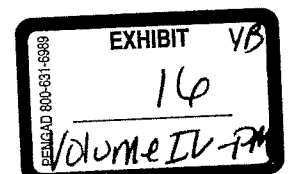


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Master-in-Equity
(New Candidate)

Full Name: Paul Elbert Rathbun
Business Address: 203 Laurel Street
Conway, SC 29526
Business Telephone: 843.248.1570

1. Do you plan to serve your full term if appointed? Yes
2. If appointed, do you have any plans to return to private practice one day? No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Ex parte communications undermine the bar's and public's confidence in the fair and unbiased judicial process.
Such communications may be necessary where counsel becomes incapacitated to a degree they are not able to represent their client or for scheduling purposes or to motion the court for an ex parte hearing.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
The integrity of our judicial system rests on the public's perception of its fairness. Where there is the chance that there could be an inference that the process would be biased the better choice is to err on the side of caution and recuse oneself.
Where lawyer-legislators, former associates, or law partners are to appear before you it is incumbent that all parties, not just counsel, are aware of prior associations. If any party objects then the court must recuse themselves.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?
If after I made an attempt to quell any concerns of the party and they were not at ease with my sitting in judgment I would recuse myself.



7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
 In my mind it is the perception of the public and the bar that must be protected and nurtured. Acceptance of gifts from bar members or the public, however benign, could damage that perception therefore I would respectfully decline the gift.
 The bench should be circumspect in accepting social hospitality, I do not believe that requires a judge to ostracize themselves. Where the occasion is social and not court related it provides an opportunity for a judge to humanize their office.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
 I would turn it over to the appropriate authority. It is not for a judge to conduct their own investigation and decide the merits of such an accusation.
9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?
 No
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?
 Yes, I am on the board of *Cross Heirs Outdoor Ministry*, a not for profit, non-denominational ministry where we sponsor activities to support the ministry.
11. If appointed, how would you handle the drafting of orders?
 I am familiar with the practice in Family court where one of the attorneys drafts the order for the court's review and signature. I would follow that practice making sure the order accurately reflected the proceedings.
12. If appointed, what method would you use to ensure that you and your staff meet deadlines?
 I would keep a physical calendar and one on the computer. They would include a time line for cases before the court.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
 I am not a proponent of judicial activism. I do not believe that the bench should set public policy or 'make laws' but promote such policies by the interpretation of existing law. Rulings should have a foundation in the constitution and deference to relevant case law.
14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
 I would serve on any commission or panel with others to discuss, investigate and further our legal system.

I have in the past and would continue to speak to students in the local school system. If asked by a group to address a gathering about the law, not specific cases, I would do so.

I would not participate in press type conferences.

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?
My wife and I have raised our families so do not have the day to day pressures attendant to child care. We both currently work full time and would continue to do so. I do not have any personal relationships that would be upset should I serve.
16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
Although I believe I could be objective I would recuse myself after notifying the parties.
18. Do you belong to any organizations that discriminate based on race, religion, or gender?
No
19. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes
20. What do you feel is the appropriate demeanor for a judge?
Judges should be courteous to and respectful of everyone, should not allow personal bias, problems or prejudices to be apparent. They should be on time, prepared, knowledgeable and attentive. Judges need to be able to communicate, be decisive but not bullheaded.
21. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
I believe that judges are and should be set apart, held to a higher standard. Everything they do must reflect the stature they have attained and the status the public has conferred on them. The rules apply seven day a week, twenty-four hours a day.
22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
I do not believe it is ever appropriate to express anger at the public or counsel or. However, I believe that one can communicate their feelings in such a manner that cordiality and civility are maintained. This cannot be done with sarcasm, or name calling but through rational and explicit communication.

23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
To date less than ten dollars on stationary and postage.
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
N/A
25. Have you sought or received the pledge of any legislator prior to this date?
No
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No
27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
28. Have you contacted any members of the Judicial Merit Selection Commission?
No
29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

s/Paul Elbert Rathbun

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

Notary Public for S.C.

My Commission Expires: 11/18/2013

AMMENDED PERSONAL DATA QUESTIONNAIRE

PAUL E. RATHBUN

Please accept the following amendments to questions 14, 19, 30 and 48 to my original Personal Data Questionnaire.

14. Description of my legal experience since graduation from law school.

I began working with the Horry County public defender's office in June 1995 as a research staff member. After passing the bar I began to represent clients in General Sessions court. As a public defender I was exposed to the gamut of criminal defense cases from simple possession of drugs, driving under suspension to criminal sexual conduct. I have experience in numerous trials, plea negotiations, bond reduction hearings and probation violations. In the three years I represented adults I believe I handled in excess of 1,500 court appearances.

In the fall of 1998 I went into private practice as Rathbun Law Firm, LLC. During the two years I practiced I was involved in numerous real estate closings, a few wills, and personal injury cases. I also represented individuals in General Sessions for the public defender where the office had a conflict.

