

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At- Large,
Seat 6

1. NAME: Mr. William Henry Seals, Jr.
BUSINESS ADDRESS: 208 West Dozier St.
P.O. Box 143
Marion, S.C. 29571
BUSINESS NUMBER: (843) 423-0446

2. Date of Birth: 1961
Place of Birth: Marion, S.C.

3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.

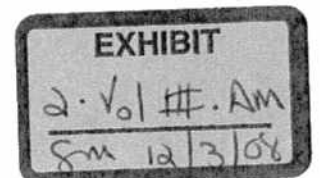
5. Family Status: Married on May 12, 1990, to Phoebe Anderson Richardson Seals. Never divorced. One child.

6. Have you served in the military.
No, however, my father was a U.S. Marine serving on Guam and Iwo Jima in WWII, and during the Korean War.

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) Charleston Southern University (1979-1983) B.S. Degree;
 - (b) University of South Carolina (1984-1987) MBA program, however left to begin law school;
 - (c) Cumberland School of Law, Samford University, Birmingham, Alabama, (1987-1990) J.D. Degree.

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.
S.C. 1990.

9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) Member Beta Gamma Sigma 1987;
 - (b) Golden Key National Honor Society 1985;
 - (c) Gamma Iota Sigma Fraternity 1986;
 - (d) Presidential Honor Roll 1986;
 - (e) College of Business Administration Certificate of Academic Achievement 1985-1986;



- (f) Moot Court Competition finalist 1989-1990.
10. Describe your continuing legal or judicial education during the past five years. Include **only** the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) S.C. Summary Court Judge's Staff Convention	02/13/08;
(b) First American Title Insurance Company	10/12/07;
(c) S.C. Summary Court Judge's Annual Convention	09/06/07;
(d) Domestic Violence and the Criminal	07/27/06;
(e) Mandatory ADR Training	09/08/06;
(f) S.C. Summary Court Judge's Staff Convention	02/14/07;
(g) Revised Lawyers Oath	11/12/04;
(h) Judicial Oath of Office	09/09/04;
(l) Judicial Oath of Office	09/09/04;
(j) S.C. Summary Court Judge's Annual Convention	09/09/04;
(k) Legislative Reception and Seminar	03/09/05;
(l) First American Title Insurance Company	10/30/03;
(m) 13 th Annual Criminal Practice for Magistrates	11/21/03;
(n) Hot Topics in Civil Practice for Magistrates	06/18/04;
(o) 13 th Annual Criminal Practice in S.C.	10/24/04;
(p) Criminal Law Hot Tips	05/16/03;
(q) First American Title Insurance Company	10/11/02;
(r) 12 th Annual Criminal Practice in S.C.	11/08/02.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
No, however, I have taught classes to the City of Marion Police Department on Constitutional Law. The courses covered the Constitution and how it applied to local law enforcement and the daily functioning of their job. I have assisted Magistrates and Municipal Court Judges with training on how to conduct jury trials with an emphasis on civil trials. I also have made legal education presentations to various community groups on requested topics.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
Circuit Court, South Carolina, 1990 to date.
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.
My father was an attorney in Marion practicing with Ralph Gasque and Norwood Gasque. After Norwood became a Family Court Judge and Ralph

retired, my father hired Jim Brogdon as a partner. My father died in 1989, when I was a senior in law school. Upon graduation I went to work with Jim Brogdon. At the time I was practicing all areas of the law necessitated by living in a small town. This consisted of Family Court, Magistrates Court, General Sessions, and Common Pleas. In 1993, I opened my own firm and maintained a general practice of the law. In 1996 I became Marion's Municipal Court Judge, thus was required to limit my criminal practice so as to not conflict with my judicial office. I then retired from Family Law and concentrated more on my practice in Common Pleas and on my judicial duties. However, in a small town, I was still required to maintain somewhat of a general practice to serve the public.

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.

From 1990 to 1993, I frequently represented criminal defendants on retainer as well as by appointment and through the Pro Bono program. I also represented many criminal defendants for the Public Defender's office when the Public Defender had conflicts. In 1996 I was appointed Marion's Municipal Court Judge, and have served in that capacity since. Thus, from 1996 to date I have had to limit my criminal practice in order to avoid conflicts. In Municipal Court I issue arrest warrants, hold bond hearings, and preside over all preliminary hearing in Marion. I also on a weekly basis preside over all bench trials in Marion as well as jury trials when requested. Furthermore, my duties as Municipal Court Judge require that I prepare returns when cases are appealed and take pleas when cases are remanded from General Sessions. I have also served the City of Mullins as Municipal Court Judge when needed as well as substituted for Magistrates on complex cases or conflicts.

In Common Pleas I primarily practice as a defense attorney in Marion and Dillon County. In this regard, these cases represent a sizable portion of the rosters in Dillon and Marion and sometimes in Florence,

Horry and Darlington County. Regarding my defense work, I commonly represent defendants involved in automobile accidents. These cases normally involved personal injury, property damage, and loss of consortium claims. I have also represented parties in declaratory judgment actions. As previously mentioned, the logistics of a small town necessitated that I also represent individuals as plaintiffs in personal injury claims largely stemming from automobile accidents. Furthermore, I have had experience in litigation involving contract disputes, slip and falls, restraining orders, violations of restrictive covenants and medical malpractice as well as other areas of civil practice. I have represented both the defendants as well as plaintiffs. For specific cases see the answers to question #19 below.

15. What is your rating in Martindale-Hubbell?
#1 out of 12 lawyers in Marion, S.C.
#127687 out of 893,079 lawyers.

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: 75 times.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 50%;
(b) criminal: (Municipal Court Related) 50%;
(c) domestic: None.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
(a) jury: 40%;
(b) non-jury: 2%.
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) Phyllis Davis vs. Julia Woodberry – This case was tried in Common Pleas. A verdict was returned for an amount less than the Defendant's offer to settle. Said offer had been made pursuant to a Rule 68, Offer of Judgment. After trial, I moved on behalf of the Defendant for cost pursuant to same. The Plaintiff's attorney moved to set aside same, as the verdict was less than the Plaintiff medical bills. The issue for the

court was what costs were allowed under the Rule 68, and whether the Circuit Court Judge was required to enforce the Rule.

- (b) Kenneth Jackson vs. Pernell Dozier – Prior to trial a \$22,000.00 offer had been made to settle. The jury returned a verdict for approximately \$1,700.00. This case was significant because it demonstrated the importance of a Circuit Court Judge’s clear explanation of the jury charge regarding the “reasonable and necessity of the medical bills under the circumstances.” Motions were made after the trial to set aside the verdict arguing that the charge was not made clearly by the Circuit Judge.
 - (c) John Kent vs. Imer S. Monge – This case was tried in Common Pleas. A rather substantial verdict was returned in favor of the Plaintiff. One of jurors mentioned in the voir dire that she knew the Plaintiff. However, when the judge asked if she could be “fair and impartial” she answered “yes”. The judge allowed the juror to serve. The issue was how far should a Circuit Court Judge go in questioning a potential juror in voir dire; and, should a judge dismiss a juror even when the juror answers that they can be fair and impartial, but the judge and attorneys suspect otherwise. It was suspected that the juror was the plaintiff’s girlfriend.
 - (d) Don Collins vs. John Doe – This case was tried and a nominal verdict was returned for the Plaintiff. Motions were made afterwards by the Plaintiff for an additure due to the large amount of medical bills sustained by the Plaintiff in the accident. The issue was when is it appropriate for a Circuit Court Judge to add to a jury’s award, and if so how should same be calculated.
 - (e) Sheila Green and Ronald Green vs. SCDOT and Ireather Graves – This was a very complex case involving a multitude of expert witnesses. Significant issues arose regarding the Circuit Court Judge’s discretion in declaring a witness an expert.
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).**
None, as my preference in the law had been the handling of trials of cases not appeals.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter. None.
22. Have you ever held judicial office?
Marion Municipal Court Judge held consecutively since August of 1996. I was appointed by the City Council of Marion. My jurisdiction covers traffic violations and crimes in the city limits of Marion. In this position I issue arrest warrants, search warrants, hold bond hearings, and preliminary hearings. I also preside over bench and jury trials. The Court is limited to sentences of no

more than thirty (30) days or a fine. Only in very limited circumstances can a sentence be more than thirty (30) days and mandatory, such as Driving Under Suspension offenses 2nd or greater or Driving Under Suspension DUI Related.

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.
Orders in Municipal Court are not formal.
24. Have you ever held public office other than judicial office? Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? None.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
None other than my normal duties as an attorney outside the scope of municipal job.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally?
As an attorney, I prepared either a will or a deed many years ago. An action was instituted to set aside the will or deed. In this regard the Plaintiff

erroneously named me as a defendant instead of calling me as a witness to testify as to the competency of the grantor. I was dismissed from the case.

An action was brought pro se against the Korn Law Firm, Wachovia, and others, including my firm, by an individual that was foreclosed on and the property sold at the courthouse. An employee of my firm simply placed the bid for the bidding agency at the courthouse for a nominal fee. The pro se plaintiff joined everybody in any way connected with the foreclosure action including my firm since we placed the bid. I expect my firm to be dismissed shortly upon motion.

36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? None.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.

