief Administrative Judge for Business Courts for Richland County. I have always timely filed ethics reports while in this position.
 - (b) I was a board member of the Midlands Authority for Conventions, Sports, and Tourism from 1996 to 2006. I was appointed to the Board

as representative for the City of Columbia and was elected to the position of secretary by the Board. I did not have to file any ethics reports for this position.

- (c) I received a gubernatorial appointment to the position of Deputy Director of the South Carolina Department of Labor, Licensing and Regulation's Division of Labor in 2000 to finish a term that expired in 2002. I always timely filed ethics reports while in this position.
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 not held any other employment while serving as a judge.
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?
Yes. I used to own Paradise Travel, Inc., a travel service company. I had a part-time employee who made all of the travel reservations and ran the day-to-day operations of the business. I only performed minor administrative duties and banking functions of the business. I was in business from 1997 to June 2000.
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.
Yes. I serve as President of Angus Properties, LLC, a Georgia company. My husband and I established this company in 2006 merely to hold any rental real estate assets. The only asset currently within the company is an office condominium used as rental property. See Confidential Net Worth Statement submitted with the application packet.
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?

Yes. McMaster v. Capital Consortium Group, LLC. (Civil Action No. 07-CP-40-3116) (Order of Dismissal)

In my capacity as a Circuit Court Judge, I heard a motion for temporary injunction in the matter of *Henry McMaster, et al. v. Capital Consortium Group, L.L.C., et al.*, Civil Action No. 07-CP-40-3116. The plaintiff moved for temporary injunction seeking to enjoin certain defendants from withdrawing, liquidating, transferring or otherwise having access to certain funds located at the defendant bank. Plaintiff also sought an injunction prohibiting the defendant bank from closing the accounts. After notice duly having been provided to all parties, I held a hearing on the matter. Defendants were not represented at the hearing and did not make personal appearances. I ruled in favor of the plaintiff and entered an order granting the motion for temporary injunction. Based on my participation in this proceeding, individual named defendants, acting *pro se*, filed pleadings listing myself, along with Attorney General Henry McMaster, and James R. Parks as third party defendants.

I recused myself from the case to avoid any appearance of impropriety based on the pleadings filed by the individual named defendants. I then moved to dismiss the *pro se* pleadings on both substantive and procedural grounds. The case was dismissed on November 27, 2007, pursuant to my Motion to Dismiss.

Specifically, I moved to dismiss the pleadings for insufficiency of process and improper service. In addition to the procedural grounds, I further argued that the pleadings failed to state facts sufficient to support a cause of action and that the claims were barred by the doctrine of judicial immunity. The Court granted my motion after finding that the individual defendants failed to comply with Rules 3 and 4 of the South Carolina Rules of Civil Procedure and that none of the allegations pertaining to me were sufficient to withstand dismissal. The Court further held that none of the exceptions to judicial immunity applied because I properly exercised jurisdiction over the matter, the pleadings failed to allege that I acted without jurisdiction or that I did not perform a judicial act, and that the pleadings lack specificity regarding the nature of the claims asserted or relief requested.

36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.

37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.

38. S.C. Code § 8-13-700 provides, in part, that “[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? 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.

American Bar Association

- (a) Fellow, American Bar Foundation (2001-present);
- (b) Member, National Conference of State Trial Judges (2007-present);
- (c) Member, Judicial Division (2006-Present);
- (d) Member, Government and Public Sector Division (2004-present);
- (e) Commissioner, Commission on Mental and Physical Disabilities (2003-06).

American Bar Association Young Lawyers Division

- (a) Fellow, ABA Labor and Employment Law Section, EEO Committee (2001-03);
- (b) Liaison, Commission on Racial & Ethnic Diversity (2002-03);
- (c) Chair, Minorities in the Profession Committee (2001-02);
- (d) Vice Chair, Minorities in the Profession Committee (2000-01);
- (e) ABA/YLD Diversity Team (2001-02);
- (f) Chair, Awards of Achievement Committee (1999-00);
- (g) Beyond and Boundaries Team (1998-99);
- (h) Planning Board for Minorities in the Profession Committee (1997-99);
- (i) National Conferences Committee (1997-98).

Columbia Lawyers Association

- (a) Secretary (1994);
- (b) President (1992-93).

John Belton O'Neall Inn of Court

- (a) President, (2002-03);
- (b) Program Chair (1999-01);
- (c) Member (1996-present).