In November 2000 I returned as a fulltime lawyer to the public defender's office representing magistrate cases and juveniles in Family Court. Within the first year the Family Court took precedence dropping magistrate level hearings. To date I believe I have represented thousands of juveniles in detention hearings, pleas, trials, competency hearings, dispositions after evaluations, status offenses and violations of probation.

Since 2006 I have been a member of the Horry County Drug Court board, assisting in making decisions regarding participants on a weekly basis.

19. List five of the most significant litigate matters I have personally handled.

State v. Louis M. Winkler: this was a death penalty case, I sat second chair to Mr. Ralph Wilson. This was my first involvement in a capital case and the emotional toll it would take on each of us. While we did not prevail we did everything possible to represent our client and to win each separate phase in the case.

State v. Andre Lindsey: the State did not provide the identifying photo until the morning of the trial. Once I saw the picture of the alleged drug seller I became aware that the defendant was not the individual in the photo. No matter my effort the solicitor and investigative detective were not convinced, the jury was.

In the Interest of Joshua J., a minor: CSC w/ a minor 1st degree. I had previously had the bad luck to have been granted a directed verdict on the same charge only have the court on its own motion convict a previous client of Attempted CSC. Since that time I have worked diligently to obtain ABHAN for them as a lesser included charge. The court has discretion and usually after an evaluation which includes a Sex Offender specific evaluation there is no one recommending the sex offender registry for first time offenders.

In the Interest of Dillon N., minor: one of my earlier CSC cases where the guardian as litem and I were able to have our client enrolled in a sex offender specific program prior to adjudication. The process took almost three years but in the end the State allowed him to plea to a lesser included charge due to his progress and reconciliation with his familial victim.

In the Interest of Johnathon S., this individual came in at a young age for Disorderly Conduct. This young boy disclosed to me and to the DJJ case worker, as did his step mother and father neither of whom were my client, some very disturbing psychological aberrations. The step mother made the disclosures on the record placing the court and officers in a position where his fantasies/desires had to be addresses in a formal manner. He is currently receiving sexual predator counseling and is still in DJJ custody where he appears to be doing quite well.

30. Describe any financial arrangements that could result in a possible conflict.

In 1998 – 1999 I was a silent partner in Rathbun and Wright Landscaping, LLC. Mr Wright and I were to each invest an equal sum to start up the company. I did so, Mr. Wright did not. After numerous attempts to resolve this situation in 2002 I appeared and prevailed in Horry County's Master-In-Equity. Should Mr. Wright appear before me I would inform all parties and determine whether Mr. Wright wanted me to recuse myself. If he did, I would.

48. Provide any information which may reflect positively or negatively on your candidacy.

I came to the practice of law at 47, later in life than most lawyers. Although my father, a FBI agent for 35 years, and my uncle, in private practice for 40+ years, did expose me to alternative and a more gentile mode of practice, I was not prepared to go to law school early on. My life's experiences, military service as company then battalion clerk then a tour in Viet Nam; working in the construction industry in positions of supervision, estimating and contract performance provide a broader base upon which I have built my legal training. I have raised a family and am now grandfather to three of my own and eight on my wife's side. Throughout my life I have had an abiding belief in my God and His place in my life.

The countless hours of court room exposure these experiences have given me have provided me with an appreciation of the roles and responsibilities of each individual it takes to run a court efficiently. I have had the pleasure of working with a number of the 'old hands' both on and off of the bench. The respect and patience shown each other here in Horry County's courts may not be reflective of all circuits but it does set an atmosphere more conducive to amenable solutions to difficult situations.

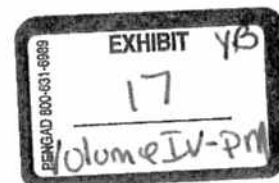
I will to continue to show the respect and deference to the bench and bar whether I am selected to fill this position. It is my belief that to become a lawyer demonstrates not only intelligence but the ability to succeed, that those who are lawyers are held to higher standards. It is more so for members of the bench. Being a judge is to accept a trust from the people, a duty to arbitrate their legal issues in a fair and unbiased manner. I know that I am worthy of such trust.

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. John L. Weaver
BUSINESS ADDRESS: 1301 Second Avenue
Conway, South Carolina 29526
E-MAIL ADDRESS: weaverj@horrycounty.org
BUSINESS NUMBER: (843) 915-5270

2. Date of Birth: 1947
Place of Birth: Wilmington, North 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 September 26, 1998, to Susan Hayes Weaver.
Divorced on October 26, 1996, John L. Weaver, Charleston County Family Court, One Year's Continuous Separation. Three Children.
6. Have you served in the military?
September, 1969 – June, 1973
United States Air Force, Captain
Serial Number: XXX-XX-XXXX
Honorable Discharge
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) The Citadel – Charleston, South Carolina, BA Political Science, 1965-1969;
(b) University of South Carolina School of Law – Columbia, South Carolina, Juris Doctor, 1973 – December, 1975.
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.
North Carolina Bar Exam – July 1976 – Not Admitted.
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 variety of activities, none considered significant.