44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
Marion County Bar Association.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) United Way Marion County;
 - (b) Marion County Historical Society, Chairman;
 - (c) Marion County Commission on Drug and Alcohol;
 - (d) Marion County Hospital Ethics Commission;
 - (e) Marion Rotary Club;
 - (f) House of Delegates for the South Carolina Bar;
 - (g) Toastmasters International;
 - (h) Marion County Chamber of Commerce Board of Directors;
 - (i) Marion Arts Council Board of Directors;
 - (j) Board of Governors to the South Carolina Bar;
 - (k) Pee Dee Academy Board of Directors.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
- I was born and reared in Marion County. I grew up working in the tobacco fields as well as working at a local grocery store and local industries. My father was a lawyer in Marion and my mother was a homemaker. I have two sisters. My small town roots of working on the farm, attending church, and hunting and fishing in the area have exposed me to many types of people that come from varying backgrounds; all of whom have had an influence on my life. I was taught public service by my parents and instilled in me were the tenets that people are important and deserve respect and a listening ear. These influences have carried over into my position as a Municipal Court Judge. In the 12.5 years I have worked as a Judge in the City of Marion, I have had almost no complaints in how I have performed my duties as a judge even after hearing hundreds of cases each week. I believe that goes back to my foundation of respect for all. I am confident that I would perform the duties of a Circuit Court Judge with all the integrity associated with this honorable position. I would preside over cases in a manner that is effective and efficient

while creating and maintaining an environment that reflects the dignity of the Court and assures the respect due the attorneys and the public.

49. References:

- (a) Eddie Whittington
P.O. Box 653, 219 S. Main Street
Mullins, S.C. 29574
(o) 843-464-7821; (h) 843-464-7822
- (b) Bobby Gerald
P.O. Box 22; 817 Evans Rd.
Marion, S.C. 29571
843-423-7012
- (c) Ralph Atkinson
106 E. Court Street
Marion, S.C. 29571
843-423-2150
- (d) Marvin Stevenson
3768 Marvin Ct.
Marion, S.C. 29571
843-423-7524
- (e) Gordon McLellan
214 N. Main Street
Marion, S.C. 29571
843-423-1054

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/ William Henry Seals, Jr.

Date: 09/09/08

November 5, 2008

The Honorable Jane O. Shuler
Chief Counsel
P. O. Box 142
Columbia, South Carolina 29202

**Re: Circuit Court, At-Large, Seat 6
Amended Application**

Dear Ms. Shuler:

Enclosed you will find amendments to my Personal Date Questionnaire (PDQ) and to the State of Economic Interest.

If you have any questions or concerns or need anything further from me please do not hesitate to call.

With kindest regards, I am

Very truly yours,

SEALS LAW FIRM, P. A.

William H. Seals, Jr.

Enclosures

Amendments to PDQ

Amend item 15 to reflect as follows: BV

Amend item 18 to reflect as follows:

- (a) jury: 98%
- (b) non jury 2%

The reason I answered before saying 40% jury and 2% non jury is because I estimated 42% of all my cases actually go to a jury trial while the other 58% either settle or were dismissed. It was my understanding that the question was concerned with actual in court trials only.

Amend item 29 to reflect as follows: see attachment "A"

Amend item 34 to reflect as follows: Paragraph one of my answer should have added to it as a last sentence the following – This action was approximately 10 years ago. Paragraph two should have added to it as a last sentence the following – This action was filed July 8, 2008.

Amend item 5 of the Sworn Statement to reflect as follows: (A) Scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication and the judge makes provisions to promptly notify all other parties of the substance of the ex parte communication and allows an opportunity to respond. (B) A judge may obtain the advise of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advise, and affords the parties reasonable opportunity to respond. (C) a judge may consult with court personnel whose function is to aid the judge in carrying out the judges adjudicative responsibilities or with other judges. (D) a judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge. (E) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

Amend item 2 of the Statement of Economic Interests to reflect: \$13,222

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

Circuit Court
(New Candidate)

Full Name: William Henry Seals, Jr.
Business Address: 208 West Dozier Street
P.O. Box 143, Marion, S.C. 29571
Business Telephone: 843-423-0446

1. Why do you want to serve as a Circuit Court judge?
I would like to take my experience as a municipal court judge in addition to my professional, business and personal skills and focus solely on effectively and efficiently serving this state and the people with whom I come into contact.
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?
Ex parte communications should not be tolerated. I do not envision any circumstances whereby ex parte communications should be tolerated.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I would disclose the situation to all parties and recuse myself upon request.
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?
A core principle and tenet of presiding as a Judge would be not to show bias and to avoid all circumstances that might even appear bias. Thus, if a motion were made to recuse me due to what appears to be bias, then I would grant the motion and remove myself from the case.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I would recuse myself.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would not accept any gifts or social hospitalities in order to maintain all appearances of propriety.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would report same to the appropriate authorities.
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 write the Orders myself and on occasion ask for assistance from all attorneys involved.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I would use 5 separate calendar devises which are as follows: The computer, paper calendar, my secretary's calendar, my law clerk's calendar, and my blackberry cell phone in sinc with my computer calendar.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
My philosophy is to remain neutral. I would rule based on the laws of the State of South Carolina, not my personal agenda. My job would be to apply the law to the particular cases not legislate.
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 am a firm believer that the Court system can run effectively and efficiently, and in a manner that is respectful to attorneys and the public. Some of the improvements I would plan to implement are as follows:
* I would like to assist in efforts that require mandatory ADR in smaller counties whereby same has not been established. I have found ADR to be efficient and effective.
* I would like to promote roster meetings in advance of a term of Court, so that when a term begins, I could move right into the trials of cases, pleas, or motions without delay. Earlier roster meetings have the benefit of giving attorneys advanced notice to plan their cases accordingly.
* I would also like to speak at CLE's and local bars on topics that I see as areas that could be improved on in 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?
No, working for many years as an attorney and serving as a Municipal Court Judge, I have learned how to balance my work life with my family life.
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:
The sentence would increase in severity with each offense as would my

probe into more areas of assistance to the defendants for problems that could be rehabilitated.

- b. Juveniles (that have been waived to the circuit court):
They would be tried according to the same laws as adults. Also similar areas of assistance would be made a part of the sentences if I believed that some rehabilitation was possible.
- c. White collar criminals:
An emphasis on restitution to victims would be emphasized.
- d. Defendants with a socially and/or economically disadvantaged background:
I would emphasize and address their needs for an attorney then proceed according to the laws of the State of South Carolina.
- e. Elderly defendants or those with some infirmity:
I would treat and sentence them in accordance to the laws of this state, while being sensitive to their age and any infirmities.

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?

To be alert, attentive, listen, and act calmly without arrogance, impatience, irrationally, or with a personal agenda of any kind.

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 would conduct my actions according to the above attributes at all times.

25. Do you feel that it is ever appropriate to be angry with a member of the public, specially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants? No

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

None

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

No

28. Have you sought or received the pledge of any legislator prior to this date?

No

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

- No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released?
Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
31. Have you contacted any members of the Judicial Merit Selection Commission?
No
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

s/William Henry Seals, Jr.

Sworn to before me this 9th day of September, 2008.

Notary Public for S.C.

My Commission Expires: 6/16/2018_____

SEALS LAW FIRM, P.A.
ATTORNEY AT LAW
208 W. DOZIER STREET
POST OFFICE BOX 143
MARION, SOUTH CAROLINA 29571

WILLIAM H. SEALS (1926-1989)
WILLIAM H. SEALS, JR.
WSEALS9525@BELLSOUTH.NET

TELEPHONE 843-423-0446
FAX 843-423-0535
LEGAL ASSISTANT
SEALSLAW@BELLSOUTH.NET

Amendments to PDQ

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- (a) jury: 98%
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The reason I answered before saying 40% jury and 2% non jury is because I estimated 42% of all my cases actually go to a jury trial while the other 58% either settle or were dismissed. It was my understanding that the question was concerned with actual in court trials only.

Amend item 29 to reflect as follows: see attachment "A"

Amend Item 34 to reflect as follows: Paragraph one of my answers should have added to it as a last sentence the following – This action was approximately 10 years ago. Paragraph two should have added to it as a last sentence the following – This action was filed July 8, 2008. Also there was a prison condition lawsuit filed in Federal Court with Fredrick Williams in 1999 against the Marion Police Department, Caption H.D. Feagin of the Marion Police Department and myself as Municipal Court Judge. This lawsuit was never served on me and was dismissed. There was another prison conditions lawsuit filed in Federal Court by Lavern Garner in 2003 against 65 defendants including several doctors, the police department, the sheriff's department, DSS, the Governor, the President, several correctional facilities, as well as many others and myself. This case was never served on me and was also dismissed.

Very truly yours,



Williams H. Seals, Jr.