Richland County Bar Association

- (a) Board of Directors, Public Defender's Office (1997-99);
- (b) Chair, Law Week Committee (1995-97);
- (c) Advisory Committee (1995-97);
- (d) Long Range Planning Committee (1997-99).

South Carolina Bar

- (a) Board of Governors (2002-04);
- (b) House of Delegates (1996-2000; 2006-present)
Enhancement Task Force for Young Lawyers Division (2007-present).

South Carolina Black Lawyers Association

Secretary (1995-97).

South Carolina Liberty Fellowship Program (2008)

South Carolina Women Lawyers Association

- (a) Board of Directors (1999-01);
- (b) Co-Chair, Nominating Committee (1999-00);
- (c) Planning Board for Annual CLE (1997-98).

South Carolina Circuit Court Judges Association (2006-present)

- (a) Committee Member, South Carolina Circuit Court Judges';
- (b) Conference (May 2007-present);
- (c) Nominating Committee Regional Vice Chair (2007).

South Carolina Supreme Court

Associate Member, Board of Law Examiners (2003-06).

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) Benjamin E. Mays Academy for Leadership Development

- Program Coordinator (1991-2006);
- (b) Columbia Urban League
 - (i) Board of Directors (2000-04);
 - (ii) Member, Nominating Committee (2003-04);
 - (iii) Committee Member, Equal Opportunity Dinner (2001).;
- (c) Merit Selection Panel, United States District Court, District of South Carolina, Member (2000);
- (d) Midlands Authority for Conventions, Sports & Tourism Member, Board of Directors (1999-2006);
- (e) South Carolina Governor's Executive Institute Student (2001-02);
- (f) South Carolina Industry Liaison Group
 - (i) President (2000-01);
 - (ii) Second Vice-President (1998-99);
 - (iii) Board of Directors (1997-2002).;
- (g) South Carolina Workers' Compensation Educational Association Member, Board of Directors (2002-06);
- (h) Southern Association of Workers' Compensation Administrators Member, Executive Committee (2002-06);
- (i) St. Martin de Porres Catholic Church
 - Board Member (2002-present);
- (j) University of South Carolina School of Law Alumni Association Board (1998-2007) (President, 2005-06).

Honors and Award

- (a) The State Newspaper's "Top 20 under 40" Award (2005);
 - (b) University of South Carolina Moore School of Business Outstanding Young Alumni Award (2005);
 - (c) Benjamin E. Mays Leadership Academy John M. McFadden Award (2005);
 - (d) American Bar Association Young Lawyers Division Affiliate Leader Award (2002);
 - (e) National Bar Association Junius W. Williams Young Lawyers Division Award (2002);
 - (f) Columbia Urban League SHEROES Award (2002);
 - (g) University of South Carolina Outstanding Alumni Award (2000);
 - (h) Richland County Bar Civic Star Award (1999);
 - (i) American Bar Association Young Lawyers Division Star of the Quarter Award (1999);
 - (j) South Carolina Bar Compleat Lawyer Award, Silver Medallion (1997).
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 am greatly humbled by the opportunity to serve as Circuit Court Judge At-Large Seat 9. I believe that I am duly qualified for this position based on my education, experience, demonstrated leadership abilities, strong work ethic, compassion for the law, fair and impartial temperament, patient demeanor, and professionalism. I have always measured my accomplishments by the respect that I afford my fellow man and the ethical and moral standards by which I govern my personal life. I have been granted the highest civic, public, and bar service awards through anonymous nominations from my colleagues although never seeking any credit for my passion for public service and service to the bar. I have been fortunate to have the opportunity to perform in private practice, to head a division of a State agency, and to serve both a quasi-judicial and judicial capacity. I have developed excellent research and writing skills, administrative skills, and trial skills in these positions.

I believe it is a privilege to be a lawyer. As a member of the bar, I feel that it is imperative that all lawyers perform community service and engage in activities that will enhance the lives of others. Each of us has the ability to positively affect another person's life, whether it is through pro bono representation, giving time in free legal clinics, mentoring a young lawyer, sharing expertise in an area of law, or encouraging diversity initiatives within one's firm or in the bar. I have always challenged myself to go beyond what is a reasonable amount of community service and to engage in projects that positively advance the public's perception of lawyers. These experiences not only make the quality of life better for all generations, but they enhance my personal development and open my mind about real-life situations.

