

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

MAITÉ MURPHY

CANDIDATE FOR CIRCUIT COURT JUDGE
FIRST JUDICIAL CIRCUIT, SEAT 1

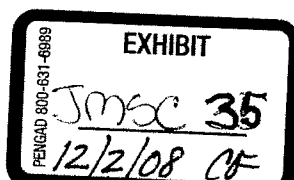
DECEMBER 2, 2008

WRITTEN AMENDMENT TO FOLLOWING QUESTIONS:

14. There is a typographical error in the second sentence. The year 2006 should be 1996.

34. The suit which was filed against me in a professional capacity was filed by an inmate by the name of Denny Bates. I prosecuted Mr. Bates for criminal sexual conduct with a minor in the first degree. Mr. Bates entered a plea of guilty before the Honorable Luke N. Brown, Jr. and received a fifteen year sentence. Mr. Bates filed suit naming me as a Defendant, along with Solicitor Walter Bailey, Judge Brown and, the cook at the Department of Corrections. The allegation in the suit was that the cook subjected Mr. Bates to cruel and unusual punishment for the food that was presented to Mr. Bates during his incarceration. The remainder of the suit alleged a conspiracy in the prosecution and sentence handed down by Judge Brown. The allegation stated that the conspiracy existed to prosecute him due to the fact that the victim in the case's last name was Bailey and that there was a witness in the case whose last name was Brown. There was no relation to the case or witnesses with Solicitor Bailey or Judge Brown. Solicitor Bailey turned the Complaint over to the Budget Control Board to defend and the case was subsequently dismissed.

40. There is a typographical error in the total amount of expenditures. The total amount should be \$240.04, not \$240.40.



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

Circuit Court
(New Candidate)

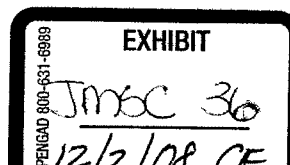
Full Name: Maite D. Murphy

Business Address: 136 W. Richardson Avenue, Summerville SC 29483

Business Telephone: (843) 832-1120

1. Why do you want to serve as a Circuit Court judge? I believe that my career experiences and personal qualities would enable me to serve as a fair, impartial and competent member of the judiciary.
2. Do you plan to serve your full term if elected? Yes.
3. Do you have any plans to return to private practice one day? That would depend on the circumstances present at the end of my term.
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 not permissible and a member of the judiciary shall not initiate, permit or consider communications made to the Court outside the presence of all of the parties except in allowable circumstances as follows: 1. communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits provided that there is a reasonable belief that neither party will gain a procedural or tactical advantage as a result of said communication and the Court promptly notifies all other parties of the substance of the communication and allows an opportunity for the other party to respond; 2. The Court is also allowed to obtain the advice of a disinterested expert of the law only if the judge notifies the parties of the expert that is consulted the substance of the advice that was given and the court must also allow the parties



an opportunity to respond to said advice; and, 3. The Court can with the consent of the parties have separate communications with the parties and their lawyers to attempt to mediate or settle matters that are pending before the court. A member of the judiciary may also consult with court personnel who aid the Court in carrying out adjudicative responsibilities and judges may communicate with other judges. There may also be circumstances that ex parte communications are expressly authorized by law.

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

As a judge I would recuse myself whenever my impartiality was reasonably questioned. I would disclose on the record the information that would be considered relevant to the question of disqualification. The impartiality must be reasonably questioned for recusal to occur. I would not preside over a matter where there is a personal bias or prejudice regarding a party of a party's lawyer or if I have personal knowledge of the evidentiary facts of the case. I would not hear matters that came before me that were handled by a lawyer with whom I previously practiced law or if I had first hand information that would make me a potential witness to the matter before me. Regarding the hearing of matters where lawyer – legislators appear before me I would disclose on the record the nature of the relationship with that lawyer – legislator. The fact that a lawyer is also a legislator does not automatically create a reasonable question of impartiality. If that were the case, legislators that were lawyers would not be able to practice law. Should said relationship be one that does not create a bias or impartiality I would place on the record the nature of the relationship and why there is not a reasonable question of impartiality or bias.

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 believe it is extremely important to maintain the integrity and confidence of the litigants in the impartiality of our system. Should a matter be disclosed that does have the appearance of a bias I would recuse myself. I would not want either party to believe that the outcome of the matter in question was based on the alleged bias. All parties to actions should feel confident that the outcome of their case was fairly and impartially obtained.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? If there is an appearance of impropriety due to the involvement of my spouse or close relative, then that appearance applies to me as well. I would use the same standard applicable to

me in those situations. If it would be appropriate for me to recuse myself because of a reasonable appearance of bias, and the same bias existed as to my spouse or close relative, then I would recuse myself.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept gifts as that gives the appearance of influencing a judge's performance and lends itself to the appearance of impropriety. Normal social hospitality is acceptable as long as it is something that is offered to an entire group or hospitality that is between close friends and family, and is commensurate with the occasion and the relationship involved.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Misconduct of a lawyers or of fellow judges is to be reported regardless of the person to maintain the integrity of the profession and the judiciary.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? Yes. I have been a member of the political parties and groups that I would submit my resignation to. I also serve on several boards which although being not for profit boards, are involved in fund raising efforts. I would not want my position as a judge to have the appearance of influence on fundraising efforts by said entities as I do not feel that would be appropriate.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.
13. If elected, how would you handle the drafting of orders? That decision would be on a case by case basis. There are many orders which can be standard in their provisions and appropriate for a party to submit to the Court for approval. Should the matter be one that is very detailed in the findings of fact and conclusions of law I would prepare it myself. There are circumstances where it would be acceptable with the knowledge and consent of both parties to ask one of the parties to submit a proposed order based upon my stated findings of fact and conclusions of law and the parties are also given an opportunity to respond to the proposed submission to the Court.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines? Communication is a key factor and I would ensure that my staff was well aware of deadlines and my expectations of them to meet those deadlines. I

would communicate with the clerks of court to ensure effective scheduling of matters pending before the court as well.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges should not be activist, nor should they promote public policy. Members of the judiciary are entrusted to uphold and apply the law, not to make it their own.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system? I think that it is important for members of the judiciary to engage in such activities as permitted to improve the legal system and the administration of justice and I would certainly participate as permitted by the Code of Judicial Conduct.
17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this? I do not feel that my personal relationships would be unduly strained by the pressures of serving as a judge. I am very fortunate to have the support of my family and network of friends that allow me to balance effectively my personal and professional responsibilities.
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: Repeat offenders can come in many categories. Repeat offenders of violent crimes would be subject to stiffer penalties and incarceration periods. A person with no other history of criminal activity who had surgery and got addicted to pain killers and had a pain killer in their possession while on probation would obviously present a different category of repeat offender. A judge must look at not only appropriate punishment for the crime committed, but protection of the community from someone who obviously is a danger.
 - b. Juveniles (that have been waived to the circuit court): Crimes that statutorily allow the waiver of juveniles to circuit court are serious crimes and should be treated as such.
 - c. White collar criminals: Although white collar criminals may not be perceived by some as violent, their actions can certainly be very serious in nature to the alleged victims of the crime in question. Victim impact testimony, the

ability to make restitution, and danger of potential harm to others in similar circumstances would be appropriate things to consider when fashioning an appropriate sentence.