SEALS LAW FIRM, P.A.
ATTORNEY AT LAW
208 W. DOZIER STREET
POST OFFICE BOX 143
MARION, SOUTH CAROLINA 29571

WILLIAM H. SEALS (1926-1989)
WILLIAM H. SEALS, JR.
WSEALS9525@BELLSOUTH.NET

TELEPHONE 843-423-0446
FAX 843-423-0535
LEGAL ASSISTANT
SEALSLAW@BELLSOUTH.NET

Amendments to Sworn Statement

Amend item 5 of the Sworn Statement to reflect as follows: (A) Scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication and the judge makes provisions to promptly notify all other parties of the substance of the ex parte communication and allows an opportunity to respond. (B) A judge may obtain the advise of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advise, and affords the parties reasonable opportunity to respond. (C) A judge may consult with court personnel whose function is to aid the judge in carrying out the judges adjudicative responsibilities or with other judges. (D) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge. (E) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

Very truly yours,



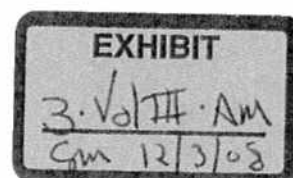
Williams H. Seals, Jr.

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Judge of the Circuit Court,
At-Large, Seat 6

1. NAME: Mr. William James Thrower
BUSINESS ADDRESS: Stuckey Law Offices
123 Meeting Street
Charleston, South Carolina 29401
BUSINESS NUMBER: (843) 577-9323

2. Date of Birth: 1962
Place of Birth: Charleston County, South Carolina
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on June 13, 1998, to Cynthia Pettersen Thrower. Divorced on August 8, 1996, I was the moving party, there were no children born of the marriage, and the divorce was granted on one year separation in the Charleston County Family Court. 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) Wofford College, 1981-1984, Bachelor of Arts Degree in Government;
(b) Thomas M. Cooley Law School, 1988-1990, Juris Doctorate.
8. List the states in which you have been admitted to practice law and the year of each admission. Are you a member in good standing in the states in which you are admitted? Has there ever been a time in which you were not a member in good standing? List the date(s) and reason(s) why you were not considered a member in good standing. Also list any states in which you took the bar exam, but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina, 1991. I am and have always been a member in good standing.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
(a) Wofford College Fellowship of Christian Athletes, 1981-1984;
(b) Thomas M. Cooley Law School Fellowship of Christian Athletes, 1988-1990.
10. Describe your continuing legal or judicial education during the past five years.



Include only the title and date of any continuing legal or judicial education course completed.

- | | <u>Conference/CLE Name</u> | <u>Date(s)</u> |
|-----|------------------------------|----------------|
| (a) | Practical Legal Ethics | 12/11/02; |
| (b) | 20/20 View of 2002 | 12/20/02; |
| (c) | Criminal Practice Seminar | 02/21/03; |
| (d) | Chas Bar CLE | 12/05/03; |
| (e) | Chas Bar CLE | 12/12/03; |
| (f) | Criminal Practice Seminar | 11/17/04; |
| (g) | Oath and Ethics Seminar | 12/21/04; |
| (h) | Criminal Practice Seminar | 11/18/05; |
| (i) | What Works For Me | 12/09/05; |
| (j) | What Works For You | 12/16/05; |
| (k) | What Works For Me | 12/01/06; |
| (l) | What Works For You | 12/15/06; |
| (m) | Evidence Law Update | 12/27/06; |
| (n) | Criminal Law Update | 01/25/08; |
| (o) | Federal Sentencing Update | 02/01/08; |
| (p) | SC Ethics Update 2007 | 02/28/08; |
| (q) | Graphoanalysis and Voir Dire | 09/19/08. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
I have appeared as a panel member at the Public Defender Conference due to my law enforcement background and extensive trial experience.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
South Carolina, 1991
South Carolina Court of Appeals, 1991
United States District Court, 1991.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
I was hired by the Charleston County Public Defender's Office in 1991. I handled a variety of cases in General Sessions Court until 1993. I was hired by the Dallis Law Firm in 1993 to handle real estate matters along with civil and criminal litigation. I became a solo practitioner in 1995 and focused on civil and criminal litigation. In 2005, I joined the Harrell Law Firm and I handled all civil and criminal litigation for the firm until March 2008 when I joined the Stuckey Law Offices.

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 farther 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.

Over the past five years, I have handled over 250 criminal matters. I have defended individuals for a variety of charges including several murder cases. I am appointed Special Prosecutor for the City of North Charleston whenever there is a conflict with the city prosecutor. In civil court, I have represented both plaintiffs and defendants in personal injury and contract matters. I have handled several civil rights violations in both State and Federal Court. I have tried over 100 cases combined in Magistrate's Court, Municipal Court, State and Federal Court. I have spent the majority of my practice in litigation.

15. What is your rating in Martindale-Hubbell?

I am not listed in the Martindale Hubbell and I assume it is because I have never subscribed to any of their services.

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

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

(a) federal: I appear approximately ten times a year in Federal Court;

(b) state: I appear almost every week in Circuit Court.

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

(a) civil: 45;

(b) criminal: 50;

(c) domestic: 5.

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

(a) jury: 20;

(b) non-jury: 80.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I am usually 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) Kenneth McCullough v. Dollar General and The Lake City Police Department

This was a civil rights violation case wherein Mr. McCullough was wrongly accused of theft from a Dollar General store in Lake City. This case was significant because we were able to prove through extensive discovery, that the District Manager for Dollar General directed the investigation and encouraged the arrest of Mr. McCullough. The case was settled very favorably for the plaintiff.

(b) United States of America v. Victoria Yaitsky

I defended Ms. Yaitsky for murder for hire charge in Federal Court. The case was interesting due to the cultural and language differences. The trial of the case lasted a week and most of the witnesses testified through translators. There were several significant issues dealing with taped conversations translated for the trial and expert witnesses challenging the validity of the tapes themselves. I learned a great deal from Judge Duffy and was impressed with his rulings on some very difficult issues.

(c) City of North Charleston v. Sonny Bell

This is a case where I was appointed a Special Prosecutor for the City of North Charleston. Mr. Bell was accused of vandalizing two vehicles owned by a city councilman. There was a videotape of one of the incidents that was released to the media prior to my appointment. I felt it was important to resolve the matter without undue publicity and I did that. I was able to secure full restitution for the victim and keep the matter from receiving excess publicity. I feel I handled a volatile situation in a dignified manner.

(d) Gaskins v. The Department of Transportation

I represented the Department of Transportation for an automobile accident where one of their employees rear ended an individual driving a pickup truck. The plaintiff claimed debilitating back injuries. This case was significant because I was able to show the plaintiff had serious preexisting injuries that more likely than not contributed to his present condition. While conceding fault for the accident, I was able to convince the jury to find for the Department of Transportation.

(e) State of South Carolina v. Dennis Hiott

I represented Mr. Hiott for the charge of criminal sexual conduct with a Minor. The trial lasted five days and resulted in a mistrial due to a hung jury (6-6). The charge was later dismissed. The case was significant because I conducted an exhaustive investigation and found impeachment evidence on a key prosecution witness. I was able to show a deep bias by the medical examiner against not only the individuals accused of this crime, but also their attorneys. Once her

severe bias was exposed, her opinion was refutable.

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. I do not handle appeals.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. I do not handle appeals.
22. Have you ever held judicial office? No.
23. If the answer to question 22 is yes, describe or attach five of your most significant orders or opinions and give the citations if they were reported.
24. Have you ever held public office other than judicial office? No.
25. List all employment you have had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. No.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
In 2007, I ran for Circuit Court Judge for Charleston County. I withdrew from the race in January of 2008.
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?
In 1985, I was hired as a Special Agent for the United States Naval Investigative Service. I was a GS-1811 assigned to the Norfolk Operations Base and investigated criminal matters that involved the naval base or naval personnel. In 1986, I was assigned to a drug task force for the Norfolk/Virginia Beach area and worked on an undercover operation for over 18 months. During this time, I purchased illegal narcotics and stolen naval property. I resigned in 1987 to attend law school. I was subpoenaed several times during law school to return to Norfolk to provide testimony in the ensuing, successful prosecutions.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation; state law or regulation; or county or municipal law, regulation, or ordinance?

- In 1986 I was stopped and investigated for driving under the influence. I was ticketed for reckless driving and paid a fine of approximately \$400.00.
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? No.
 36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
 37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
 38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
 39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
 40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.
 41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
 42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
 43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
 44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.

45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate?
I spoke with John Harrell about my candidacy before he was appointed to the Judicial Merit Selection Committee. We have not spoken about it since his appointment.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina Bar Association;
 - (b) Charleston County Bar Association;
 - (c) National Association of Criminal Defense Lawyers.
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) Ashley Hall Parents Association;
 - (b) Stono Ferry Neighborhood Association;
 - (c) Woofemdowndogbiscuits.com.
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.
I have a very diverse background that you do not normally see in a judicial candidate. I have a strong work ethic and a deep respect for the integrity of the judicial system. I would bring these qualities to the bench if elected.
49. References:
- (a) The Honorable Michael G. Nettles
Florence City-County Complex
180 N. Irby Street
Florence, South Carolina 29501
(843) 292-7433;
 - (b) William L. Howard, Sr., Esquire
Young Clement Rivers, LLP
28 Broad Street
Charleston, South Carolina 29401
(843) 577-4000;
 - (c) Jerry Theos, Esquire
Uricchio, Howe, Krell, Jacobson, Toporek, Theos and Keith, P.A.
17 1/2 Broad Street
Charleston, South Carolina 29401
(843) 723-7491;
 - (d) E. Bart Daniel, Esquire
7 State Street
Charleston, South Carolina 29401

- (e) (843) 722-2000;
Eric Wooten
First Federal Commercial Banking Division
2434 Mall Drive
North Charleston, South Carolina 29406
(843) 529-5533.