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>Dates</u>
(a) (Exempt from CLE reporting) - South Carolina Association of Counties County Attorneys	July 31, 2008;
(b) (Exempt from CLE reporting) - South Carolina Association of Counties, County Attorneys	August 2, 2007;
(c) National District Attorneys Association, Office Administration	April 2-6, 2006;
(d) South Carolina Association of Counties, Local Government Attorneys Institute	December 8, 2006;
(e) National District Attorneys Association, Prosecuting Drug Cases	April 10-14, 2005;
(f) South Carolina Association of Counties, County Attorneys	August 4, 2005;
(g) National District Attorneys Association, Government Civil Practice	May 2-6, 2004;
(h) South Carolina Association of Counties, County Attorneys	August 5, 2004;
(i) National District Attorneys Association, Office Administration	May 3-7, 2003.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? No.

12. List all published books and articles you have written and give citations and the dates of publication for each. Not Applicable.

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.

<u>Court</u>	<u>Date of Admission</u>
(a) South Carolina Supreme Court	May 12, 1976;
(b) United States District Court	June 7, 1977;
(c) Fourth Circuit Court of Appeals	April 4, 1980.

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

- (a) Mitchell, Lewis & Nelson, Florence, South Carolina
1976 - 1978, Associate, General Practice;
- (b) Nelson & Weaver, Florence, South Carolina
1978 - 1982, General Litigation;
- (c) Yarborough, Lewis & Weaver, Florence, South Carolina

- 1983 – 1989, General Litigation;
- (d) Gibson & Weaver, North Charleston, South Carolina
1990 – 1994, Litigation/ Real Estate;
- (e) John L. Weaver, North Charleston, South Carolina
1994 – 1997, Litigation/Real Estate;
- (f) Thomas Supply Company, Myrtle Beach, South Carolina
1998 – 2000, In-House Counsel, Business Law;
- (g) Horry County Attorney, Conway, South Carolina
September, 2000 – Present.

If you are a candidate for **Master-In-Equity**, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.

Master- In Equity Experience

Over the past five years, I have tried and participated in a variety of civil cases in that tribunal, including:

- (a) Challenges to county property tax sales;
- (b) Demands for refunds of accommodation taxes collected;
- (c) Freedom of Information (FOIA) disputes;
- (d) Abatement of Nuisances (§ 15-43-10);
- (e) Road closing actions;
- (f) Real estate foreclosures.

On average over the past five years, I estimate my appearance before the Master- In-Equity to be 2-3 times annually.

15. What is your rating in Martindale-Hubbell? AV Rated.

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: Semi-annually;
- (b) state: Quarterly.

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

- (a) civil: 97%;
- (b) criminal: 3%;
- (c) domestic: 0.

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: 60%.

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

My trial responsibilities are almost equally divided between sole and associate 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) Patricia Waddell -vs- Lull Engineering Company, Inc.
United States District Court, Florence, South Carolina, 1985
Products Liability
\$3 Million Jury Verdict
- (b) United States of America -vs- Stone
United States District Court, Florence, South Carolina, 1989
Multi-Count Federal Indictment
Full Acquittal
(Defendant was facing possible life imprisonment)
- (c) James River Corporation -vs- Burch Roofing Company
United States District Court, Florence, South Carolina, 1991
Products Liability
\$600 Thousand + Jury Verdict
- (d) Wilson O. Horton, Sr. v. Toyo Tire and Budd Corporation
United States District Court, Florence, South Carolina, 1993
Products Liability
\$1 Million + Settlement
- (e) Nancy Edwards v. Sheila A. Pulsifer
Horry County Court of Common Pleas, 2007
Personal Injury
\$240 Thousand Settlement
Pro Bond Case for Pastor

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.

- (a) Waddell v. Lull Engineering Company, Inc., February 20, 1987
813 F.2d 404, Unpublished Disposition, C.A.4 (S.C.);
- (b) Adams v. Daily Telegraph Printing Company, December 08, 1986
292 S.C. 273, 356 S.E.2d 118, S.C. App;
- (c) Hayes v. Peoples Federal Savings And Loan Association, May 27, 1986
289 S.C. 63, 344 S.E. 2d 624, S.C. App.;
- (d) Carson v. Living Word Outreach Ministries, Inc., May 17, 1993
315 S.C. 64, 431 S.E. 2d 615, S.C. App.;
- (e) Top Value Homes, Inc. v. Harden, July 24, 1995
319 S.C. 302, 460 S.E. 2d 427, S.C. App.

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.
- (a) Horry County, Respondent v. Brenda R. Babb, Appellant
 South Carolina Court of Appeals
 Decided May 22, 2007 Unpublished Opinion No. 2007-UP-244
 Respondent's Brief Attached;
- (b) Horry County, Respondent v. David Parbel, et al., Appellants
 South Carolina Court of Appeals
 Decided May 12, 2008, Opinion No. 4388
 Respondent's Brief Attached.
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. No.
24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. 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?
 Corporate President and Founding Stockholder, WPDE TV-15, Florence, South Carolina, 1979 – 1984.
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? Yes.