- d. Defendants with a socially and/or economically disadvantaged background: I have seen many defendants come before the court that have dropped out of school and are unemployed. I think that it is wise for the court to require as a part of a sentence, whether during incarceration, or while on probation, that these offenders be required to obtain their G.E.D. or other vocational training. Otherwise, sentencing should be equally applied based upon the crime committed, not on who committed the crime.
 - e. Elderly defendants or those with some infirmity: An elderly defendant that rapes a child can pose the same risk to the community as a younger defendant. Each case should be evaluated based upon the circumstances of the crime, potential of harm to others in the community, and must also take into consideration the appropriate facilities or treatment options available.
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? By definition a *De minimis* interest is one that is an insignificant interest that could not raise reasonable question as to a judges impartiality. Therefore, the answer is yes I would hear such a 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.
23. What do you feel is the appropriate demeanor for a judge? Judges should be courteous, respectful, fair and impartial to all sides.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? I believe that members of the judiciary should be held to

the highest standards of conduct not only in their professional lives, but in their personal lives. If a judge were to be seen acting in an inappropriate manner outside the courtroom it would call into question his or her ability to have the ability to courteous, respectful, fair and impartial to all sides in the courtroom.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants? Anger, just like any other emotion, must be dealt with the appropriate temperament. Although a judge may feel anger, he or she must maintain proper decorum and suppress said anger and must not allow the anger to interfere in the just handling of matters that come before the court. A judge must refrain from expressions of anger to any of the parties as said conduct can give the appearance of bias which would affect the impartiality and fairness of the proceeding.
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? Mailing costs of \$68.04 and copying costs of \$172.00 for a total of \$240.04. The amount is being reported in conjunction with the filing of my application forms to the Judicial Selection Commission.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? n/a.
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? The only contact either directly or indirectly by me to members of the General Assembly has been to announce my candidacy and information regarding my qualifications.
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.

Maité Murphy

Sworn to before me this 24th day of Sept., 2008.

Pennie Falden

Notary Public for S.C.

My Commission Expires: 1/24/2011

**JUDICIAL MERIT SELECTION COMMISSION
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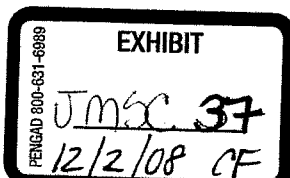
Court, Position, and Seat # for which you are applying: Circuit Court, 1st Judicial Circuit, Seat 1.

1. NAME: Mr. Edgar Warren Dickson
BUSINESS ADDRESS: Suite 420, 1201 Main Street, Columbia, S.C. 29201
E-MAIL ADDRESS: (work) edickson@gs.sc.gov
BUSINESS NUMBER: (803) 734 1268

2. Date of Birth: 1950
Place of Birth: Kingstree, 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 November 17, 1973, to Lessie Gayle Floyd Dickson. Never divorced. Two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) University of South Carolina, 1968 to 1972, A.B. English;
 - (b) University of South Carolina, School of Law, 1974 to 1977, 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.
South Carolina, 1977.
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.
I worked my way through undergraduate school as a work study student at the South Caroliniana Library at USC from my second semester until the summer of my graduation. Beginning my second semester at law school until graduation, I worked for Georgaklis and Korn, a law firm in Columbia. I had no leadership positions while attending school, but I had plenty of work experience and responsibility.
10. Describe your continuing legal or judicial education during the past five years. Include **only** the title and date of any continuing legal or judicial education course completed.

Conference/CLE Name

Date(s)



(a)	Criminal Law Update, Part 1	01/25/08;
(b)	Ethics for Government Lawyers	11/09/07;
(c)	Beginning Westlaw Training	09/17/07;
(d)	SCIRF Law Enforcement Defense	11/17/06;
(e)	SCARLA Seminar & Annual Meeting	09/22/06;
(f)	Trial and Appellate Advocacy	01/28/06;
(g)	21 st Annual Criminal Law Update	01/27/06;
(h)	Fourth Annual Civil Law Update	01/27/06;
(i)	Solutions to Most Common Ethical Challenges	12/19/05;
(j)	Advanced Workers' Compensation	02/24/05;
(k)	Trial & Appellate Advocacy	01/22/05;
(l)	20 th Annual Criminal Law Update 250188	01/21/05;
(m)	20 th Annual Criminal Law Update 250189	01/21/05;
(n)	Revised Lawyer Oath CLE	11/05/04;
(o)	ASCCA 222 nd Annual Seminar	11/04/04;
(p)	IP Law-What Every Gunfighter	02/27/04;
(q)	Torts & Insurance Practices	01/24/04;
(r)	19 th Annual Criminal Law Update	01/23/04;
(s)	Practice Builder-Overview	10/06/03;
(t)	SCTLA 2003 Annual Convention	08/07/03;
(u)	SC Workers' Compensation Law	05/30/03;
(v)	ASCCA 6 th Annual Spring Seminar	05/02/03;
(w)	18 th Annual Criminal Law Update	01/24/03.

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

If so, briefly describe each course or lecture.

As attorney for the Second Injury Fund I taught a CLE on guidelines for recovery against the Fund. As attorney for CIO, I spoke at a State employee conference on employee ethics.

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

I was a speaker at CLE program and provided an outline and case law on recovery against the Second Injury Fund in the late 1980's. The outline was included in the CLE materials. I do not have a copy.

13. List all courts in which you have been admitted to practice and list the dates of your admission.

South Carolina Supreme Court, 1977; I was admitted to practice in the US Federal District Court, but never practiced in Federal court other than one bankruptcy case in the late 1970's.

Give the same information for administrative bodies that require a special admission to practice. N/A.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated.

Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

- (a) 1977-1978: Georgaklis and Korn: mainly a real estate practice, loan closings and foreclosures in every county in this state; some domestic litigation;
- (b) 1978-1982: Sole practitioner for a few months before creating a partnership of Clawson, Dickson and Wilson. We were a small general practice doing real estate and domestic and plaintiff's litigation;
- (c) 1982-1985: Attorney General's office: Worked in the child support section. This involved litigation in Family Court. I averaged fifty hearings a week. Since HLA blood tests and DNA tests were not used when I began, paternity trials were commonplace;
- (d) 1985-1987: The child support section was transferred to the Department of Social Services. I continued to try the same cases. Management duties were added and I was charged with coordinating child support collections for a number of assigned counties in the midlands;
- (e) 1987-1991: General Counsel for the Second Injury Fund. I defended the Fund against claims of insurance carriers for reimbursement. Later I also defended the Uninsured Employer's Fund from the claims of injured workers. The cases began at a hearing before the a single commissioner and appeals continued from the full commission, to circuit court, to Court of Appeals and finally to the Supreme Court;
- (f) 1991-2006: Charles H. Williams, P.A. in Orangeburg. This firm specializes in plaintiff's litigation and criminal defense. However practicing law in a small city required providing general legal services to our clients. I began handling real estate closings and litigation and claims of injured workers before the Workers' Compensation Commission. Additionally I tried cases in Family Court, and Circuit Court. In General Sessions, I defended and assisted in criminal defense cases and in Common Pleas I defended accident cases and assisted in plaintiff's cases;
- (g) 2006: Attorney for the Chief State Information Officer: This involved contract preparation and negotiation in information technology and advising and participating in procurement hearings;
- (h) 2006-present: Attorney and Assistant Director for General Services Division of the Budget and Control Board. I advise staff on legal matters and participate and monitor law suits involving General Services. I also manage all real estate owned or leased by the State of South Carolina and appear before the Joint Bond Review Committee and the Budget and Control Board.

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

- (b) If you are a candidate for **Circuit Court**, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, 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.

In criminal cases I have been involved in all aspects of criminal litigation from the bond and preliminary hearings through the trial. I have assisted in the representation of people charged with murder and their pleas or trials. In the last five years, I defended a man charged with burglary and he was found guilty. I defended a young man charged with distributing crack cocaine and he was found not guilty. I assisted in the defense of a young man charged with murder and he was found not guilty. During that time I was also appointed to defend other people with various charges including manslaughter that resulted in pleas. I was also appointed by the Court of Appeals to represent a young man convicted of bank robbery. The issue on appeal was the whether it was proper for the line-up to be introduced into evidence at the trial.

In civil cases I have likewise tried and represented clients in the variety of cases heard by a Circuit Court judge. I have argued for and against motions. I have argued appeals from the workers compensation commission, probate court and magistrate court. I have tried accident cases representing the defendants and assisted in trials representing plaintiffs. I have tried post conviction relief cases. My earliest civil trial experience was in Family Court representing the Attorney General's Office trying paternity cases and prosecuting rules to show cause hearings for non-payment of child support. Later as attorney for the Second Injury Fund I began trying and defending claims against the Fund. These cases usually involved appeals at least to the Circuit Court and often to the Court of Appeals or the Supreme Court.

15. What is your rating in Martindale-Hubbell? BV.

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

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

- (a) federal: none;
 - (b) state: Before I began working for the State in 2006, I appeared at least twice a week in some level of courts. This estimate includes appearing in Magistrates Court, Probate Court, Equity Court, Family Court, Circuit Court, Court of Appeals, and Supreme Court.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 80%;
 - (b) criminal: 15%;
 - (c) domestic: 5%.

These are the percentages before I left private practice in 2006.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury? These are private practice percentages prior to leaving in 2006:
- (a) jury: 5 to 10%;
 - (b) non-jury: 90 to 95%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? During the actual appearances, I was most often sole counsel.

19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

- (a) I represented Ralph Ellison in his workers compensation claim for total disability. This case was significant because the decision established that claimants were entitled to benefits under SC Code Section 42-9-400. This code section allows for recovery for the combined effects of a pre-existing permanent impairment with a subsequent injury at work. Ellison v. Frigidaire Home Products, Inc., 371 S.C. 159, 638 S.E.2d 664, (S.C., 2006);
- (b) I represented the Second Injury Fund in a case to establish the statute of limitations requirements in actions against the Fund. It was significant in that the decision defined the time in which actions could be brought against the Fund. Greenwood Mills v. Second Injury Fund, 315 S.C. 256, 433 S.E.2d 846, (S.C., 1993);
- (c) I represented a young man charged with distribution of crack cocaine. Under considerable pressure by the Solicitor's office and the Court to accept a plea, my client maintained his innocence. The jury found him not guilty. The case was significant to me because it reaffirmed my faith in the jury;
- (d) I assisted in the representation of a young man charged with murder. The State had some compelling evidence, but the young man maintained his innocence. It was significant to me because a murder case can be

emotionally draining and time consuming but you have to remain calm and energetic throughout the trial;

- (e) I was asked to sit as a Special Referee by two attorneys from different counties who had a case in Orangeburg. The case required at least two days of testimony. The case was significant to me because I appreciated the lawyers' reliance on my judgment and I experienced what it was like to manage a trial.
20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. **If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).**
- (a) Ellison v. Frigidaire Home Products, Inc.; Supreme Court; November 20, 2006; 371 S.C. 159, 638 S.E.2d 664;
- (b) Windham v. Riddle; Court of Appeals; August 7, 2006; 370 S.C. 415, 635 S.E.2d 558;
- (c) Ulmer v. Ulmer; Supreme Court; July 3, 2006; 369 S.C. 486, 632 S.E.2d 858;
- (d) United Technologies v. South Carolina Second Injury Fund; Supreme Court; April 3, 1995; 318 S.C. 213, 456 S.E.2d 901;
- (e) Greenwood Mills, Inc. v. Second Injury Fund; Supreme Court; July 6, 1993; 315 S.C. 256, 433 S.E.2d 846.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter. The State v. Chancey; Court of Appeals; December 22, 2004; an unpublished opinion cited as 2004-UP-654.
22. Have you ever held judicial office? No
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. N/A.
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.
- (a) 1972-73: English grammar and eighth grade math teacher and boys' varsity basketball coach at Williamsburg Academy in Kingstree, S.C.;
- (b) 1973-74: Reading teacher and eighth grade boys' basketball coach at Hopkins Junior High School in Hopkins, S.C.

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.
- (a) Montgomery Dickson, LLC. My mother, brother and sisters own our family beach house at North Myrtle Beach under this LLC. I manage the actual upkeep of the house. My brother handles the money;
 - (b) Evans Clan, LLC owns a small house in Williamsburg County where we hold a family reunion every Thanksgiving. I have no duties other than contributing to the upkeep;
 - (c) First Citizens Bank, Orangeburg branch's advisory board. It is for communication and business development. My term is ongoing.
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.
- The only potential conflict would be if prior clients appeared before me. In those cases I would have to be disqualified. If I had other potential conflicts of interest, I would advise the parties and their attorneys of the potential conflict and explain my interest. I would allow them to move for recusal if they felt it was necessary or sign a statement allowing me to hear the case if they did not believe recusal was necessary.
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. I did have a speeding ticket (violation of Town ordinance), ticket # 44746, in the Town of Turbeville for \$128 in March, 2008.
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? A state tax lien for \$495.30 was filed on August 16, 1993, and satisfied on August 26, 1993. Have you ever defaulted on a student loan? No. Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally? Yes, personally. A car drove into my lane and sideswiped me. Nearly six years later in the mid-1980's I was sued. I do not remember the name of the plaintiff. I advised my carrier not to pay a cent to settle the case. I never heard anything further and was never contacted again.
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. There are 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. There are 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 as of this date.
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. There are none.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No. Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) SC Bar Association;
 - (b) Orangeburg County Bar Association. President, Vice President and Secretary-Treasurer. I held those offices in the 1990's;
 - (c) American Trial Lawyers (until 2006);

- (d) Association of SC Claimant Attorneys for Workers' Compensation (until 2006);
 - (e) SC Trial Lawyers Association (until 2006).
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) First Presbyterian Church, Orangeburg, S.C.: Presently and in the past I have been an Elder;
 - (b) Orangeburg Presbyterian Church Society. Presently I am the President and in the past was the Vice President;
 - (c) Medical Missions, Columbia S.C. I am on the Board of Trustees;
 - (d) Saint Andrews Society of Columbia, S.C.: I am the lawyer (honorary) for the society. It requires no duties other than to make a humorous report on the legal status of the members at the annual dinner;
 - (e) The Society of the High Hills of the Santee;
 - (f) Rotary (until 2006). I was on the Board and was Care and Concerns chairman.