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/William James Thrower

Date: 09/24/08

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

Circuit Court
(New Candidate)

Full Name: William James Thrower
Business Address: Stuckey Law Offices, LLC
123 Meeting Street
Charleston, South Carolina 29407
Business Telephone: (843) 577-9323

1. Why do you want to serve as a Circuit Court Judge? I was a Federal Agent before I went to law school. I testified in court as a witness long before I ever appeared as an advocate. I began my law practice as a public defender. I have appeared in front of a great number of judges and I strongly believe a judge should treat all parties with respect and empathize with everyone in the courtroom. I feel like I can do both of those things in a dignified manner while serving the State of South Carolina.
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? I would not allow any *ex parte* communications other than what is provided for in the statutes regarding emergency hearings and temporary restraining orders.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I would fully advise all the litigants before me of any potential conflicts and invite them to make a motion for recusal. I would certainly recuse myself if I think or if a party can show there might be the appearance of impropriety.
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? If I disclosed something that had the appearance of bias then it probably raises the appearance of impropriety. I would show great deference to the party making a motion for recusal.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? As soon as I saw any potential appearance of impropriety due to a family relationship, I would recuse myself regardless of the facts.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I did not accept gifts while I was in law enforcement and I would not accept gifts from anyone while I was a Judge. I would not attend a social function if hosted by an attorney who may appear in front of me.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? The rules are very clear that any lawyer misconduct should be reported to the Commission on Lawyer Conduct and judicial misconduct should be reported to the Commission on Judicial Misconduct. I would immediately report any misconduct to the appropriate authorities.
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 think the best system is to invite both parties to submit proposed orders on disc or via email. I would then be free to sign one of the orders sent, modify one or combine parts of the orders sent or be free to write my own. If I ruled on the matter at the hearing, I would ask the prevailing party to draft an order and send it to opposing counsel for their review before submitting it for my signature.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines? I would use a tickler system cross referenced with the Clerk of Court's Office. I would make sure that my staff appreciated the importance of timeliness and I would strictly supervise this aspect of my office.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges should not set or promote public policy. This is the function of the legislature. Judges are on the bench to interpret statutory and case law of the State of South Carolina.
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? As a practical matter, I think that communication and empathy needs to improve inside the courthouse. Outside the courthouse, I would make myself available to teach trial advocacy stressing the importance of courtroom decorum. I believe representing clients in a dignified manner is the greatest challenge lawyers face today.
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 have been a practicing attorney for over 15 years. I have been in a very active trial practice that is stressful to say the least.

My wife and two children are my strength. As a family, we are totally committed to each other. We spend all of our free time together and we enjoy our faith in Christianity. Most importantly, we turn to each other first in times of adversity.

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: Every model sentencing plan puts a great emphasis on prior criminal history for a reason. If an individual is unwilling to abide by society's rules then he or she should receive a harsh sentence. I would still include a component to encourage rehabilitation.
 - b. Juveniles (that have been waived to the circuit court): Juveniles waived up to the Circuit Court may not have any criminal record. However, the legislature has listed certain crimes that are so serious that they are to be dealt with in Circuit Court. Each case would have to be examined individually and rehabilitation would be a high priority,
 - c. White collar criminals: With white collar criminals you are often dealing with restitution. Whether it is restitution to an individual victim or to society, there needs to be a strong component that addresses future behavior. Restitution and deterrence are the most important aspects of a typical white collar crime and the sentence should address both factors.
 - d. Defendants with a socially and/or economically disadvantaged background: This is the majority of individuals who a judge must deal with day in and day out. Although these factors can be mitigating, they are not an excuse. I would focus on deterrence and rehabilitation
 - e. Elderly defendants or those with some infirmity: This class of defendants poses a unique challenge in sentencing. I would weigh the need to deter future conduct and rehabilitate with the strain it would place on the Department of Corrections. I would be more inclined to consider alternatives to incarceration where the cost to house the defendant would place an undue burden on the state.
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? A judge should conduct himself in such a way that he communicates to every individual in the courtroom that he is considering their unique situation. He should be aware that in almost every matter, someone is in the

courtroom for the first time. The system should treat all participants and spectators with dignity.

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? This is a matter I feel strongly about. A judge is a representative of the state of South Carolina. He or she should absolutely exhibit the highest moral character possible. You should behave as if a member of the public is critiquing you at all times.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants? I am sure that judges get angry. The crucial fact is not to let your anger affect your judgment. This is also a good rule to follow as a parent.
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? I have not spent any money on my campaign.
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? No
31. Have you contacted any members of the Judicial Merit Selection Commission? I spoke with John Harrell about my candidacy in 2007 prior to his appointment to the Judicial Merit Selection Committee. Since his appointment, we have not spoken about my campaign. I have not contacted any of the members of the Judicial Merit Selection Committee
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/William James Thrower

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

Notary Public for S.C.

My Commission Expires: 3/27/2016

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At Large Seat 6

1. NAME: Sarah Elizabeth Wetmore
BUSINESS ADDRESS: Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, S.C. 24901
E-MAIL ADDRESS: swetmore@carlockcopeland.com
BUSINESS NUMBER: (843) 727-0307

2. Date of Birth: 1974
Place of Birth: BALTIMORE, MARYLAND

3. Are you a citizen of South Carolina? YES.
Have you been a resident of this state for at least the immediate past five years? YES.

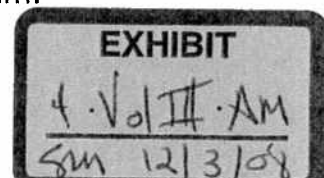
5. Family Status: Married on May 11, 2002, to Burns Malone Wetmore. Never divorced. One child.

6. Have you served in the military? NO.

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
(a) WAKE FOREST UNIVERSITY, B.A. 1996;
(b) WAKE FOREST UNIVERSITY SCHOOL OF LAW, J.D. 1999.

8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
I was admitted in South Carolina on May 8, 2000. I sat for the bar exam in July of 1999 but was not passed. I took the bar exam immediately thereafter in February of 2000 and was passed and was admitted thereafter in May 2000.

9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
(a) WAKE FOREST UNIVERSITY:
The significant activities at Wake Forest in which I took part were academic. I graduated Cum Laude and with Honors after defending a thesis regarding victims of domestic violence, in association with the undergraduate sociology department and the Wake Forest University School of Law's Domestic Violence Advocacy (DVAC) Program.



(b) WAKE FOREST UNIVERSITY SCHOOL OF LAW:

The significant activities in which I took part during law school involved the Domestic Violence Advocacy Program (DVAC) and my work as an intern at the Legal Aid of Winston - Salem, North Carolina.

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

	<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a)	Forum on Judicial Selection	9/17/2008;
(b)	ABOTA Hot Topics in Trial Practice	12/14/2007;
(c)	Charleston Lawyers Club Annual CLE	11/12/2007;
(d)	Construction Law Fundamentals	10/10/07;
(d)	NC/SC Construction Law Update	2/2007;
(e)	Sidebar: Evidence Law Update	2/2007;
(f)	Mediation Powerpoint	2/2007;
(g)	Charleston Lawyers Club Ethics	12/7/2006;
(h)	SCDTAA Annual Meeting	11/9/2006;
(i)	20/20 Optimal View of 2005	12/16/2005;
(j)	ABOTA Masters in Trial	11/11/2005;
(k)	What it is, was, shall be	12/17/2004;
(l)	Updating Advocacy Skills	12/10/2004;
(m)	Beyond the Bar, Evidence and Advocacy	11/7/2003;
(n)	SC Women Lawyers	4/11/2003.

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

- (a) Educational Lecture for the Charleston Area Paralegal Association: Preparing the Trial Notebook;
- (b) Educational Lecture for Claims Representatives: The Use of Biomechanical Engineering Experts in Automobile Injury Cases.

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

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

- (a) STATE COURT OF SOUTH CAROLINA, MAY 8, 2000;
- (b) UNITED STATES DISTRICT COURT, SOUTH CAROLINA, JUNE 26, 2000.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

- (a) CLAWSON & STAUBES, LLC, August 1999 – February 2005;
- (b) MILLIGAN LAW FIRM, February 2005 - March 2006;

(c) CARLOCK, COPELAND & STAIR, LLC, March 2006 – Present.

With all of these law firms, the general character of my practice has been civil defense litigation.

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.