In the mid-90's while in private practice in Charleston County, I represented Charles Edgeworth of Hanahan, South Carolina in a case involving the death of his wife in an auto collision case occurring in North Carolina. No suit was ever filed and the claim against the at-fault party was settled.

During the course of investigating the claim, an issue arose about underinsurance coverage on Mr. Edgeworth's auto liability policy. He previously had declined coverage and the question was whether or not his carrier had made reasonable offer of coverage. I submitted a demand for a reformation of Mr. Edgeworth's policy and his carrier denied the demand. I explained to my client the option of bringing suit against his carrier and he declined to do so.

Approximately one year after the primary tort case had been settled, Mr. Edgeworth's carrier wrote to me asking that the underinsurance issue be revisited because of a recently filed South Carolina Supreme Court Opinion. Because a Full Release had been executed and the tort claim was ended, I forwarded the carrier's letter to my former client, accompanied by my cover letter advising Mr. Edgeworth to seek independent legal advice.

Later, I was requested by a Charleston attorney representing Mr. Edgeworth and asked to contact the at-fault carrier in an effort to substitute a new Covenant Not To Execute in exchange for the Release previously signed by Mr. Edgeworth. I believed the request to be inappropriate and I did not make the request.

Soon thereafter, I was sued for professional negligence. The case was settled by my carrier for \$50,000, being 50% of the questionable underinsurance coverage.

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

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

38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or

- a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina BAR – House of Delegates Circuit Representative (2 Terms in 1980's and 2002-2004);
 - (b) SC Trial Lawyers Association (Former Member) (Former Board of Governors in 1980's);
 - (c) American Trial Lawyers Association (Former Member).
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Belin United Methodist Church;
 - (b) Murrells Inlet 2007;
 - (c) South Strand Cotillion.

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. No additional information.
49. References:
- (a) Edgar L. Dyer, III, Esquire
Vice President, Coastal Carolina University
P.O. Box 261954
Conway, South Carolina 29528
(843) 349-2628;
 - (b) John L. Napier, Esquire
P.O. Box 2874
Pawleys Island, South Carolina 29585
(843) 237-8954;
 - (c) Richard Lane, Vice President
Horry County State Bank
1300 Second Avenue
Conway, South Carolina 29526
(843) 488-6300;
 - (d) James P. Howle, CEO
Horry Electric Cooperative, Inc.
P.O. Box 119
Conway, South Carolina 29528
(843) 369-6318;
 - (e) Donald D. Leonard, Chairman
South Carolina Transportation Infrastructure Bank
Post Office Box 1373
Myrtle Beach, South Carolina 29578
(843) 626-7676.

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/ John L. Weaver

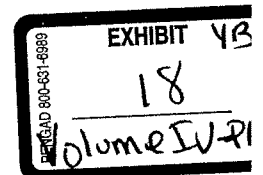
Date: 09/19/08

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

Master-in-Equity
(New Candidate)

Full Name: John Lawrence Weaver
Business Address: 1301 Second Avenue
Conway, South Carolina 29526
Business Telephone: (843) 915-5270

1. Do you plan to serve your full term if appointed? Yes
2. If appointed, do you have any plans to return to private practice one day? No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Judicial Canon 3 - In no event should there ever be any Ex Parte communications involving court proceedings, strategy, legal issues or the like when necessary, limited communications with an attorney of record are permissible if the health or safety of counsel, a party or a witness was in jeopardy or, additionally, for scheduling or administrative purposes.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
Judicial Canon 1 - A judge shall uphold the integrity and independence of the judiciary.
Judicial Canon 2 B - A judge shall avoid appearance of impropriety. A judge should take it upon himself to disclose any situation that creates or potentially creates a conflict and recuse himself from further involvement in the case. Further, a judge must carefully consider any motion or request made by counsel or a party for recusal and err on the side of caution and independence in the event of controversy. This especially is true if there exists a family, social or political relationship with a lawyer-legislator, a former associate or a former law partner.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?