I have incredible respect for our noble profession. My appreciation and respect for our profession was greatly enhanced when I went to South Africa in 1998 and 2001 to teach in its Practical Legal Training School in Capetown, Johannesburg and Pretoria. At that time, the bar organizations of South Africa had just desegregated. Many communities were still segregated and very poor. It was not uncommon for children in Soweto to go to school without shoes. The country still suffered from the effects of Apartheid. Minority women still felt subservient to men, some still holding their heads down when speaking to men. Democracy was just a shallow dream to many people in this country. Despite these obstacles, the students in the schools had great souls and amazing spirits and were very respectful. They wanted to be a part of changing their society to resemble the freedoms of the legal system and how it carved out the freedoms for all persons in this country. This experience further taught me that I must always have respect when dealing with persons from all walks of life since you do not always know the circumstances of a person's life, which are crucial skills for a judge.

Finally, I am honored and privileged to have been afforded assignments that have allowed me to make significant contributions to the efficient administration of justice. In my capacity as Chief Administrative Judge for General Sessions for Richland and Kershaw counties, I have worked diligently

and cooperatively with the Richland and Kershaw County Solicitors' offices and the Richland and Kershaw County Public Defenders' offices in implementing an effective case management plan. Our results have included a decrease in the number of cases pending on the docket, a decrease in the time period for cases to go to trial, a reduction in the jail population to reasonable and safe levels and a better system of providing notice to attorneys about the court's motion and trial calendars.

49. References:

- (a) Walter F. Pratt, Jr.
Educational Dean Foundation Distinguished Professor of Law
University of South Carolina
Columbia, SC 29208
(803) 777-6857;
- (b) James A. Bennett
Executive Vice President & Director of Public Affairs
1230 Main Street
Columbia, SC 29201
(803) 931-8549;
- (c) Reverend Paul M. Williams, OFM, V.F.
Pastor & Dean of Catholic Clergy
St. Martin de Porres Catholic Church
2229 Hampton Street
Columbia, SC 29204
(803) 254-6862;
- (d) Jennie M. Johnson
Executive Director of Liberty Fellowship
429 North Church Street
Spartanburg, SC 29303
(864) 597-4266;
- (e) Sister Roberta Fulton, S.S.M.N.
Principal
St. Martin de Porres Catholic School
2225 Hampton Street
Columbia, SC 29204
(803) 254-5477.

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/J. Michelle Childs

Date: 09/25/08

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

Circuit Court
(Incumbent)

Full Name: J. Michelle Childs
Business Address: 1701 Main Street, Room 215
P.O. Box Box 192
Columbia, SC 29202
Business Telephone: (803) 576-1770

1. Why do you want to serve another term as a Circuit Court Judge?
I would like to serve another term as a Circuit Court Judge because I have a high regard and sincere appreciation for our legal system. I believe in maintaining the quality, integrity, prestige, and independence of our judicial system and ensuring the public's confidence and respect in this system of jurisprudence. I feel that this position would allow me to serve in a capacity that affords me the precious opportunity to uphold the laws and Constitutions of our State and the United States, to protect individual liberties, and to promote the fair administration of justice for all litigants, both individuals and entities.
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?
As a general matter, I do not feel it is appropriate to engage in *ex parte* communications. I do, however, believe that under very limited circumstances relating to scheduling, administrative duties, or emergencies that it may be acceptable to speak with a party as long as the information is relayed to the other party, there is not a perception that a party has received an unfair advantage with the judge, and the communications do not address the merits of the case. I believe it is also appropriate to hear *ex parte* matters that are authorized by law, and, if given consent by both parties, to assist in mediating matters.

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 believe it is appropriate to recuse myself on any matter in which I have personal knowledge of the facts of the case, a personal or close relationship with the litigants or attorneys, or in which I or the parties believe there may be an appearance of impropriety or lack of impartiality. I do not, however, believe that these situations automatically exist when lawyer-legislators, former associates, or former law partners appear before me. These situations will need to be determined on a case-by-case basis.
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 listen to the arguments of the parties and make a decision based on the facts presented to me. However, I would give great deference to the party requesting a recusal so as to avoid any appearance of impropriety or suggested lack of impartiality. I would then recuse myself in situations in which my impartiality might reasonably be questioned, unless waived by the parties.
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 disclose all relevant information to the parties. I would then listen to the concerns of the parties and make a decision based on the facts presented to me. However, I would give great deference to the parties so as to avoid any appearance of impropriety or suggested lack of impartiality. I would recuse myself from any proceedings in which my impartiality might reasonably be questioned, unless waived by the parties.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I would not accept gifts from litigants or attorneys who may appear in court before me. I would attend social functions of friends with whom I had personal and sincere relationships before I ascended to the bench. I would continue to maintain relationships with the various bar organizations and attend their social events. I would also accept ordinary social hospitality.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would discuss this matter with the lawyer or fellow judge to make them aware of the situation and any information that has been brought to my attention about the situation. I would inform them of their duties and responsibilities under the Code of Professional