From 2000 until 2005, while practicing with Clawson & Staubes, I had the opportunity to serve as a prosecutor for the City of Goose Creek. As such, I handled municipal court matters regarding traffic offenses, such as reckless driving and driving under the influence. These matters required that I work closely with the City of Goose Creek police department, review the evidence regarding each case, conduct legal research, prepare for trial, work with defense counsel, and try cases in the municipal court. I prosecuted cases opposite some of the most talented members of the Charleston and Berkeley County criminal defense bars. I dealt with difficult issues, including the use of in-car cameras and the admissibility of the testimony of alleged eye witnesses. One of my more memorable municipal trials involved prosecuting an absent defendant. The record was clear that the defendant had been given sufficient notice, on multiple occasions, of the trial of his driving under the influence charges, and the same was noted by the presiding Judge before he instructed me to call the case. Prior to trying this case, I thought a trial where the defendant fails to appear would be a relatively simple endeavor. This trial proved me wrong. It proved difficult for the jury to understand how the City could prosecute an individual who was not there to answer for his charges, and they deliberated for several hours. I remember it well because these Goose Creek trials were scheduled in the evenings and as the night wore on and the jury deliberated I realized that this was no easy case. It was difficult to prosecute an empty chair. The jury eventually came back with a guilty verdict, but I did not leave the municipal complex that night feeling any more settled about the case or about the result. What I did gain was a significant understanding that no case should be taken lightly, that no case is insignificant and that no result is ever assured.

During this same time (approximately 2000-2005), I was also on the criminal appointment list. I remember one case that I handled that involved a young

man who was charged in an armed robbery and kidnapping. He was not alleged to be the gunman nor was he alleged to be the 'mastermind' behind the crime but, under the "hand of one is the hand of all" rule, he was facing serious charges and subject to incarceration. The young man was a high school student, he was a football player and he did not have a criminal record. His brother was also charged in the crime. His parents were hard-working and loving parents who were upset about these charges allegedly involving their sons.

The State agreed to recommend a sentence to the Youthful Offenders program (YOA) if my client pled to his charges. After careful consideration of the evidence the State would present to convict him, my client decided to enter a plea of guilty to the charges. I outlined the supporting mitigating factors and several of my client's family members and community leaders testified at his sentencing hearing. The Honorable Victor Rawl was presiding and sentenced my client to serve his time in the YOA program. I kept in contact with my client and with his family while he served his sentence, and I still clearly remember the day he was released. It was just before Thanksgiving and his mother was so excited that he was coming home. She called me in a panic because there was a mix-up at the Department of Corrections and they did not have the paperwork authorizing his release. I spent much of that day on the telephone until his relieved family called to tell me that they were heading home with him. The case was finally concluded for me that day, but I have often wondered what ever became of that young man. Our legal system has such a significant impact on our community. I can only hope that my former client was impacted in a positive way in the long term, and that his sentence in the YOA program is his last encounter with the criminal system.

The majority of my professional experience has involved civil cases and, in the majority of these matters, I have represented the defendant. I could write for paragraphs about my civil experience. I have tried at least fifty civil cases to verdict in our state and magistrate's courts. Many of these trials have been personal injury cases. In more recent years, my cases have become more complex and my practice has included more construction defense work. Many of my cases now resolve at mediation. I enjoy a good relationship with our judges and with my colleagues in the practice of law. I believe in the value and the honor of the profession and I thoroughly enjoy my civil practice. My extensive experience in civil practice will serve me well as a Judge.

15. What is your rating in Martindale-Hubbell? BV rating.
Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.
16. What was the frequency of your court appearances during the last five years?
(a) federal: 0%;
(b) state: 100%.

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 95%;
 - (b) criminal: 1%;
 - (c) domestic: 4%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 98%;
 - (b) non-jury: 2%.

Most of my cases are jury trial matters that have settled or that have gone on to trial. As stated previously, in more recent years my cases have become more complex and, as such, many settle in mediation. For the first 6 years of my practice, a high number of the cases I handled were tried to a jury.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Most often appear as sole or chief 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) Hinds v. Elms, April 5, 2004, Opinion No. 3770

The plaintiff filed suit alleging personal injuries arising from an automobile accident with my client, Peggy Elms. I still remember how nervous my client was to testify at trial. She admitted that she was the at-fault driver in the accident, but disputed that plaintiff was injured in the wreck.

The plaintiff had sought significant medical treatment and, as such, the case required numerous discovery depositions of plaintiff's physicians throughout North and South Carolina. As discovery continued, we began to uncover that plaintiff had been involved in a series of automobile accidents and that his physicians were having a difficult time testifying as to a causal relationship between his alleged injuries solely to the particular accident with my client. It was becoming clear that plaintiff's physicians were not able to establish proximate cause, to a reasonable degree of medical certainty, most probably.

Despite the problems with the evidence that were unfolding, the plaintiff was a stubborn young man and his attorney and I were unable to engage in any meaningful settlement negotiations and trial was inevitable. At trial, after several days, I argued the law of proximate cause to the jury in our closing argument. I was still surprised, as I will continue to be by every verdict entered in jury trials, when my client and I heard the news that we had been successful and had received a defense verdict. Plaintiff appealed and the case was decided on brief by the Court of Appeals on April 5, 2004. As Judge Kittredge concluded in his opinion, "a determination of negligence, standing alone, does not

entitle a plaintiff to a favorable verdict as a matter of law.” After the decision was filed, the case was reported in South Carolina Lawyers Weekly, Volume 3, Number 32.

This was the first appeal that I had handled, aside from conducting legal research for other attorneys as a younger associate and drafting briefs. I learned a significant amount about my area of practice and about handling an appeal. I felt so passionately about the evidence in that case, and I was so pleased that the verdict and the decision of the Court of Appeals upheld our defense position in the case. It was also nice to see the satisfaction that my client, Peggy, felt when all was resolved. She and her husband were lovely people and it made me feel so fulfilled to have been successful on her behalf.

(b) Soileau v. Mack, 2000-CP-10-5168

This trial was particularly interesting and challenging for me. There were a number of evidentiary issues that we argued in pretrial and during the course of the trial. The case was tried before the Honorable Daniel F. Pieper and the legal arguments alone that came before the Court made for an interesting and educational trial experience for me. Beyond the legal challenges, the testimony over the course of the trial unfolded in a bit of an unexpected way and taught me that it only takes one witness to change the face of a case. I called the emergency room doctor to testify as to the complaints of the plaintiff in an effort to attack plaintiff’s credibility as to the severity of her injuries. Little did I know that the ER doctor would not only establish the minor nature of plaintiff’s complaints, he testified that she exhibited “drug seeking” behavior. This led for an exciting trial and some heated closing arguments. This case definitely came down to a battle of the experts, and I have always been struck by how that one witness shaped the outcome.

The case resulted in a defense verdict, and I will always remember how surprised and genuinely hurt the plaintiff appeared as we left the courtroom. I always make it a point to speak kindly to litigants and attorneys, no matter the result. I was taught early by my mentors about the importance of civility and I believe it is also something that comes naturally to me. I have often wondered if the plaintiff believed in the sincerity with which I had wished her well as we left the courthouse that day.;

(c) Lecque v. Ellison and Papa John’s Pizza, 2003-CP-10-1202

This case did not result in a defense verdict for my client, but it did result in a lot of lessons learned for me. Long before trial, the parties dealt with some insurance policy language and outside attorneys were involved in some coverage issues. I learned a lot about insurance policies outside of any courtrooms. Back inside the courthouse, I learned a lot during that trial when the plaintiff, a young mother of two,

testified as to the damages she suffered because of injuries to her two young children who were also in the car during the automobile accident. I quickly saw the sympathy that plaintiff was evoking from the jurors and I had a tough battle at trial as I tried to combat the emotion in the room. The case did not involve serious injuries, but I learned a lot of trial practice and strategy and came to understand that, even when the damages are not significant figures, a trial lawyer must capitalize wherever his or her strengths in the case can be found. I had probably tried more than fifty cases during my career, including magistrate court trials, by the time this case was tried, but I discovered that I would always have a lot to learn from every case, the small and the not-so-small.

(d) Patrick Walker v. State of South Carolina, 2004-CP-08-169

A Post Conviction Relief case is challenging and this was no different. I was appointed and Mr. Walker was a demanding client. I spent a lot of time, pro bono, preparing for the hearings and the trial regarding his application. The grounds for his PCR regarding the sufficiency of the indictment were at issue in the law at the time he filed his application, but had been much settled by case law by the time of the hearing. Nevertheless, I conducted a good deal of legal research in that case to educate myself on the law in the area of PCR cases and to intelligently argue the grounds at trial. Despite a good effort, we were unsuccessful. I was impacted by the Court's patience with the subject matters before it. There were many PCR's scheduled on the day that we were heard. Most seemed to me to be without merit, however, I took from that experience that every litigant gets his or her day in Court. Additionally, I took from my experiences in that case that every litigant deserves diligent and competent counsel.

(e) Crystal Fowler, 2006-DR-08-369

I was court appointed to defend Ms. Fowler in a Termination of Parental Rights action in Berkeley County. I had been involved in family court cases that had eventually become TPR actions, but usually as the GAL for the children and never had I handled one that went to trial. The Department of Social Services filed the TPR Complaint, I received the Notice of Appointment from the Clerk of Court's Office and, after a few phone calls, I learned that my client was incarcerated. My research quickly revealed that my client certainly didn't have much of a defense to the statutory grounds for termination.

I went to visit my client at the Goodman Correctional Facility just outside of Columbia. Despite the knowledge that the evidence was clearly against her, she begged me to help her fight for her children. I remember her explaining that she knew that she would never defeat the TPR in all likelihood, but that it was important to her that her children always know that she fought it and fought for them. With that, we set

out to try to defeat the odds. We struggled to get her enrolled in parenting classes, in a drug abuse program, in counseling with a minister at the correctional facility. She began writing to the children, despite the fact that we were never sure if the Department of Social Services would allow the children to receive the correspondence. Crystal and I did everything we could in our limited ability. She was not going to be released any time soon and her track record as a mother was dismal, but I knew she needed to try. We were not successful at the trial and it hurt, but I got one of the most rewarding notes of my career; a note from a non-paying client, a note from a client for whom I had not been able to prevail, thanking me for believing in her and for trying so hard.