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.

One benefit of life is the experiences that enable you to understand and learn from events and provide guidance to yourself and others. I practiced law for 31 years and had the benefit of representing people from all walks of life. During that time I had the opportunity to try or to assist in trying all types of cases except death penalty, medical malpractice and class action law suits. Teaching and coaching assisted me in preparing to try cases because you gain and control the attention of 12 to 25 people, maintain their interests and convince them of your position. Law school provided me with knowledge of the law or how to obtain that knowledge. However you learn to try cases by doing it. You also learn to win cases in court and not on appeal. This requires an emphasis on the dynamics of the interaction of the people who are involved: the judge, the lawyers, the parties, the witnesses and the jury. It is a fluid situation that requires attention at all times. Trials are where matters in dispute are solved and no interruptions are allowed until the verdict or decision is rendered. I respect jurors. Juries have decided with me and against me and somewhere in between, but in retrospect they have been right. I was fortunate to appear before many judges and although they did not always agree with my arguments, they listened attentively to my position.

I understand the anger and fear of victims and their families and the fear and worry of defendants charged with crimes. I had a first cousin's daughter murdered and I defended murderers, my elder son was robbed at gunpoint and

I defended robbers, my house was burglarized and I defended burglars. As a judge my role would be to preside over an orderly court, advise jurors so that they understand and are comfortable with the process, encourage young attorneys, listen to the positions of the parties and their witnesses, work well with court personnel, and be considerate of the pressures on the practicing attorneys.

49. References:

- (a) Luther J. Battiste, III, Esq.
Johnson, Toal & Battiste, PA
P.O. Box 1431
Columbia, S.C., 29202
803 252 9700;
- (b) Edwin E. Evans, Esq.
General Counsel, State Budget and Control Board
P.O. Box 11608
Columbia, S.C. 29211
803 734 1262;
- (c) Gail R. Fogle, Senior Vice President
First Citizens
1099 Russell Street
Orangeburg, S.C. 29115
803 533 4417;
- (d) Reverend Doctor Barry L. Jenkins
First Presbyterian Church of Florence
700 Park Avenue
Florence, S.C. 29501
843 662 2583;
- (e) Charles H. Williams, Esq.
Williams and Williams
P.O. Box 1084
Orangeburg, S.C. 29115
803 534 5218.

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/Edgar Warren Dickson

Date: 09/25/08

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

Circuit Court
(New Candidate)

Full Name: Edgar Warren Dickson
Business Address: Suite 420
1201 Main Street
Columbia, S.C. 29201
Business Telephone: 803 734 1268

1. Why do you want to serve as a Circuit Court judge?
I have practiced law for thirty-one years and would like to use that experience to serve in the circuit court. I enjoy the courtroom environment and believe that I can be of service to the community, the parties and the lawyers who appear in court. I understand and appreciate the pressures on the lawyers and the nervousness and anticipation of the parties. I would appreciate the opportunity to assist in resolving the cases that would come before me.
2. Do you plan to serve your full term if elected? Yes.
3. Do you have any plans to return to private practice one day? No.
4. Have you met the 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?
My philosophy is that there should never be *ex parte* communications. With all the ways to stay in contact there is no reason all parties cannot be contacted to discuss an issue or problem. Unless there is a specific instance where *ex parte* communications are allowed by law, they should not happen. In circumstances where *ex parte* communications are allowed by law, a hearing should be held as soon thereafter as possible or within 48 hours of 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?
Regarding recusal, other lawyers should be aware of who my former law partners were and make an appropriate motion if they believe it is necessary. I would be inclined to recuse myself rather than have any legal proceeding questioned. However I have not practiced law with anyone in Orangeburg since 2006 and have no involvement in any private cases. Lawyer – legislators are involved in the election of all judges, so granting recusal solely on those grounds would effectively make lawyer-legislators unable to practice law. So recusal in that situation would be rare without a better reason to accompany the motion
7. If you disclosed something that had the appearance of bias, but you believed it

would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I would give the party making such a motion considered deference because the court should avoid even the appearance of impropriety or any implication that would taint the legal process. Whether I would grant the motion would depend on the circumstances, the seriousness of the possible bias, the importance of the hearing and whether granting the motion would delay other legal matters. I would consider these matters seriously and be inclined to grant such a motion, but would not commit to granting such motions on all occasions. I would make my reasoning clear on the record regardless of my decision.

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 not hear cases involving your spouse or a close relative.

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

Even I my current state job, I don't accept gifts. I would not accept gifts if I become a judge. My belief is that a judge must be discrete in accepting social hospitality and maintain decorum in social situations. Judges in public must take care in how they act and present themselves. People will form opinions about a judge based on actions outside the courtroom as well as inside. Additionally, the public is more likely to be involved with a judge away from court. As a result a judge should always be courteous and calm because people expect you to act like a judge.

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

I would have to report it. However I would be inclined to first contact the lawyer or fellow judge, bring it to their attention, and allow them to self-report it. If they failed to do so, I am required to report misconduct.

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

No.

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

No.