Responsibility or Code of Judicial Conduct. If I became aware that the situation impaired their judgment, trustworthiness or fitness for the position, then I have an obligation to report it to the appropriate authorities.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated?
I am not affiliated with any political parties. I also do not have any other affiliations that would need to be reevaluated.
12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?
No. I would just continue my participation with various bar organizations, civic groups, church matters and purely social groups. I would also continue with my personal business activities.
13. How do you handle the drafting of orders?
On more significant cases, I generally rule on issues and request that the prevailing party draft a proposed order within 15-30 days and submit it to opposing counsel for review. If the order is not received in a timely fashion, then I will be responsible for preparing it myself, sometimes with the assistance of a law clerk.
14. What methods do you use to ensure that you and your staff meet deadlines?
I use a docketing system, similar to the type of system that I used when practicing law within a law firm. This system ensures that I, along with my staff, keep abreast of and check on all outstanding matters within our office.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Judges should interpret and adhere to the rule of law, regardless of his or her personal views. Judges should defer to the legislature and our appellate courts to advance the law. If a judge is presented with a novel issue of law, then the judge can analyze the facts, similar cases of courts in other states, and public policy concerns to determine the best ruling in the particular situation. Judges should continue to participate in bar and community organizations concerned with the improvement of the law, legal system and administration of justice to be aware of issues that may come before the Court and the concerns of citizens about the judicial system.
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 am currently a member of the South Carolina Bar and the American Bar Association's House of Delegates, the South Carolina Women Lawyers Association, the South Carolina Black Lawyers Association, the Richland County Bar, and the Columbia Lawyers Association. As

long as there is no conflict of interest, I would continue to serve in these organizations and be active on issues supporting the improvement in the law, legal system and administration of justice.

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. My spouse and family fully support me in this endeavor and have a clear understanding of the work demands and unpopular decisions that are inherent in this position. I would continue to maintain friendships with members of the bar who were my personal friends before I became a member of the judiciary. I would ensure that these persons understand the difference in our relationship as friends and lawyer-judge and would avoid any situations that give the appearance of impropriety or suggest my lack of impartiality.

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:

I am generally less tolerant of repeat offenders and usually give higher sentences on this class of individuals to deter similar conduct. I am very interested in any conditions of their prior sentences and violations of same. I consider the victims' rights, prior offenses, similarity of the current crime, timing between violations, culpability, remorse, role in the actual crime, and sentences for similar violations.

b. Juveniles (that have been waived to the circuit court):

I am interested in making sure that juveniles understand the consequences of their actions. Given that the juvenile has been waived to circuit court, there is an assumption that the crime was of a serious nature and the juvenile should be responsible for the crime as would an adult. I take into consideration the juvenile's mental capacity, alleged crime, education, family structure and support system, and the juvenile's social and community involvement. For less serious crimes, I consider offering the juvenile programs available to youthful offenders as an effort to give the juvenile opportunities for rehabilitation.

c. White collar criminals:

For white collar criminals, who are non-violent offenders, I am especially interested in restitution and the victims' request on sentencing. Since jails and prisons are overcrowded, I also give consideration to alternative sentencing methods for this class of criminals with exception of repeat offenders. I will consider probation and community service for minor losses and consider regular sentences for larger losses since the victims may still be seriously impacted by these crimes.

d. Defendants with a socially and/or economically disadvantaged background:

I generally determine the sentence with respect to the crime committed. I do, however, take into consideration any legitimate issues affecting defendants with a socially and/or economically disadvantaged background to assess whether they have been victims of their circumstances, but do not allow them to use these circumstances as a crutch when there is no indication that they do not know legal right from wrong. This information is helpful to determine what factors should be considered to address their environment and disadvantages and to determine whether there are any assistive programs within the community to remove them from these issues.

e. Elderly defendants or those with some infirmity:

I generally do not allow the fact that a person is elderly or has some infirmity to, in and of itself, be a reason for a lesser sentence. I look to the type of crime, seriousness of the crime, the victim of the crime, prior record, age and health, prior offenses, burden on the system versus loss to the victim and possible alternative sentencing. The type and seriousness of the crime are the more important factors.