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.
Hinds v. Elms, April 5, 2004, Opinion No. 3770
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? N/A.
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. N/A.
24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? N/A.
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? N/A.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? N/A.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. N/A.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. NONE.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? NO.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? NO.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? NO.
34. Have you ever been sued, either personally or professionally? NO.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? NO.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? NO.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. NONE.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. NONE.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek.
Aside from less than two dollars in postage, none.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. NONE.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? NONE.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? NO.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? NO.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? NO.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina Bar Association;
 - (b) Charleston Bar Association;
 - (c) South Carolina Women Lawyers Association;
 - (d) South Carolina Defense Trial Lawyers Association;
 - (e) Charleston Lawyers Club
 - (i) Secretary – 2006;
 - (ii) Treasurer – 2007;
 - (iii) Vice President – 2008.
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) South Carolina Department of Social Services Christmas Gift Drive;
 - (b) Charleston Lawyers Club
 - (i) Secretary – 2006;
 - (ii) Treasurer – 2007;
 - (iii) Vice President – 2008;
 - (c) WFU Alumni Network.
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.
- There are, of course, many things that I would like to impart about my character and about the kind of judge I plan to be. However, I will strive to keep my comments brief in the interest of efficiency and humility. In short, I can not stress enough how seriously I embrace the responsibilities that come with being a judge. I have been a dedicated advocate for my clients and a dedicated advocate for the civility of the practice of law for the many years I have been a lawyer. As a judge, I would take on greater responsibilities as an advocate for an independent and honorable judiciary and as a leader with regard to the impact of the legal system on our society. I ask you to trust me with these responsibilities. I am strong and I am honest. I am independent

and I am brave. I am kind and I am insightful. I am even-tempered and I am gracious. I have a sense of humor and I would bring a range of real-life experiences to the bench. I am the right person to embrace the privilege of sitting as a judge in our Circuit Courts.

49. References:

- (a) R. Michael Ethridge
Carlock Copeland & Stair
40 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 727-0307;
- (b) Tony Giuliani
Goff D'Antonio Associates
34 Radcliffe Street
Charleston, SC 29401
(843) 577-2163;
- (c) Kelly Jones Leventis
35 Lafayette
Hingham, MA 02403
(843) 822-6991;
- (d) Samuel R. Clawson
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
(843) 577-2026;
- (e) Rock Amick
Wachovia Bank
16 Broad Street
Charleston, SC 29401
(843) 937-4488.

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/Sarah Elizabeth Wetmore

Date: 09/26/08

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

Circuit Court
(New Candidate)

Full Name: SARAH ELIZABETH WETMORE
Business Address: CARLOCK COPELAND & STAIR, LLP
40 CALHOUN STREET, SUITE 400
CHARLESTON, S.C. 29401
Business Telephone: 843-727-0307 (Main Office)
843-266-8230 (Direct Dial)

1. Why do you want to serve as a Circuit Court judge?
I believe in the honor and integrity of our judicial system. Our system depends on its judges to embody dignity and impartiality. If there is one thing that I am most proud of professionally, it is my integrity. That has been my aim as an attorney, and I would certainly dedicate myself to the same end as a member of our judiciary. I recognize that I would have a more meaningful influence upon a greater measure of our society as a Circuit Court judge, and I take that responsibility seriously. I remember, with clarity, every judge before whom I have ever appeared. I have a deep respect for their hard work, their civility, their impartiality and also for their influence on all who appear before them. Since the first case that I tried, I have had a desire to dedicate myself to the responsibilities and endeavors to which our judges have dedicated themselves. I would be honored to stand among them and to dedicate myself to the daily pursuit of what is most honorable, just and civil.
Chief Justice Toal said something recently at a seminar that I attended that struck me. To paraphrase her remarks, she said the only thing that a judge can promise is that he or she will "call it as they see it." Anyone who knows me will tell you that I can promise to "call it as I see it." I promise to fairly and accurately apply the law and I promise that I will remain dedicated to honor and civility. I believe that justice is not a responsibility to be taken lightly, and that I am called to shoulder all that the position requires and more.
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?

Ex parte communication is a delicate and important topic for our judges.

I have had only positive experiences with the judges before whom I have appeared and the manner in which they have honorably handled potentially troublesome situations. My philosophy regarding *ex parte* communications mirrors that of Canon 3(b)(7) of the Code of Judicial Conduct, which states that: A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding, except that:(a) Where circumstances require, *ex parte* communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication, and(ii) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond. (b) A judge may obtain the advice of a disinterested expert on the law* applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. (c) A judge may consult with court personnel* whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges. (d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters ending before the judge. (e) A judge may initiate or consider any *ex parte* communications when expressly authorized by law* to do so.

I would not say that there are situations where *ex parte* communications could be tolerated *per se*. What I can envision are situations where *ex parte* communications are unavoidable due to emergency or where they may be acceptable because they have been clearly agreed to by the parties and their attorneys. As a judge, and even as a judicial candidate, I would be charged with upholding the Canons of Judicial Conduct regarding all issues that might arise, including *ex parte* communications.

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

My philosophy would be to inform all parties of any significant associations that I might have with any attorneys who appear before me, especially where it might have an impact on the matter in any way.

My aim would always be to be forthright and to be clear about my relationships with the attorneys who practice in our courtrooms. Canon 3 addresses the importance of impartiality and, in my opinion, even the

appearance of impartiality should not be tolerated. A judge should be clear, in every circumstance, that he or she acts without fear of favor and in a manner that is aimed to uphold the law and the integrity of the judicial system.

The commentary to Canon 3(E)(1) says, in part, that "a judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification." While a judge should not allow his or her relationships with any lawyers to influence their judicial conduct, interested persons may disagree with whether or not a judge can be fair and impartial in a particular situation. It is clear to me that the priority lies with the assuring impartiality and promoting public confidence.

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

The commentary to Canon 3(E)(1) explains that "a judge is disqualified whenever the judge's impartiality might reasonably be questioned." Further, as stated above, "A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification."

Thus, if a party requested that I recuse myself, despite the fact that I felt that I could be fair and impartial under the circumstances, the appropriate conduct would be recusal, absent some urgent circumstance. A judge's duties are to perform and adjudicate diligently, but to undertake this performance impartially. If a party expresses concern about impropriety, or even the appearance of impropriety, and expresses doubt that a judge can execute his or her responsibilities without the influence of bias, and has a reasonable basis for these concerns, then the proper course is recusal.

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

Canon 2(b) of the Code of Judicial Conduct dictates that "A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment." Canons 3 and 4 both spend significant time discussing fiduciary concerns. The commentary to the Canons make it clear, as one would expect, that a judge must avoid and discourage financial and business dealings that would reasonably be improper or even create the appearance of impropriety. As a judge, I would have a heightened duty to shield myself and my family from inappropriate financial or social matters. A

judge must remain faithful to the law and to promoting the integrity of the judicial system in all of his or her affairs or those of his or her family.

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

I would reference Canon 4(D) and would generally say that gifts of ordinary social hospitality are acceptable so long as they are commensurate with the occasion and are not intended to invoke, or give the appearance of invoking, some expectation of favor or partiality. While it is essential to avoid impropriety, it is equally important to avoid even the appearance of impropriety in order to maintain the honor of the judiciary.

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

I would be required to report the information to the appropriate authority where substantial question is raised as to a judge's or a lawyer's fitness. Canon (3)(D) addresses "Disciplinary Responsibilities" and states:

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.* (2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct contained in Rule 407, SCACR, should take appropriate action. A judge having knowledge* that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.*

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?

In short, promptly and with focus on the law. Canon 3(C)(3) requires prompt disposition of matters. My first focus would be on providing an accurate and fair ruling. My second focus would be on efficiency and judicial economy. I think a judge has a responsibility to those who come before him or her to rule expeditiously and, in order to do so, judges have to employ effective administrative practices to encourage accuracy and efficiency.

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

Again, Canon 3(C)(3) requires prompt disposition of matters. With the help of today's technology, it should be a priority to calendar items and tasks and keep a tight check on matters to be sure that they are efficiently resolved. The use of calendaring and tasking techniques, the employment of dedicated staff members and the daily promotion on meeting deadlines and on efficiency will support this environment.

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

I identify with the language found in the commentary to Canon 4(B) on this subject: As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary and the integrity of the legal profession and may express opposition to the persecution of lawyers and judges in other countries because of their professional activities.

Our judges are necessarily integral to the promotion of public policy. While being mindful on the restrictions of my conduct, I would act to promote sound public policy and to improve the effectiveness of our judicial system in a positive way within society.