13. If elected, how would you handle the drafting of orders?

I would advise the parties at the same time of my decision, explain the parameters of my decision, and who is to draft the order. The drafting lawyer should prepare and send an electronic and hard copy of the proposed order to the judge. At the same time a copy should be sent to the other lawyer to review. I would wait a week. If other lawyer believes there are errors or deviations contained in the proposed order, he should contact the drafting lawyer. They should then contact me to resolve those issues. The electronic copy of the order would allow me to make any changes that I believe are appropriate. No conversations or communications would be *ex parte*.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
A calendar and tickler systems both on paper and in a computer.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Judges should hear and decide only the cases that are active controversies that come before them to be heard. Those decisions should be based on the facts and the law in each case. Judges should not be promoting any public policy other than justice for the parties that appear in court based on the existing law.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?
I haven't made any plans, but would be happy to talk to civic, educational and legal groups about the problems facing the legal system or work to improve the legal system.
17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?
Being a judge is stressful, however, I do not believe it would strain my personal relationships with my family and friends. Practicing law is also stressful. To cope with stress it is important to keep the problems from the office at the office and not bring them home. It also important to deal with stress through exercise, enjoying a hobby or fellowship of friends and family, doing good works (mission trips) and having something to look forward to (wedding, a trip, etc.). Other activities and interest keeps your life balanced and helps manage stress.
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: Once a offender has determined to be guilty, his previous record must be given consideration. Sentencing should get their attention in an attempt to change their pattern of behavior. As a result, you would have to review their history, get input from agencies that have worked with them (i.e. probation, counselors, etc.) and try and discover an appropriate way to stop the behavior and protect the community.
 - b. Juveniles (that have been waived to the circuit court): The law provides that juveniles who choose to act like an adult will and should be treated like an adult.
 - c. White collar criminals:
They should be treated just like any other offender who has violated the law.
 - d. Defendants with a socially and/or economically disadvantaged background: I am sympathetic to people that are disadvantaged; however, criminal behavior cannot be excused simply based on your background,

e. Elderly defendants or those with some infirmity:

The behavior of any person cannot be an excuse. However, sentencing requires serious consideration because the effects of sentencing may be magnified on the elderly or infirm. For example, a five year sentence on a man of seventy may be a life sentence. This does not mean that their actions are forgiven or excused, only that care in sentencing is important.

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?
Thoughtful, calm, courteous, inquisitive, intuitive. It is important that a judge can make people comfortable when they appear before him and that they believe they will be treated fairly and justly.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
These rules would apply 24/7 because the actions of a judge are always on display.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? No. Is anger ever appropriate in dealing with attorneys or pro se litigants? No. If a judge gets angry, he risks losing perspective and control of his courtroom. Anger may be or seem justified, but it is never appropriate.
26. How much money have you spent on your campaign? \$22.40 for copies. If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
N/A
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/Edgar Warren Dickson _____

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

Notary Public for S.C.

My Commission Expires: 11/14/2010 _____

Exhibit #

December 2, 2008

Judicial Merit Selection Commission
P. O. Box 142
Columbia, SC 29202

RE: Amendment to Question 31; Personal Data Questionnaire

Dear Mr. Chairman:

Please let the letter serve as my request to amend my answer to Question # 31 in the Personal Data Questionnaire from "No" to "Yes."

Respectfully submitted,



Edgar Warren Dickson
1225 Carolina Avenue
Orangeburg, SC 29115

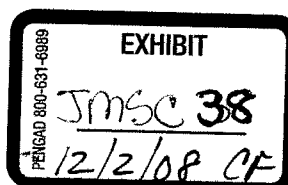


Exhibit #

December 2, 2008

Judicial Merit Selection Commission
P. O. Box 142
Columbia, SC 29202

RE: Amendment to Question 8; Sworn Statement

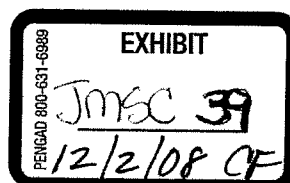
Dear Mr. Chairman:

Please let the letter serve as my request to amend my answer to Question # 8 in the Sworn Statement from "your spouse" to "my spouse."

Respectfully submitted,



Edgar Warren Dickson
1225 Carolina Avenue
Orangeburg, SC 29115



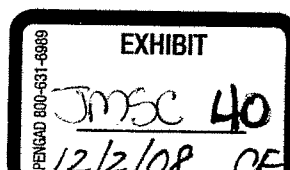
**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Ms. D'Anne Haydel
BUSINESS ADDRESS: 2915 Broughton St.
Orangeburg SC 29115
BUSINESS NUMBER: (803) 534-4487

2. Date of Birth: 1958
Place of Birth: Amarillo, Texas
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on September 25, 1980, to Donald K. Walter. Never divorced. Two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Univ. of South Carolina School of Law, 08/1981-05/1984 – JD;
 - (b) Louisiana State University, 08/1976-12/1979 - BA;
 - (c) Midwestern State University, 05/1976-06/1976, attended as jump start on college credits.
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.
 - (a) South Carolina - 05/06/1996 to present;
 - (b) Texas - 05/09/1986 (resigned after admittance to SC Bar);
 - (c) Georgia - 11/30/1984 (resigned after admittance to SC Bar).
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.

<u>Louisiana State University Activity</u>	<u>Dates</u>
(a) News Director of campus radio station WLSU Host of a weekly, hour long, live public affairs radio program on WLSU which included a separate program interviewing each candidate running for governor of Louisiana;	1978-79
(b) Assistant News Director, WLSU radio station	1978;



- (c) Reporter, WLSU radio station 1978;
 - (d) Announcer, WLSU radio station 1977;
 - (e) Member Zeta Tau Alpha social fraternity 1976-1979.
- | <u>Univ. of South Carolina School of Law Activity</u> | <u>Dates</u> |
|---|--------------|
| (a) Law School Follies performances | 1982-1984; |
| (b) Law Review, member | 1982-1984; |
| (c) Law Review Editorial Board, Articles Editor | 1983-1984; |
| (d) Moot Court Bar, Member | 1983-1984; |
| (e) Jessup Cup Internat'l Moot Court Team (USC) | 1983-1984. |

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) 2002 SCAC Attorneys Annual CLE	08/01/2002;
(b) Orientation for ATA to ODC	12/12/2002;
(c) Law Enforcement Defense Counsel	10/03/2003;
(d) 2003 SC Local Govt Attys Institute	12/12/2003;
(e) Lay GAL Training	03/04/2004;
(f) GAL Training	03/05/2004;
(g) 2004 SCAC Attorneys Annual CLE	08/05/2004;
(h) Revised Lawyer's Oath CLE	08/06/2004;
(i) A Primer on Economic Development	02/11/2005;
(j) Orientation Training for Local Planning/Zoning Officials & Employees	05/12/2005;
(k) 2005 SCAC Attorneys Annual CLE	08/04/2005;
(l) Orientation Training for Local Planning/Zoning Officials & Employees	08/23/2005;
(m) Eminent Domain	01/31/2006;
(n) Zoning & Land Use	11/29/2006;
(o) 2006 SC Local Govt Attys Institute	12/08/2006;
(p) 2007 SCAC Attorneys Annual CLE	08/02/2007;
(q) Training for Attys Appointed in DSS Abuse & Neglect Cases	08/17/2007;
(r) 2007 MASC Annual CLE	12/07/2007;
(s) 2008 SCAC Attorneys Annual CLE	07/31/2008.

