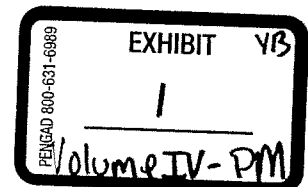


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: FAMILY COURT,  
THIRTEENTH JUDICIAL CIRCUIT, JUDGE FOR SEAT 6.

1. NAME: Catherine E. Fairey  
BUSINESS ADDRESS: 213 Whitsett Street  
Greenville, SC 29601  
BUSINESS NUMBER: (864) 235-9090
  
2. Date of Birth: 1955  
Place of Birth: Florence, SC
3. Are you a citizen of South Carolina? YES.  
Have you been a resident of this state for at least the immediate past five years? YES.
5. Family Status: Married on November 30, 1991, to O. Doyle Martin. Divorced on April 3, 1987, James Austin McMurria, Greenville Family Court, one-year separation. No Children.
6. Have you served in the military? NO MILITARY SERVICE.
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) Converse College, 1973-1974 – transferred to USC, Columbia;
  - (b) University of South Carolina 1974-1975 – transferred to Coastal Carolina to attend school and work part time;
  - (c) Coastal Carolina 1975-1977 – left to work full time as Real Estate Agent;
  - (d) Paralegal School 1983-1984 – obtained degree
  - (e) University of South Carolina 1986-1987 Bachelor of Arts;
  - (f) USC School of Law 1987-1990 Juris Doctor.
8. List the states in which you have been admitted to practice law and the year of each admission. SOUTH CAROLINA, 1990.  
Also list any states in which you took the bar exam, but were never admitted to the practice of law. N/A.  
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. N/A.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.  
I worked part time to support myself for the majority of time in college, which left almost no time for other activities. In law school, I worked as a law clerk with Harvey Golden, Esq., and Ken Lester, Esq., and participated in all aspects of cases and trials.



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)	ABA Mauet's Trial Evidence I & II	07/9&23/08;
(b)	Greenville Bar Civil and Criminal Law Updates	02/08/08;
(c)	Family Law Bench and Bar Updates	01/25/08;
(d)	Training for Attorneys Appointed in Abuse & Neglect Cases	10/05/07;
(e)	Ethical Issues in ADR	02/28/07
(f)	Ethical Considerations & Pitfalls	02/28/07;
(g)	Family Law Annual Seminar	01/27/07;
(h)	Family Law intensive Workshop	11/02/06;
(i)	New Child Support Guidelines	07/19/06;
(j)	The Attorney As Supervisor	01/04/06;
(k)	American Bar Family Law	09/29/05;
(l)	Trial and Appellate Advocacy	01/22/05;
(m)	Family Law Section Convention	01/21/05;
(n)	Solo and Small Firm Section	01/20/05;
(o)	SC Bar CLE Greenville	12/03/04;
(p)	Hot Tips from Coolest Domestic	09/24/04;
(q)	Revised Lawyer's Oath	09/10/04;
(r)	Managing Internet Risks	12/17/03;
(s)	Family Court Bench and Bar	12/05/03;
(t)	Hot Tips from the Best	09/19/03;
(u)	Family Law Part I	01/24/03;
(v)	Contracts With Employees	09/24/02;
(w)	SC Bench and Bar	07/25/02;
(x)	Ethics	01/27/02;
(y)	Family Law Taxes	01/25/02;
(z)	Family Law Taxes II	01/25/02.

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

As Chair of the Family Law Council, I moderated a family law seminar at the SC Bar Convention in Charleston. I taught a seminar on how to handle temporary hearings in Family Court. I organized and moderated the Intensive Family Law Workshop, on child support guidelines and the tax consequences of equitable division. I lectured on handling client difficulties in family law cases at a Richland County Paralegal Seminar.

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 SUPREME COURT 1990. NONE.

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.

From 1990 to 1991, I was a staff attorney with Piedmont Legal Services in Spartanburg, handling a very large caseload of a total cross section of family law issues, including divorces, equitable division of property, alimony, child custody and support, child and spousal abuse and neglect, and juvenile justice.