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?

Possibly. I would disclose this information to the parties and make a determination based on the facts of the case.

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. I always carry over at least 12 CLE hours each year, but still attend the minimum CLE requirements for each year.

23. What do you feel is the appropriate demeanor for a judge?

I believe that a judge must always exhibit a positive attitude, patient demeanor, appear to be fair and understanding, and have good temperament. A judge should also have great control of the courtroom and expect these same qualities of the lawyers and litigants appearing before her.

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?

These rules apply at all times.

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. The judge should exercise great temperament at all times. A judge may, at times, need to assert firm control in the courtroom, but should never be rude or hostile to the parties, attorneys, witnesses, or court personnel. The judge sets the tone for the courtroom etiquette and decorum and should take this leadership role very seriously.
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/J. Michelle Childs

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

Notary Public for South Carolina

My commission expires: 6/26/2017

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

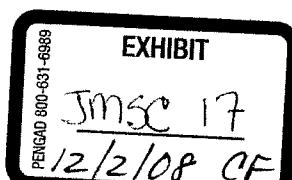
Court, Position, and Seat # for which you are applying: Master-in-Equity for Beaufort County

1. NAME: Mr. Marvin H. Dukes III
BUSINESS ADDRESS: Post Office Box 1228
Beaufort, SC 29901
E-MAIL ADDRESS: mdukes@bcgov.net
BUSINESS NUMBER: (843) 470-5296

2. Date of Birth: 1961
Place of Birth: Beaufort, 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 May 15, 1992, to Laura Campbell Dukes. Never divorced. One child.
6. Have you served in the military? N/A.
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) Graduate of Washington and Lee University, Lexington, Va. Attended from September 1980 until graduation in May of 1984, with a B.A. in Economics.;
 - (b) Graduate of the University of South Carolina School of Law. Attended from September 1984 until graduation in June of 1987 with a Juris Doctor.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

Admitted to practice in the State of South Carolina in 1987. I have taken one bar exam, which was the South Carolina bar in 1987.
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.
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)	Annual Judicial Conference	08/20/08;



- | | | |
|-----|--------------------------------|-----------|
| (b) | Civil Law Update | 01/08/08; |
| (c) | Master-in-Equity Bench/Bar | 10/12/07; |
| (d) | Annual Judicial Conference | 08/22/07; |
| (e) | Ethics Roadshow 2006 | 12/15/06; |
| (f) | SC Sidebar Live | 12/08/06; |
| (g) | Family Court Bench/Bar | 12/01/06; |
| (h) | Family Court Websites | 12/27/05; |
| (i) | Prenuptial Agreements | 12/27/05; |
| (j) | 20/20 An Optimal view | 12/16/05; |
| (k) | Updating Advocacy Skills | 12/10/04; |
| (l) | Family Court Bench/Bar | 12/05/04; |
| (m) | Hot tips from the best lawyers | 09/19/03. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
I have taught Family Law several times to the paralegal classes at the Technical College of the Lowcountry.
12. List all published books and articles you have written and give citations and the dates of publication for each.
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 Supreme Court, November 23rd, 1987.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
Upon graduation and admission to the bar in 1987, I was employed by the firm of Dowling, Sanders, Dukes, Williams and Svalina in Beaufort, SC. This firm changed in name and character a number of times over the years, finally dissolving in about the year 2000 (The name at that time was Dukes, Williams and Infinger), after which the remaining partners opened individual P.A.'s and LLCs. My personal practice has varied through the years. In order to gain trial experience, I did criminal defense work early in my career, ordinarily taking all of the partners' Court appointments in both criminal and family court. I also practiced extensively in front of the Master-in-Equity, and in the Family Court. I became Master-in-Equity for Beaufort County in June of 2007.
15. What is your rating in Martindale-Hubbell? Last rating BV.
22. Have you ever held judicial office?
I have served as Beaufort County Master-in-Equity from June 2007 to present.
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) King v. James