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

- (a) 12/05/2008
Scheduled to speak at 2008 SC Muni. Attys. Assoc CLE
Ethical Considerations: Confidentiality & Your City Council;
- (b) 12/07/2007
Civility and Professional Responsibility for Lawyers
Presented at the 2007 SC Municipal Attorneys Assoc. CLE;

- (c) 06/22/2007
Professional Ethics: A Primer (or Will You Still Be Ethical in the Morning?)
Presented at the SC Bar CLE Div. Government Law Update;
 - (d) 08/05/2004
County Issues Panel Member regarding ordinances vs. resolutions, public records on the internet and dealing with elected officials
Presented at 2004 SCAC Attorneys Annual CLE;
 - (e) 10/03/2003
Ethics 101;
 - (f) Presented at the 2003 SC IRF Law Enforcement Defense Counsel CLE;
 - (g) 08/01/2002
Professional Conduct for S. C. Lawyers: A Primer;
 - (h) Presented at 2002 SCAC Attorneys Annual CLE.
12. List all published books and articles you have written and give citations and the dates of publication for each.
"Bildisco: Are Some Creditors More Equal Than Others?" 35 S.C. Law Rev. (1984).
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) State courts of South Carolina, 1996 or 1997 to date
I have not been able to locate the document I submitted that certified my compliance with Rule 413, but I completed that requirement in either 1996 or 1997;
 - (b) State courts of Texas, 1986 through 01/05/1999;
 - (c) State courts of Georgia, 1984 through 01/04/1999;
 - (d) The following Texas federal courts – The end dates are all contemporaneous and are unknown other than a date after September, 1995 (after I relocated from Texas to South Carolina):
 - (i) US District Courts, Southern District of Texas beginning 10/17/1986;
 - (ii) US District Courts, Northern District of Texas beginning 01/19/1990;
 - (iii) US District Courts, Eastern District of Texas beginning 11/05/1990;
 - (iv) US District Courts, Western District of Texas beginning 11/14/1990.
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) Judicial Law Clerk - 08/15/1984 – 08/15/1986

I served as the sole judicial law clerk to Judge Sol Blatt, United States District Court for the District of South Carolina, Charleston Division. Judge Blatt had the option to have two law clerks or one law clerk and a driver. He chose the latter. All other judges in the District of South Carolina operated with two judicial law clerks. I point this out, because I believe it is an objective indicator that by the time I completed the clerkship, I had been exposed to a wealth of pre-trial, trial and post trial matters from the perspective of the bench.

In sum, I was steeped in all judicial aspects of criminal and civil trial work during this time, including pre-trial matters, trial matters (evidence issues, drafting jury instructions, drafting findings of fact and conclusions of law, etc.), and post-trial matters. The highlight of my clerkship with Judge Blatt was assisting in a two-week trial that involved 16 defendants (each of which had his/her own legal counsel) in a criminal case arising from the importation and distribution of heroin and cocaine.

At the time, I did not know that Judge Blatt was different than most judges. After my clerkship concluded and I went on to a trial practice of my own, I awoke to the fact that Judge Blatt had a very special quality: an exemplary judicial presence. Surely, he exhibited every quality described in Canon 3B of the Code of Judicial Conduct, but he excelled as to those listed in (3): *always* patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom he dealt in his official capacity. His judicial presence was an inspiration (1) to his staff to exhibit these same admirable qualities and (2) to those appearing before him to be confident in the court process. Especially in trial, he treated each matter as if it were his only matter of concern, never as if it was just the next case. To put a fine point on it, as to these honorable judicial qualities, Judge Blatt was the master from whom I learned everything I know.

(b) Associate - 08/1986 – 12/31/1992

After leaving Judge Blatt, I joined the law firm I had clerked for during law school, Porter & Clements, as an associate in the litigation section. Porter & Clements was a full-service law firm composed of approximately 40-50 lawyers, located in the 4th largest city in the United States, Houston, Texas. I was one of eight associates in my class, and the only one in that class to be voted into the partnership. At the time I became a partner, I was the second woman to be voted into the partnership.

During my 6 years as an associate, I handled general civil litigation matters. This experience included: legal research, writing and editing (legal memoranda, pleadings, motions, correspondence, settlement agreements, proposed orders); propounding and responding to written discovery; defending and taking depositions; acting as sole advocate

and as a member of trial teams in hearings (including motion appearances), trials, mediations, and arbitrations.

My court experience included about two years of regular solo appearances in federal district court seeking injunctions in trademark infringement cases. The pinnacle of my court experience was being second chair in a two-month long jury trial arising from the longest, uncontrolled oil and gas well blowout in history. (The blow out was not brought under control for over 18 months.) The heart of the matter was persuading the jury as to the likely cause of the blow out, since the blow out itself left the structure in pieces.

(c) Partner - 01/01/1993 – 07/1993;

(d) Founding Partner - 07/1993 – 12/1994

Shortly after becoming a partner with Porter & Clements, a significant portion of the litigation section of the firm decided to split off from its full service roots and establish what was referred to at that time as a "litigation boutique." The movers of this action invited me to join them as a founding partner and I accepted. As a result, I became one of the eight founding partners of Clements, O'Neill & Pierce which was a law firm composed of approximately 25 trial lawyers located in Houston Texas. I was the sole woman partner in the partnership.

The highlight of my court experience as a partner was my representation of General Electric (a materials supplier) in the Harris County toxic tort/products liability breast implant litigation. As a result of breast implants being developed in Houston, Texas, Harris County is where the first breast implant case was filed and the majority of breast implant cases ended up being filed until a couple of years later when a class action was certified in federal court in another state.

The first breast implant case was tried in Harris County. It was a two-week trial that culminated in a multi-million dollar verdict. At the time of that trial, I had obtained a non-suit for my client, and the case went to trial against the product manufacturer. Nonetheless, my client had many other breast implant cases pending against it, and so directed me to personally observe this first trial, including pre-trial and post-trial hearings. This experience exposed me to the practice of trial lawyers who already had notable national reputations.

Before I resigned my partnership to return to South Carolina with my husband, I was the attorney in charge of a large case load of breast implant cases (1,200+ plaintiffs in eight south Texas counties). After the cases were consolidated to Harris County, the presiding judge directed the plaintiffs' bar and the defense bar to name representatives to a liaison committee. This committee of attorneys would be included in all hearings on every procedural aspect of the consolidated litigation, and would be responsible for briefing non-committee lawyers. The defense liaison committee was composed of five (5) attorneys. I was

chosen as the supplier defendants' representative to the defense liaison committee.

(e) Sole Practitioner - 05/1996 to present

After my husband finished his Ph.D. and post-doctoral work, he wanted to return to South Carolina. We agreed to make that move together. As a result, I studied for and took the South Carolina Bar Exam, and upon completion of my Rule 413 requirements, I opened an office as a sole practitioner.

In May, 1998, Orangeburg County engaged me to act as the Orangeburg County Attorney. While I have other clients, the vast majority of my practice involves rendering legal services to Orangeburg County, Orangeburg County Council, the Orangeburg County Sheriff's Office, and the Orangeburg-Calhoun Regional Detention Center ("Orangeburg Clients"). These legal services include overseeing insurance defense counsel in a case load that, year-in and year-out, consistently numbers approximately 50 cases, representing the Orangeburg Clients in most of their uninsured case matters as lead counsel in court, and a great deal of work of a "General Counsel" nature.