The appearance of bias lies primarily in the eyes of the party making the request. I would grant the motion. However, that having been said, there must be some reasonable basis for the recusal motion and not simply used as a means to avoid justice being served. But, again, I would err on the side of caution, independence and integrity.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
Having been a public official for the past eight (8) years, I have adopted a standard of not soliciting or accepting, directly or indirectly, any gift, offer or promise of anything of value including, but not limited to money, favors, services, food, transportation, entertainment or honorarium. That standard shall remain consistent.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
Judicial Canon 3 D (2) - Requires that the appropriate authority be informed of a lawyer's misconduct.
Judicial Canon 3 D (1) - Requires that the appropriate authority be informed of judicial misconduct.
9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?
No
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?
No
11. If appointed, how would you handle the drafting of orders?
First, I would not require that "proposed" orders be submitted by both sides. I believe it is incumbent upon a judge to fulfill his responsibilities by making findings of fact and conclusions of law. Thereafter, only if judicial efficiency necessitated legal assistance, I would consider asking the "prevailing" attorney to prepare an order consistent with my written decision and submit it to the court following review by all counsel.
12. If appointed, what method would you use to ensure that you and your staff meet deadlines?
Timelines and deadlines can be monitored both electronically and through paper tickler systems. It is essential that all staff members and the judge have in place a multi-faceted office wide system that is accessible by all.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
"Activism" is defined as a practice based on militant action. "Militant" is defined as fighting or having a combative character. Judicial activism has no roll in fulfilling the duties and responsibilities of a

- judge. Public policy is a legislative task and involving the judiciary in that realm of the law is ill-advised.
14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
It is permissible to lecture, teach and participate in similar extra-judicial activities concerning the law. Upon invitation, I envision speaking to high school government classes and to higher education students at our local colleges.
 15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No
 16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
 17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No
 18. Do you belong to any organizations that discriminate based on race, religion, or gender? No
 19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
 20. What do you feel is the appropriate demeanor for a judge?
Judicial Canon 3 B (4) – A judge shall be patient, dignified and courteous to litigants jurors, witnesses, lawyers and court officials.
 21. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day? Continuously.
Judicial Canon 2 A – The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge.
 22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant? No. Never.
 23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? \$0.00
 24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not Applicable
 25. Have you sought or received the pledge of any legislator prior to this date? No
 26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No

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

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

s/John Lawrence Weaver

Sworn to before me this 19th day of September, 2008.

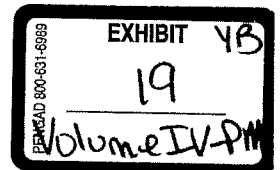
Notary Public for S.C.

My Commission Expires: 4/16/2017

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. Olin Davie Jones Burgdorf
BUSINESS ADDRESS: P.O. Drawer 9000
190 Gibson Street
Orangeburg, SC 29116
E-MAIL ADDRESS: dburgdorf@orangeburgcounty.org
BUSINESS NUMBER: (803) 533-6286
2. Date of Birth: 1948
Place of Birth: Orangeburg, 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 February 7, 1968, to Jan Eugenia Johnson Burgdorf. Never divorced. Three children.
6. Have you served in the military?
Dates and Details of Service Rank
1969 – 1974 U.S. Army Reserve 1st Lieutenant
Serial Number: XXX-XX-XXXX
Honorable Discharge
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) Davidson College, AB Degree (1970);
(b) University of South Carolina, JD Degree (1973).
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 Bar – 1973.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
- | | <u>Davidson College Activity</u> | <u>Dates</u> |
|-----|----------------------------------|--------------|
| (a) | Pi Kappa Phi Fraternity | 1966-1970; |
| (b) | ROTC | 1966-1970. |



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)	2007 Commercial Real Estate	12/14/07;
(b)	Master-in-Equity Bench/Bar	10/12/07;
(c)	2007 Master-in-Equity Board Meeting	02/13/07;
(d)	Family Court Bench Bar	12/01/06;
(e)	2006 Master-in-Equity Bench Bar	10/13/06;
(f)	S.C. Elder Law Update	11/15/05;
(g)	2005 Master-in-Equity Bench bar	10/14/05;
(h)	2005 Master-in-Equity Annual meeting	02/25/05;
(i)	Judicial Oath of Office	11/19/04;
(j)	2004 Master-in-Equity Bench/Bar	10/15/04;
(k)	Mortgage Foreclosure	08/31/04;
(l)	2004 Master-in-Equity Annual Meeting	02-06-04;
(m)	2003 Master-in-Equity Bench/bar	10/17/03;
(n)	Advanced Legal Writing & Editing	08/12/03;
(o)	Mortgage Foreclosure	08/14/03;
(p)	Annual Statewide Meeting	01/31/03.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
I taught Business and Criminal Law at Orangeburg Tech for many years.

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.

<u>Court</u>	<u>Date of Admission</u>
South Carolina Supreme Court	1973
U. S. Court of Appeals	1974

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

I began my practice as a sole practitioner in 1974 and continued to do so until 1986 when I was appointed Master. My practice was mainly real estate of the type dealt with in the office of the Master, as well as title work.