- b) 2006-CP-07-00840;
Specialized v. Sterow
2003-CP-07-00906;
 - c) Gueda v Cast Stone
2005-CP-07-02333;
 - d) Vanderwall v JCT
2006-CP-07-00147;
 - e) May v Robinson
2006-CP-07-02043.
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?
I was an appointed member of the Beaufort County Planning Commission from 1995 until 1999. I was an elected member of Beaufort County Council from 1999 until 2002. During my tenure on council I served as Vice-Chairman of the Council (1999-2002) and was Chairman of the Planning and School District Liaison committees. I also served as a member of a number of other committees including the finance committee. In 2005, I served as the appointed Chairman of the City of Beaufort Waterway Commission. I believe that I timely filed all reports.
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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Yes. In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench. In 2002, I was defeated in a primary race for SC House seat 124 by the Honorable Catherine Ceips.
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. 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?
Yes, In about 1996, I was named a defendant in a case where another attorney's client sued both me and his attorney, alleging an error in the disbursement of funds to my client. The other attorney was not insured and my carrier settled the case for a relatively small amount. In about 2000, one of my former law partners named me and other partners in an action related to his claim that he was not being provided regular copies of records. This matter was settled the day it was filed.
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. \$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. \$0.00.

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 and 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) Beaufort County Bar Association;
 - (b) South Carolina Bar Association;
 - (c) American Bar Association.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Beaufort Yacht and Sailing Club;
 - (b) Farside Investment Club (no longer member);
 - (c) Jean Ribaut Society.
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.
49. References:
- (a) Bruce VanHorn (Banker)
189 Sea Island Parkway
Beaufort, SC 29907
(843) 521-5660;
 - (b) Dr. Robert E. Bell
302 Federal Street
Beaufort, SC 29902
(843) 522-9550;
 - (c) Grace E. Trask
602 Linton Lane
Beaufort, SC 29902

- (d) (843) 524-1996;
Heather E. Winch
309 Federal Street
Beaufort, SC 29902
(843) 525-6047;
- (e) Elizabeth McMillen
401 Port Republic Street
Beaufort, SC 29902
(843) 524-7080.

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/Marvin H. Dukes III

Date: 09/22/08

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

Master-in-Equity

Full Name: Marvin H Dukes III
Business Address: Post Office 1228
Beaufort, SC 29901
Business Telephone: 843-470-5297

1. Do you plan to serve your full term if appointed? Yes
2. If appointed, 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? Only as allowed in the rules, for instance scheduling and emergencies, and only then with immediate disclosure to all parties.
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 think it is important to avoid even the appearance of impropriety. In situations where any lawyer appeared before me with whom I had had a prior professional relationship, I believe that the fact should be made known immediately to opposing counsel. I do not think that recusal is appropriate simply because of any prior relationship, however. The question of recusal would be a case by case basis with emphasis on whether or not the prior relationship involved (in any way) the case before the Court, or whether not, by reason of the prior relationship, either me or my family, or any close associates had anything to gain or lose by the possible outcome of the case. In any case where even the possibility of such conflict existed, recusal would be appropriate.
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? The public's perception of the Court's impartiality is paramount. If even the appearance of bias existed, recusal would be appropriate.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I believe that gifts of any value are inappropriate. Social hospitality would be inappropriate if more than

- de minimis in value or such as to raise even the appearance of impropriety.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would take action up to and including reporting the conduct to the appropriate authorities.
 9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed? No
 10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No
 11. If appointed, how would you handle the drafting of orders? In default or Consent matters, I generally ask the attorneys for draft Orders. In contested matters, I sometimes request draft Orders or draft language and I sometimes draft the entire Order myself. Each case requires different treatment based on it's complexity.
 12. If appointed, what method would you use to ensure that you and your staff meet deadlines? We use computer scheduling that is backed up nightly.
 13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges at the Master-in-Equity level should not practice judicial activism, nor should they use their position on the bench to promote their idea of public policy.
 14. 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 no specific plans at this time, but would welcome the opportunity to serve in any such capacity.
 15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No
 16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No
 17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No
 18. Do you belong to any organizations that discriminate based on race, religion, or gender? No
 19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
 20. What do you feel is the appropriate demeanor for a judge? A Judge should be firm but friendly, patient, confident, open-minded and dignified.
 21. 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? These rules apply at all times

22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant? No and No
23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? None
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No
25. Have you sought or received the pledge of any legislator prior to this date? No
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
27. 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 and No
28. Have you contacted any members of the Judicial Merit Selection Commission? No
29. 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/Marvin H. Dukes III

Sworn to before me this 22nd day of September, 2008.

Notary Public for S.C.

My Commission Expires: 4/25/2010