As to my non-Orangeburg County clients, my services are solely related to court matters, including acting as sole legal counsel to parties in various lawsuits in Circuit and Family Court, and acting as guardian ad litem in Family Court matters to minor children or adults who have competency issues.

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.

Please refer to my response to Question 14, above.

In addition, I would note that I am well-aware that I would need to immediately concentrate my efforts on re-familiarizing myself with criminal procedure if I become a Circuit Court judge. Given my experience as Judge Blatt's law clerk, I am ready, willing and confident that I am able to do that.

15. What is your rating in Martindale-Hubbell?

I do not subscribe to nor fill out biographical information for Martindale-Hubbell. As a result, I do not know if I am listed, but do not believe that I am.

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

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

(a) federal: None;

(b) state: Several times a month in Family Court, including non-jury trials. Approximately 6 non-jury trials a year referred from Circuit Court to the Master-In-Equity, Infrequently in Circuit Court, Infrequently in Summary Court.

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

(a) civil: As to civil litigation matters, about 10% of my overall practice during the last five years;

(b) criminal: None as to courtroom work (As County Attorney, I represent the Orangeburg County Sheriff's Office and the Orangeburg-Calhoun Regional Detention Center in non-criminal matters, but I do not act as the trial lawyer for either, except as to Summary Court matters.);

(c) domestic: As to domestic matters, solely DSS abuse and neglect cases which represents about 10% of my overall practice during the last five years.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?

(a) jury: None;

(b) non-jury: Civil (Circuit & Summary) - the majority of those served. Family Court - approximately 10%.

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

19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) DSS v. Mary Smith, et al, 2008-DR-38-312

This is a termination of parental rights (TPR) case that followed a two-year proceeding concerning parental abuse and neglect of a minor child. After a trial of the TPR case, the court took the matter under advisement. The court ultimately issued an order that several grounds existed per parent for TPR; however, the court denied TPR on the ground that TPR was not in the best interest of the minor child. In reaching its decision, the court found that there was no proof of prospective adoption for the medically fragile minor child and, therefore,

concluded that TPR would not ensure future stability for the minor child.

(b) DSS v. Deborah Livingston, et al, 2007-DR-09-0014

This was an intervention case in which the court bifurcated the case into a phase regarding intervention and a phase regarding the mother's counterclaims. At the conclusion of the trial of the first phase, the court denied intervention on a "no evidence" basis. For the second phase, with the agreement of all counsel, the court took the matter under advisements, reviewed written briefs, and viewed evidence *in camera*. At the conclusion of the second phase, the court issued an order finding, *inter alia*, that (1) the computerized records of DSS contained an error that the court then ordered to be corrected and (2) that there was probable cause to believe that the original reporter acted maliciously or in bad faith in making the report. As a result, of the second finding, the court disclosed the identity of the reporter.

(c) Marin Properties, LLC v. Ministry of Reconciliation, et al, 2004-CP-38-0581

This case arose from a delinquent tax sale. The court issued a final order including, *inter alia*, (1) a complete, step-by-step analysis of a charitable tax exemption application and resulting exemption in the context of a delinquent tax sale and (2) a finding that the defendant county's written settlement letter offered full compensation and, therefore, stopped pre-judgment interest from accruing against the county from the date of the letter forward.

(d) Orangeburg County v. Jimmie D. Fogle, 2007-CP-38-1074

This case arose from a landowner's self-help measure of erecting a barricade across a dirt road. The court issued a Rule to Show Cause and, at the conclusion of the hearing on the Rule, ordered the landowner to remove the barricade and temporarily enjoined the landowner from interfering with the status quo use of the road by the motoring public. In issuing its ruling, the court considered the landowner's assertion that he owned the land under the road and the county's evidence in support of implied dedication.

(e) Ex Parte Michael P. Horger and Stanley V. Kizer, Petitioners, In Re: Road Closing, 2002-CP-38-1177 ("Vincent Road Case")

Petitioners sought to close a particular portion of a road named Vincent Road ("Road"). At the conclusion of the trial, the court denied Petitioners' request to close the Road, and ordered the Road to remain open for public use. In reaching those conclusions, the court found that, regardless of land ownership, the public acquired the right to use the Road by implied dedication, and that the private interests of the landowners did not outweigh the substantial public interest in keeping the Road open. The evidence detailed impairment of the rights of those with an interest in area residences, leased farm land, a private cemetery,

and the adverse impact on the health (EMS response time), safety (fire protection and law enforcement response times) and educational rights (school bus route) of area residents.

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
None (I was listed as counsel in the Vincent Road Case, but the briefing was handled by counsel for the school district.).
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None.
22. Have you ever held judicial office? No.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. Not applicable.
24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. No.
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?
Not since I began law school in 1981.
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.
Not other than my law practice.
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.
- (a) Financial Arrangements
I do not believe that I have or have had any financial arrangements that could constitute or result in a possible conflict of interest in the position I seek;
- (b) Business Relationships
I have represented the County of Orangeburg, Orangeburg County Council, Orangeburg County Sheriff's Office, and the Orangeburg-

Calhoun Regional Detention Center for over 10 years as the Orangeburg County Attorney. As a result, those business relationships could constitute or result in a possible conflict of interest in the position I seek. I would resolve any potential conflict of interest in accordance with the Commentary to Canon 2A of the Judicial Code of Conduct and Canon 3E and 3F.

In addition, my appointed representation in DSS abuse and neglect matters may constitute or result in a possible conflict of interest if those I was appointed to represent ever appear as parties or witnesses in circuit court. I would resolve any conflict or potential conflict of interest in accordance with the Commentary to Canon 2A of the Judicial Code of Conduct and Canon 3E and 3F.

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 my personal capacity, as the driver of a car involved in an automobile accident. My insurer, State Farm, settled the case between the date of service of the summons and complaint and the deadline to file an answer.
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. Not applicable.
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. Not applicable.

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.

Prior to and through the filing this Personal Data Questionnaire with the JMSC, there are 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?

The answer is no as to both questions.

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?

The answer is no as to both questions.

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. No office held;

(b) South Carolina Association of County Attorneys ("SCACA"):

(i) President, Term;

(ii) President, Term;

(iii) Vice President, Term.