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

22. Have you ever held judicial office?

- (a) Master-in-Equity – 1986 to Present (appointed);
 (b) Orangeburg County Special Circuit Judge 1994-Present (appointed)
 Common Pleas Civil Cases;

- (c) Interim Calhoun County Master-in-Equity; 6/10/04 – 3/01/05 (appointed).
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) Leahy vs The Starfloe Corp.
431 SE 2nd p.567 (S.C. 1993);
 - (b) Moody vs City of Orangeburg
460 2nd p. 374 (S.C. 1995);
 - (c) Glover vs Investment Life Company of America
439 SE 2 p. 297 (S.C. 1993);
 - (d) Sims vs Hall
Opinion No. 3703 (S.C. 2003);
 - (e) Parker vs Shecut
562 SE2nd p. 620 (S.C. 2002).
24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty?
- (a) Orangeburg County Board of Education c. 1976-1986 (appointed);
 - (b) Springfield Municipal Election Commission c. 1976 – 1986 (appointed).
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
- (a) None other than as Master and as Special Referee on numerous occasions outside of my jurisdiction as Master of Orangeburg; 1986 to present.;
 - (b) Interim Calhoun County Master-in-Equity for Calhoun County; 6/10/04 – 3/01/05 (appointed).
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? Yes, I ran unsuccessfully for Orangeburg Council in 1980.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?
- (a) 1974-1975: School Teacher;
 - (b) 1977-1797: Executive Director Orangeburg-Calhoun Technical College Foundation.
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? Not to the best of my knowledge except at one of my last confirmation hearing process, it was brought to my attention that some federal prisoner had included me in his lawsuit, but I was not provided with the details, nor do I think I was a party in interest. I believe that it was some sort of dragnet suit, where the prisoner sued all the judges in the county nor circuit whether or not they were really involved with his situation.
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? None.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.

41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) S.C. Bar Association;
 - (b) Orangeburg 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) Orangeburg Rotary Club, Scholarship Selection Committee;
 - (b) Springfield United Methodist Church, Pastor Parish Relations Committee;
 - (c) Palmetto Club of Columbia.
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.

For a number of years I have acted as Special Circuit Judge, pro bone. Even though this takes a toll on my time, I feel it is a voluntary service that is essential in giving back to the community.
49. References:
 - (a) Clyde B. Livingston
PO Box 744
Orangeburg, SC 29115
803-595-9603
 - (b) Harold W. Funderburk, Jr.

PO Box 955
Columbia, 29202
803-767- 2400

- (c) Mark H. Trimmier
791 Broughton Street
Orangeburg, SC 29115
803-531-5566
- (d) Richard Fowler
PO Box 1166
Orangeburg, SC 29116
803-536-4900
- (e) James McGee
PO Box 327
Orangeburg, SC 29115
803-534-1212

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/ Olin Davie Jones Burgdorf

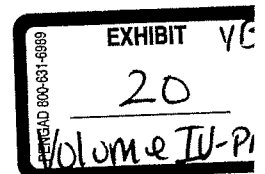
Date: 08/25/08

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

Master-in-Equity
(Incumbent)

Full Name: Olin Davie Jones Burgdorf
Business Address: Post Office Drawer 9000
Orangeburg, S.C. 29116-9000
Business Telephone: 803-533-6286

1. Do you plan to serve your full term if re-appointed? Yes
2. Do you have any plans to return to private practice one day? No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Ex parte communications are anathema to the proper working of the court system. Lawyers from both sides of a case should be informed at the same time by the same method of decision, rulings, etc. A lawyer who attempts *ex parte* communications should be reprimanded and the opposing party notified immediately. Perhaps the only situation where *ex parte* actions are appropriate are in ministerial instructions by a judge or in a case of dire emergency, after which the opposing attorney should be notified, e.g. if opposing attorney is unavailable when some emergency exists.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I believe that a judge should recuse her/himself, where even an appearance of impropriety exists. This does not mean that a judge would have to recuse just because he knows the lawyers involved, but if there is a special relationship between him/her and one that might be construed as prejudicial, he/she should recuse. I have no former partners or associates, so this would not be a problem for me, nor would I allow myself to be influenced by the fact that a person appearing before me is a legislator.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?
Yes, absolutely, to avoid any appearance of bias.



7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I do not accept gifts from lawyers and only accept social hospitality from close friends.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a judge?
Such conduct should be reported to the proper agency.
9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated? No
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No
11. How do you handle the drafting of orders?
I usually request the parties to submit proposed orders, copying one another. After a decision has been made, I send both parties the order by the same methods.
12. What methods do you use to ensure that you and your staff meet deadlines?
We have a computer system that generates reminders as well as notebooks which we upgrade regularly.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
The judicial branch of the government should not engage in such except as to promote justice, Public policy is a legislative task.
14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
Participating in seminars for the bar and continuing to act as Special Court Judge pro bono to relieve the caseload in Orangeburg County.
15. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?
It can, but, generally I leave my "work at the office". I explain the special demeanor a judge must have to those close around me and they respect that which I must do to uphold the dignity of the office.
16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No
18. Do you belong to any organizations that discriminate based on race, religion, or gender? No
19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes

20. What do you feel is the appropriate demeanor for a judge?
A judge should uphold the law him/herself and set an example in the community. He should be civic minded, but careful in not using his/her position to influence others to any specific philosophy or position. He/she should conduct his personal affairs with dignity so as to not demean the office.
21. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
Seven days a week, twenty-four hours a day.
22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
No, anger does nothing but demean the position. This does not mean that a judge should not chastise a lawyer in private for some infraction.
23. 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
24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No
25. Have you sought or received the pledge of any legislator prior to this date? No
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
28. Have you contacted any members of the Judicial Merit Selection Commission? No
29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

s/Olin Davie Jones Burgdorf

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

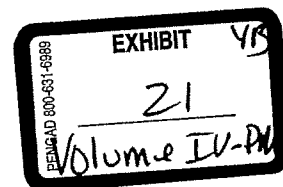
Notary Public for S.C.