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 would willingly contribute my time to bar associations, judicial conferences or other organizations in an effort to promote "the fair administration of justice, the independence of the judiciary and the integrity of the legal profession." I also think it would be important to become involved in community activities where the public can witness the positive impact of a judge in many ways in our society. Activities may include anything from involvement at my daughter's school to speaking at public forums addressing legal issues to addressing lawyers at a CLE seminar. I would seek to become involved at our law schools, and hope to influence new lawyers to embody the integrity of the profession. It is well said in the commentary to Canon 4 that judges are "in a unique position." Judges should be a model for lawyers, other judges and members of our communities. I would frequently donate my time to efforts aimed at strengthening the

- confidence of our community in our system of justice.
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?
The short answer is a confident "No." I have certainly been able to handle the pressures of a challenging law practice, and I know that I can handle the pressures and challenges of serving as a Circuit Court judge.
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 should be addressed with specific deterrence.
 - b. Juveniles (that have been waived to the circuit court):
Where juvenile offenders are concerned, the goal should be rehabilitation.
 - c. White collar criminals:
 - d. Defendants with a socially and/or economically disadvantaged background:
 - e. Elderly defendants or those with some infirmity:
- With regard to c., d. and e. above, as well as for all of the categories listed, criminal sentences should be imposed fairly, without bias, without regard to race, age or socioeconomic background. A judge should also be practical and mindful of what is reasonable based on the circumstances surrounding a particular defendant and the limitations of the penal system.
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?
Not for this reporting year.
23. What do you feel is the appropriate demeanor for a judge?
A judge should, at all times, display civility, integrity and honor. A judge should earn the respect of others through his or her own humility, fairness and impartiality. Judges should exercise patience and compassion.
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?

Without exception, these standards apply seven days a week, twenty-four hours a day.

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

In short, anger is never appropriate. Canon 3(b)(4) of the Rules of Judicial Conduct requires that a judge shall patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require * similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

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?

Aside from postage under an estimated two dollars (\$2.00) to file the forms required of this application, none. I have hand delivered the majority of the application. This response will be supplemented for the Committee if any money is spent at any time.

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?

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/Sarah Elizabeth Wetmore

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

Notary Public for S.C.

My Commission Expires: 4/30/2018

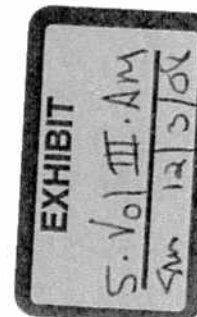
**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court Judge, Tenth Judicial Circuit, Seat 1

1. NAME: Mr. Edgar Henderson Long, Jr.
 BUSINESS ADDRESS: 1100 North Main Street
 Anderson, South Carolina 29621
 BUSINESS NUMBER: (864) 375-1612

2. Date of Birth: 1954
 Place of Birth: Anderson, South Carolina
3. Are you a citizen of South Carolina? Yes.
 Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on August 16, 1975, to Amy (Hunt) Tripp Long. 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) Erskine College, B.A. (History) 1976;
 - (b) University of South Carolina (Masters in Public Administration) 1977;
 - (c) U.S.C. Law School (J.D.) 1981.
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, 1981. No other bar exams taken.
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.
 During college, I was involved in musical performing arts, and was a member of the Choraleers, a select touring chorus, from 1972-1976.
10. Describe your continuing legal or judicial education during the past five years. Include **only** the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date</u>
(a) Ethical Consideration & Pitfalls for the Family Law Lawyer	12/23/2002;
(b) 5 th Annual Children's Law	05/16/2003;
(c) Family Law Ethics	12/06/2003;



- | | | |
|-----|--|-------------|
| (d) | SCDSS Legal Training | 12/12/2003; |
| (e) | SCDSS– OGC CLE Seminar | 05/21/2004; |
| (f) | Revised Lawyer’s Oath CLE | 05/21/2004; |
| (g) | Ethics Update | 10/26/2005; |
| (h) | 2005 Annual TIPS Seminar | 11/11/2005; |
| (i) | SC Family Court Bench/Bar | 12/02/2005; |
| (j) | Hot Tips from the Coolest Family
Law Practitioners | 09/22/2006; |
| (k) | Rules, Rules, Rules! SC Civil Procedure Update | 02/16/2007; |
| (l) | Training for Attorneys Appointed as
Guardian ad Litem | 05/18/2007; |
| (m) | Family Court Bench/Bar | 12/07/2007; |
| (n) | Year End CLE | 02/08/2008. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
Yes, I taught Law and Banking through the American Institute of Banking, in 1994 and 2000.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
South Carolina 1981
United States District Court, 1982
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
If you are a candidate for **Family Court**, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.
- (a) Legal Services Agency of Western Carolina (Staff Attorney) 1982-1983.
I was one of two staff attorneys in the Anderson office of Legal Services. My primary areas of practice were divorce and child custody;
- (b) Tenth Circuit Solicitor’s Office (Assistant Solicitor) 1983-1985, I was responsible for representing the state in prosecuting all juvenile cases in Anderson County, and also representing the Anderson County Department of Social Services in all court cases in which they were a party;

- (c) Chapman, King & Byrholdt (Attorney) 1985-1993, I was an associate attorney at a small law firm that primarily did litigation. I was given primary responsibility for family court cases, and I handled all aspects of family court practice, including divorce, child custody, equitable distribution, adoption, abuse and neglect and juvenile justice cases;
- (d) Law Offices of Long & Smith (Partner) 1993-2003, See below.
- (e) Law Offices of Long, Smith & Burrell (Partner), 2003-2006, See below.
- (f) Law Offices of Edgar H. Long (Sole Practitioner) 2007 to present.

Since 1993, first as a partner in a firm, and then as a sole practitioner, I have focused on domestic relations and family law. I have emphasized child custody and divorce, including equitable distribution of property and all other issues that arise in the dissolution of a marriage. I have also done a great deal of work as court appointed Guardian ad Litem in cases involving custody of children. For about eight of the last ten years, I have also worked as a contract attorney for the Department of Social Services, handling all types of cases involving D.S.S., including termination of parental rights, abuse and neglect of children, and vulnerable adult cases.

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

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

16. What was the frequency of your court appearances during the last five years?
- (a) federal: None;
 - (b) state: 3-4 times a week.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 1%;
 - (b) criminal: 1%;
 - (c) domestic: 98%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: ;
 - (b) non-jury: 100%.

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

19. List five of the most significant litigated matters 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) Sheila Jean Eubanks v. Homer Dale Eubanks, Docket No. 1999-DR-39-567

This was a highly contested divorce, with all issues being contested, including child custody and equitable distribution of assets. After a two-

day trial, my client (Plaintiff) was awarded sole custody, attorneys fees, and an equitable share of the marital estate;

(b) Terry Vernon v. Susan Vernon, Docket No. 2001-DR-04-679

This was a contested divorce on the grounds of physical cruelty, with significant issues of transmutation of property from nonmarital to marital. After a two day trial, my client (Defendant) prevailed on the issue of transmutation of the marital residence and was awarded attorney's fees;

(c) Eric Cohen v. Deborah L. Cohen, Docket No. 2001-DR-04-296

This was a contested divorce, with contested issues of equitable distribution and valuation involving my client's (Plaintiff) textile manufacturing plant. After extensive discovery and utilization of experts for valuation, the case was tried for one half day, and the parties then agreed upon a settlement resolving all issues;

(d) Rebecca S. Freeman v. Forrest Freeman, Jr., Docket No. 2004-DR-04-1752

This was a contested divorce, with complex legal issues involving the Defendant's pension earned as an Ohio Highway patrolman. After significant legal research and utilizing a financial expert from Ohio, the parties were able to settle the case on the eve of trial. (I represented Plaintiff);

(e) Barbara Maddox v. Raymond R. Maddox, Docket No. 2004-DR-04-2213

This was a contested divorce, primarily on the issue of equitable distribution of property. Plaintiff actively failed to respond to discovery requests, requiring extensive discovery to identify and value marital assets. On the morning of trial, the parties were able to settle the case, with my client (Plaintiff) receiving an equitable portion of the marital estate.

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.

William E. Fields and Martha L. Fields, Respondents v. Yarborough Ford, Inc., Appellant, 307 S.C. 207, 414 SE2d 164 (1992).

This was an appeal from a jury verdict and award in favor of my clients, the Fields, on issues of fraud and unfair trade practices. The award was reversed on appeal by the Supreme Court.

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? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty?