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) The South Carolina Conference of the United Methodist Church, Certified Lay Speaker (approximately 2001 to present);

(b) Wesley Chapel, United Methodist Church, Calhoun County, SC:

(i) Church Lay Leader;

(ii) Adult Sunday School, teacher (approximately September 1998 through August, 2008);

- (iii) Typist of weekly church worship bulletin (2006 to date);
 - (iv) Children's Church, Founder (approximately 2003), Leader (September, 2003 through May, 2006);
 - (v) Vacation Bible School (Joint Charge), Music Leader (2008, 2007);
 - (vi) Cookie Ministry (Joint Charge), volunteer;
 - (vii) Annual Spring beneficiaries – residents of Calhoun County Convalescent Center;
 - (viii) Annual Winter beneficiaries - shut-ins of membership and community.;
 - (c) TOPS (Taking Off Pounds Sensibly) – Founding member of local chapter; Secretary 2008-2009.
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.
- (a) Attorney to Assist Disciplinary Counsel (approximately 2002 to 2009);
 - (b) As President of the SCACA, I handle all aspects of the organization's annual CLE program;
 - (c) Cum laude graduate of the University of South Carolina School of Law.
49. References:
- (a) Matthew W. Way
Regional President
(My contact: Becky Crider)
Community Resource Bank
P.O. Box 2166
Orangeburg SC 29116-2166
(803) 533-3400;
 - (b) Paul de Holczer, Esquire
216 Barton Bend Ln.
Columbia SC 29206
(803) 787-8118 (home);
 - (c) J. Williams Clark, Administrator
Orangeburg County
P.O. Drawer 9000
Orangeburg SC 29116-9000
(803) 533-6100;
 - (d) Charles M. Watson, Jr., Esquire
c/o Greenwood County
600 Monument St., Rm.102
Greenwood SC 29646
(843) 942-3140;
 - (e) Gregg Riley
P.O. Box 653

Swansea SC 29160
(803) 568-2739.

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/D'Anne Haydel

Date: 09/25/08

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

Circuit Court
(New Candidate)

Full Name: D'Anne Haydel
Business Address: 2015 Broughton St.
Orangeburg SC 29115
Business Telephone: (803) 534-4487 Office
(803) 534-2797 Fax

1. Why do you want to serve as a Circuit Court judge?
I want to return to a litigation-based practice full time; however, my life is no longer compatible with the vagaries of scheduling that accompany such a practice when performed in the role of advocate. My legal skill set (evidence, procedure, constitutional and statutory analysis) and my desire to return to a courtroom practice naturally point to service as a Circuit Court judge.
Before I entered into this process, I put this personal desire aside and reflected on this service from the perspective of those whose matters would be before me. My conclusion led me to pursue this process: I firmly believe that I would be a valuable asset to the Circuit Court bench.
2. Do you plan to serve your full term if elected?
Yes
3. Do you have any plans to return to private practice one day?
No
4. Have you met the 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?
My philosophy regarding *ex parte* communications is to fully comply with Canon 3.B.(7) of the Code of Judicial Conduct, including the limited circumstances described in the Canon under which such communications would be allowed, 3.B.(7)(a)(i) and (ii).
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 regarding recusal is to recuse when a failure to do so would give rise to the appearance of impropriety. I would use the recommended test for appearance of impropriety which is "whether the conduct would create in reasonable minds a perception that the judge's

ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired." Commentary to Canon 2.A. of the Code of Judicial conduct.

In addition, my philosophy regarding recusal would include fully complying with Canon 3.E. and 3.F. regarding disqualification.

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

I would give great deference to a party who requested my recusal under those circumstances, and would grant such a motion. The reason is that a judge must not only avoid all actual impropriety, s/he must avoid even the appearance of impropriety. The circumstances described in the question fall into the latter category, appearance of impropriety.

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

The same as I would handle the situation if involvement were mine and not that of my spouse or close relative. See previous responses regarding recusal and disqualification.

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

I would observe the standards set forth in Canon 4.D.(5)(a)-(e) and (h), and to the extent institutional loans, scholarships, fellowships, portraits or memorials can be construed as "gifts", then I would also observe Canon 4.D.(5)(f) and (g).

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

I would handle the situation in accordance with Canon 3.D. of the Code of Judicial Conduct.

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

No

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

No

13. If elected, how would you handle the drafting of orders?

I would request that each party/attorney submit a proposed order to me electronically in Word format, and I would use those documents to draft my own order.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

An electronic and a paper calendaring system.

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

It is the duty of legislative bodies to set and promote public policy. It is

the duty of the judiciary to apply the law to the facts, whether legislative enactments (codified public policy) or judicial opinions of stare decisis effect. It is my philosophy that "judicial activism" occurs when a judge usurps the legislative role of setting public policy by instituting new public policy via court order. This, in my opinion, is a violation of separation of powers. However, it is also my philosophy that, from time-to-time, legislative enactments and judicial opinions of stare decisis effect are ambiguous, and a lower court judge may be called upon to hear and decide arguments to bridge such ambiguity if it is at issue in a pending case. I do not consider that to be "judicial activism."

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

First and foremost, I plan to immerse myself in mastering all aspects of the law upon which, as circuit court judge, I would be called upon to have expertise. As to this task, I realize I have two subjects that would require my immediate and concentrated attention: re-familiarizing myself with (1) current jury instructions and (2) criminal procedure.

Second, I would hope to continue as public speaker on the subject of professionalism. In this regard, I view the Lawyer's Oath and the Rules of Professional Conduct to be good guides, but I also believe that the core of both should be the clear backdrop: lawyers are involved in powerful occupations as counselors, advocate or judges, and each of us should prioritize the spirit as well as the letter of our code of conduct over fame and fortune.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

No. However, I do believe that the feeling of isolation about which I have heard judges complain will be a strain. I have met the "isolation" factor before when I left practice in a law firm environment to be a sole practitioner concentrating in a limited subject matter, to-wit: as County Attorney, acting as general counsel to Orangeburg County. I solved the isolation issue by joining and becoming actively involved in all aspects of the SCAC Attorneys. I believe that I would join and become similarly active with circuit court and other judges if I become a circuit court judge and, thus, alleviate the "isolation" issue.

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:

Recidivism would be a factor in sentencing. I believe that it would cause me to bypass leniency and head for a stiffer sentence.

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

Young age would be a factor in sentencing, but would not be sentencing determinative.

c. White collar criminals:

The penalties for white collar crimes include factoring for the type of crime at issue. As a result, I would find no need to factor the idea that a crime is considered "white collar" into sentencing.

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

The requisite intent for each crime and the circumstances that are relevant to defenses would have been accounted for by the fact finder in determining the verdict. As a result, I do not believe that social or economic disadvantage would be a relevant factor in the sentencing phase.

e. Elderly defendants or those with some infirmity:

Old age and infirmity would be factors in sentencing, but would not be sentencing determinative.

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?

Yes as long as "*de minimus*" is defined in accordance with the same term in the Judicial Code of Conduct, to-wit: "[d]e minimus' denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality. See [Canon] 3E(1)(c) and 3E(1)(d).

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?

Neutral, attentive and courteous.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

As to neutral and attentive, no, this is not always required off the bench. As to courteous, this is and will continue to be my goal in all activities.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

No as to both questions.

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?

To date, I have not spent any money on my "campaign."

The second question is not applicable.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not applicable
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/D'Anne Haydel _____

Sworn to before me this 26th day of September, 2008. _____

Notary Public for S.C.

My Commission Expires: 9-14-2009 _____