My commission expires: 9/24/2011

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court At-Large Seat #8

1. NAME: Kenneth G. Goode
BUSINESS ADDRESS: P.O. Box 1175
Winnsboro, SC 29180
E-MAIL ADDRESS: kgoodej@sccourts.org
BUSINESS NUMBER: (803) 635-3946
2. Date of Birth: 1950
Place of Birth: Winnsboro, SC
3. Are you a citizen of South Carolina?
Have you been a resident of this state for at least the immediate past five years?
I am a citizen of South Carolina and have been a resident of this state for the immediate past five (5) years.
5. Family Status: Divorced April 19, 2005, moving party was Kenneth G. Goode, Fairfield County Family Court, grounds of one-year separation. Three Children.
6. Have you served in the military?
I served in the South Carolina Army National Guard and transferred to the U.S. Army Reserves where I finished my service (Serial Number 250-88-1199). I attained the rank of Specialist 5th Class and served from April 1970 through April 1976. I was honorably discharged.
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) Spartanburg Methodist College - 1968-70, Degree A.A.;
(b) Furman University - 1971-73, Degree B.A.;
(c) University of South Carolina School of Law - 1973-76, Degree J.D.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
I was admitted to the bar of South Carolina in November of 1976. I took the South Carolina Bar exam once and I have never taken the bar exam of any other state.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.



To pay my tuition and expenses during college and law school, I worked at least two jobs while I was a full-time student. Because of the tight work schedule, I was unable to be involved significantly in extra-curricular activities.

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

	<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a)	Annual Judicial Conference	8/18 to 8/20/2004; 8/24 to 8/26/2005; 8/23 to 8/25/2006; 8/22 to 8/24/2007; 8/20 to 8/22/2008;
(b)	Chief Administrative Judge Seminar	2/22/2007;
(c)	S.C. Criminal Law Update	1/23/2004; 1/21/2005; 1/27/2006; 1/26/2007; 1/25/2008.

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

I addressed the S.C. Bankruptcy Attorneys on the new attorneys' oath and administered the oath to a large number of bankruptcy attorneys. I also lectured the Young Lawyer's Division on matters involving the judiciary.

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

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

- (a) South Carolina Supreme Court, 11/5/76;
 (b) United States District Court for the District of South Carolina, 5/5/82;
 (c) United States Court of Appeals for the Fourth Circuit, 11/15/82.

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) 1976 - December 31, 1977, associate with Columbia law firm of Hyatt & Elliott;
 (b) January 1, 1978 - June 28, 1999, general trial practice in Winnsboro, SC;
 (c) July 23, 1980 - June 28, 1999, Fairfield County Attorney.

If you are a candidate for **Circuit Court**, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved.

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

15. What is your rating in Martindale-Hubbell? A.B.
22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
Yes. I was elected to the Circuit Court bench June 2, 1999, and sworn in June 28, 1999. I was re-elected to this seat in 2002. The Circuit court is a trial court of general jurisdiction, both criminal and civil.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
 - (a) 99-CP-25-214 - Alfred Middleton et al vs. Cooper Tire & Rubber Company and Audon Ontiveros;
 - (b) 99-CP-40-4530 - Rick's Amusements, et al vs. State of South Carolina;
 - (c) 01-CP-12-189 - Chester County Council, et al vs. Dan Peach, et al.;
 - (d) 02-CP-20-397 - George A. Kennedy, Jr. vs. Oscar B. Kennedy and Douglas A. Kennedy;
 - (e) 05-CP-20-286 - Fairfield County Recreation Commission vs. Fairfield County Council.
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 served as the Fairfield County Attorney, an appointed position, from July 23, 1980, until the time of my election to the Circuit Court.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. None.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
South Carolina Supreme Court, Seat #5, March 12, 2007 - I withdrew from this race prior to candidate packages being submitted to the General Assembly.