I have served as chairman of the Anderson Housing Authority Board of Directors since 1990. This is a local board appointed by the City Council of Anderson, SC, and does not require filing of ethics reports.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
- I have had two partners in my law office since 1993. I would recuse myself if either of those partners appeared before me.
- I also have done a significant amount of work representing D.S.S. in termination of parental rights cases and abuse and neglect cases, both of children and adults. I would expect there would be a period of time, such as six months, where I would recuse myself from D.S.S. cases, and following that time period, I would recuse myself from any cases where I had been involved in representing D.S.S.
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? No.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek.
I have spent about \$4.00 on postage, mailing out letters of introduction and a copy of my professional biography to members of the Anderson County legislative delegation. I did not solicit or request their support in this letter.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No. I am aware that my former law partner's best friend contacted a state representative to state that the best friend was supporting me for this position. This was done without my knowledge until after it had occurred.
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.
South Carolina Bar.
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) Greater Anderson Musical Arts Consortium (Chairman of Board of Directors);
 - (b) Anderson Cancer Association (Director);
 - (c) Anderson Roadrunners (Club President and Board member);
 - (d) American Cancer Association (Anderson County 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.
I have served as a member of the Fee Dispute Resolution Committee for the past eight years, and have investigated and prepared reports resulting from the investigation on two disputes during that time.
49. References:
- (a) Mrs. Myrtle E. Gillespie
108 Carter Oaks Drive
Anderson, SC 29621
864-224-6612;
 - (b) Mr. Leo A. Smith
Executive Vice President, Bank of Anderson
201 E. Greenville St.
Anderson, SC 29621
864-224-3777 (Office)
864-222-2711 (Cell);
 - (c) Dr. L. Thomas Richie, D.Min.
2700 Providence Church Road
Anderson, SC 29625
864-224-9392 (home)
864-617-6251 (Cell);
 - (d) Mrs. Becky Holmes, Executive Director
Anderson Housing Authority
River Street, Anderson, SC 29621
864-260-5312;

(e) G. W. King Smith, Esq.
1102 North Main Street
Anderson, SC 29621
864-375-9310 (Office).

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 Henderson Long, Jr.

Date: 09/23/08

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

Family Court
(New Candidate)

Full Name: Edgar Henderson Long, Jr.
Business Address: 1100 North Main Street
Anderson, South Carolina 29621
Business Telephone: Office-864-375-1612
Fax -864-375-9303

1. Why do you want to serve as a Family Court Judge?
I have been an attorney for 26 years, during which I have practiced primarily in the family courts of our state. I believe that my background, my experience, my knowledge of the law, my ethical standards, and my demeanor make me well qualified to serve as a family court judge. I also believe that I can utilize this knowledge in order to provide our citizens with a fair and impartial manner of resolving disputes, in areas that are highly charged emotionally. I would expect to conduct hearings in a courteous and unbiased manner, and to make decisions fairly and promptly for people who come into my court. Finally, I am at a point in my life and the lives of my wife and children where I am able to devote myself to the responsibilities which accompany this position.
2. Do you plan to serve your full term if elected?
Yes
3. Do you have any plans to return to private practice one day?
No
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
No. *Ex Parte* communications are inappropriate and must be avoided. This is the safest route and clearly the proper ethical route for a judge to follow. Further, a judge must guard against the appearance of impropriety to the public, by stringently avoiding any communication with any parties to a pending action that may come before that judge. If I were approached by an attorney or a party who attempted to discuss a pending case, I would politely but firmly discontinue the conversation immediately.

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

Recusal is a significant step for a judge to take, and there should be a legitimate reason. If a litigant is a former client, or the judge knows the parties, then at the very least, full disclosure must be made to the attorneys and the parties. Even then, in a contested case, full disclosure is probably insufficient and the proper step is recusal.

Regarding former law partners, full disclosure is again the appropriate first step, and depending on the nature of the case, recusal may be necessary. Regarding lawyer-legislators, unless there is a personal relationship with the legislator, I feel it would be appropriate for the judge to hear the case, and I personally would give no preference to an attorney simply because he is member of the general assembly.

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

As I stated in the previous question, full disclosure is the appropriate first step. If an attorney or a litigant requested my recusal, I would lean more towards granting that request, out of concern that a denial of such a request could give the appearance of impropriety. I have found in my practice that if a client or adverse party believes you have a conflict of interest, it may be prudent to accept that position even if you personally disagree, because of the likelihood of the 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?

Financial or social involvement of a spouse or a close relative should be treated the same as if it were that of the judge.

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

I would avoid accepting gifts or social hospitality. As I have stated throughout these answers, often times the appearance of impropriety is as detrimental to our legal system as actual impropriety.

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

Misconduct or ethical violations must be reported to the state bar association.

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

No

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

No

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

Generally, one of the attorneys in a family court case is requested to prepare a draft of an order reflecting the ruling of the court, and that is then provided to all other counsel of record prior to submission to the judge. In the event of dispute, I would schedule either a telephone conference or a second hearing to address the dispute or to clarify my ruling on the issue.

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

It is critical to the judicial system to insure that deadlines are being met and maintained, and this starts with the judge. I would expect attorneys to be on time and to be prepared, and I would demonstrate these expectations by being on time and being prepared to proceed at the time the case is scheduled to begin. Following the issuance of a ruling, I would also require that Orders be drafted and submitted in a timely manner. The delay in the submission of Orders following a hearing can create significant legal and practical difficulties for the litigants and the attorneys.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I feel very strongly that the guidelines of the Guardian ad Litem statute are critical to the protection of the children of this state. I have served as a Guardian ad Litem in hundreds of cases, and I have always tried to be aware of the awesome responsibility that comes with that appointment, and to discharge my obligations in compliance with these statutes. As a judge, I would expect nothing less from other Guardian ad Litem, either attorneys or lay guardians. I would inquire as to whether Guardian ad Litem had fully complied with their statutory obligations, even if that issue were not raised by the attorneys for the litigants.

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

The primary responsibility of a judge is to review properly submitted evidence and to apply the statutes to the law to render a decision consistent with the legislative intent of the statute. On issues which allow for judicial discretion, I would attempt to use this discretion in a manner where the interests of children are protected, and the parties are given proper moral guidance in determining what is appropriate conduct towards the other party or the minor children.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would like to use my position as a family court judge to be available to members of the bar to discuss legal issues which are unusual or unique, provided I would not be called upon to adjudicate such issues. I would also

like to have the opportunity to speak at CLE seminars, or to participate in seminars or discussions involving the public.

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

I am aware that the position of Family Court Judge requires travel to other circuits in our state, and I fully accept this requirement. My wife and I have a very strong marriage which would not be strained by this travel requirement, and my children are both away at college, so that would not be an issue.

19. Would you give any special considerations to a *pro se* litigant in family court?

People who cannot afford an attorney or who choose to represent themselves should have the same access to the court system as those who hire an attorney. It may be appropriate to relax certain procedural issues for *pro se* litigants, provided this does not prejudice the other parties to the case, and so long as it is in the furtherance of fairness to all parties. Under no circumstances should a judge give legal advice to a *pro se* litigant, or to do anything which might give the appearance of "helping" that party.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No. Even a nominal financial interest would give the appearance of impropriety, and should be avoided.

22. Do you belong to any organizations that discriminate based on race, religion, or gender?

No, nor have I ever belonged to such an organization.

23. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes. I have attempted to focus on continuing legal education in the field of domestic relations, abuse and neglect, or seminars which focus on improving trial techniques, such as evidence or procedure.

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

- a. Divorce and equitable distribution: 25%
- b. Child custody: 25%
- c. Adoption: 10%
- d. Abuse and neglect: 30%
- e. Juvenile cases: 10%

25. What do you feel is the appropriate demeanor for a judge? It is important to remember that a judge is a symbol of our system of justice, and respect for the judge is essential to this system. A judge should preserve and foster this respect by setting an example for the attorneys and the parties of proper courtroom demeanor. Too much informality, especially with lay persons, can cause those persons to lose respect for the judicial system. This can also lead to parties tending to feel that compliance with a court's order is merely voluntary. A judge should always act as an example to others.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
A judge should not only exercise proper demeanor on the bench or in chambers, but in his daily life and in his community. The public perception of a judge is determined not only by what happens in court, but what the public observes about a judge's life and his actions in his daily life.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
Frustration in dealing with litigants and attorneys is common, but a judge must avoid becoming angry in fulfilling his role in the legal system. While it may be appropriate to be stern, and to expect a high standard of ethics and preparedness from the members of the bar, anger tends to cause one to lose one's objectivity in deciding issues fairly. In extreme cases, it may even be appropriate for a judge to take a recess, or to speak with counsel in chambers about the court's frustration. Communication about the cause of the frustration may resolve the problem, but the court should guard against decisions made in the heat of the moment.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
I spent about \$4.00 in postage sending out letters of introduction and a copy of my professional biography to members of my legislative delegation. I specifically stated in the letter that I was not asking for their support prior to completion of the screening process.
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not applicable
30. Have you sought or received the pledge of any legislator prior to this date?
No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has

been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

No. I learned after the fact that a close friend of my former law partner contacted a state representative and expressed his support for my candidacy. I had no knowledge of this until after it had occurred.

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

No

34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

Yes

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

Edgar Henderson Long, Jr.

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

Notary Public for South Carolina

My commission expires: 7/8/2013

**JUDICIAL MERIT SELECTION COMMISSION
AMENDMENT TO PERSONAL DATA QUESTIONNAIRE**

The undersigned candidate, Edgar Henderson Long, Jr., hereby amends the personal data questionnaire previously submitted on September 23, 2008, in conjunction with the application for the following Judicial Seat.

Family Court Judge
Tenth Judicial Circuit
Seat 1

19. (e) Barbara Maddox v. Raymond R. Maddox, Docket No. 2004-DR-04-2213
This was a contested divorce, primarily on the issue of equitable distribution of property. Plaintiff actively failed to respond to discovery requests, requiring extensive discovery to identify and value marital assets. On the morning of trial, the parties were able to settle the case, with my client (**Defendant**) receiving an equitable portion of the marital estate. (emphasis added to the amended portion of this response.)

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

Signature: _____

Edgar H. Long

Date: _____

12/2/08