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?
 Since my graduation from law school in 1976, I have not been engaged in any such occupations. Since the age of 10, throughout my schooling, I worked at numerous miscellaneous jobs, a detailed list of which can be provided if needed.
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.
 The accounts listed on my financial net worth statement. If any of those banks or institutions were a party to proceedings before me, I would recuse myself unless all parties consented to my hearing the case after full disclosure of the nature of the relationship.
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?
 (a) Tax liens have been filed against me; any and all tax liens have been paid in full. During 1989, 1990 and 1991, I worked without compensation as defense counsel on a federal anti-corruption investigation (Operation Lost Trust). As a result of this case, I became delinquent in my tax obligations. I have filed all returns in a timely manner;
 (b) I have never defaulted on a student loan;
 (c) I have never filed bankruptcy.
34. Have you ever been sued, either personally or professionally?
 The Fairfield County Historical Society (who had a mortgage on my office building) and First Palmetto Savings Bank have initiated foreclosure proceedings. Both actions were dismissed within thirty days when mortgages were brought current. This action was a result of the situation described in Question No. 33 (1) above.

36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) S.C. Bar Association, November 1976 - present; House of Delegates 1994;

- (b) S.C. Trial Lawyers Association, 1976 – present;
 - (c) American Trial Lawyers Association, 1980 – present;
 - (d) S.C. Association of County Attorneys, 1980 -- 1999; Vice President approximately 1992;
 - (e) S.C. Criminal Defense Attorneys Association, 1997 - present.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
Recipient of 2007 portrait presented by South Carolina Trial Lawyers' Association.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. 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. See attached.
49. References:
- (a) Herbert Humphries
Community Resource Bank
P.O. Box 8, Palmer Street
Ridgeway, SC 29130
(803)635-3310;
 - (b) Herman W. Young
Sheriff, Fairfield County, South Carolina
977 U.S. Highway
321 North
Winnsboro, SC 29180
(803)635-2931;
 - (c) Roger A. Gaddy, M.D.
Mayor of Winnsboro
P.O. Box 1218
Winnsboro, SC 29180
(803)635-6461;
 - (d) Mary Lyn Kinley
Public Relations
Fairfield Memorial Hospital
Post Office Box 620
Winnsboro, SC 29180
(803)635-5548;
 - (e) Betty Jo Beckham
Fairfield County Clerk of Court
Fairfield County Courthouse
101 S. Congress Street
Winnsboro, SC 29180

(803)712-6526.

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/Kenneth G. Goode

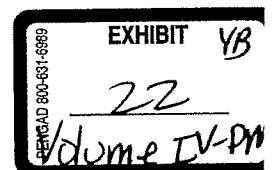
Date: 09/25/08

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

Circuit Court
(Incumbent)

Full Name: Kenneth G. Goode
Business Address: P.O. Box 1175
Winnsboro, SC 29180
Business Telephone: (803)635-3946

1. Why do you want to serve another term as a Circuit Court Judge?
I have found during my nine years that it is very fulfilling to serve as a Circuit Court Judge. It allows me to do much good and, when necessary, rectify wrongs. I am honored to hold the position.
2. Do you plan to serve your full term if re-elected?
Yes.
3. Do you have any plans to return to private practice one day?
No.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
I allow no *ex parte* communications. Sometimes there are exceptions if all parties are aware of the communication and consent to the communication. Additionally, *ex parte* communications are appropriate and allowed for scheduling matters and also in dealing with emergency situations.
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 consider recusal on a case by case basis. If I have any question that my judgment might be affected, I recuse myself.
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?
I consider recusal on a case by case basis. If I have any question that my judgment might be affected, I recuse myself.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I would recuse myself.



9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I accept no gifts that exceed normal and customary hospitality.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would report the misconduct to the disciplinary counsel.
11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated?
No.
12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?
No.
13. How do you handle the drafting of orders?
I either draft the order with the assistance of my law clerk or have the prevailing side submit a proposed order with a computer disc to facilitate changes.
14. What methods do you use to ensure that you and your staff meet deadlines?
I employ a triple calendaring system: my secretary, my law clerk and I all keep calendars noting deadlines, with docketing on each computer.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I have no particular philosophy on judicial activism.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
I have no plans at this time except to be the best judge possible.
17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?
I feel that serving as a judge has strained my personal relationships. However, this has not been a problem for me as my children, friends and relatives have all been very understanding, and it is this network of individuals that helps me cope with the pressures of the position.
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders:
I would consider the totality of circumstances.
 - b. Juveniles (that have been waived to the circuit court):
I would consider the totality of circumstances.
 - c. White collar criminals:
I would consider the totality of circumstances.

d. Defendants with a socially and/or economically disadvantaged background:
I would consider the totality of circumstances.

e. Elderly defendants or those with some infirmity:
I would consider the totality of circumstances.

Note: Please do not consider my answers to (a) through (e) above to be flippant. Each of the factors mentioned would be a very important factor in considering an appropriate resolution to a sentencing decision. However, I would weigh that factor with the totality of all the circumstances.

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 treat everyone fairly and with courtesy and dignity.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
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 a pro se litigant?
I feel that the exhibition of anger would be unprofessional.
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?
-0-
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
No.
28. Have you sought or received the pledge of any legislator prior to this date?
No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

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

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

s/Kenneth G. Goode

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

Notary Public for South Carolina

My commission expires: 12/22/2014