From 1991 to 1995, I was an associate at Wilkins & Madden in Greenville, working almost entirely with David Wilkins, and preparing high-profile divorces and child custody cases, which would include child and spousal support, and equitable division of property. During this same time, I also handled cases on my own, including DSS appointments as attorney for defendants, or as *Guardian ad Litem* ("GAL"), or as attorney for the GAL, for both children and adults. This practice with Wilkins & Madden was statewide.

From 1995 to the present, I have been a solo practitioner, handling only family law cases to the exclusion of all other areas of the law. In each year, this practice primarily has been divorces and child custody, with all aspects of those. I also have handled appointments to DSS cases and juvenile justice cases, and I mediate DSS cases on a volunteer basis.

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

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.

During my employment at Piedmont Legal Services, I handled, exclusively, all aspects of divorce and child custody, together with child and spousal protection and support. On court days, I routinely would have a dozen or more hearings. I also handled cases involving the removal of children from the home in DSS cases, as well as representing members of families involved in juvenile justice cases.

As an associate with Wilkins & Madden during the early to mid 90's, as well as all of my practice since then, I have handled all aspects of:

- (a) DIVORCE including, but not limited to fault and no-fault grounds, contested and uncontested, and I litigated the existence and termination of common-law marriages and divorces.

I have handled divorces on all fault grounds, as well as actions for separate support and maintenance.

- I have defended cases on the grounds of reconciliation, condonation and recrimination.
- (b) ALIMONY including rehabilitative, lump-sum, permanent periodic and reimbursement on both a temporary and permanent basis.  
I have handled modification of support, both upward and downward, and termination of alimony awards.  
I have dealt with cases involving military personnel wage garnishment, intentional underreporting of income and imputed income. I have dealt with alimony and child support cases which involved under-utilized assets which were available to produce income for support of a spouse or child. I have handled cases involving the reservation of the right to an award of alimony and security for the future payment of alimony.
- (c) EQUITABLE DIVISION OF ASSETS AND DEBTS AT POVERTY LEVEL AND THE VERY WEALTHY. These cases included expert valuations of property, including equipment, franchises, law and medical practices, real estate, retirement funds, including but not limited to pensions, Keoghs, annuities, IRAs (Roth, Simple, SEP, etc.), 401k's, deferred compensation plans, profit sharing plans, military retirement and pension plans.  
I have prepared Qualified Domestic Relations Orders and Qualified Medical Support Orders.  
I have litigated cases involving contested issues of transmuted, co-mingled, pre-marital, non-marital and gifted property, special equity interests in property and resulting and constructive trusts.  
I have litigated and settled cases involving alimony and equitable division, which necessarily included consideration and determination of tax consequences for each party.  
I have litigated disputes on the tax deductibility of attorney's fees, and cases involving the recapture rule.
- (d) CHILD CUSTODY AND SUPPORT. I routinely litigate and settle custody and support cases and have served as *Guardian ad Litem* in those kinds of cases. I have settled joint custody, split custody, shared custody and sole custody cases.  
I have handled custody cases involving third parties and grandparents, and I have litigated jurisdictional issues regarding custody, including multi-state disputes, involving the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), on standard and emergency occasions.  
I have litigated cases involving the relocation of parents, as well as the intentional alienation of children toward one parent.  
I have handled child snatching cases and those involving the Parental Kidnapping Prevention Act (PKPA).  
I have handled child custody cases, child support cases and modification of child support for a variety of reasons, as well as interstate support orders. Some of these have included support for children with

disabilities and extraordinary medical expenses.

I have handled all aspects of spousal support, including wage garnishment. I have dealt with tax deductions for child-related expenses, child tax credits, dependency exemptions, and other tax issues.

I have handled cases involving aid to families with dependent children (ASDC) and social security disability income directed to a child.

I have litigated unusual situations with uninsured medical and dental expenses, deviation from the Child Support Guidelines, and support for an emancipated child still in high school.

(e) ADOPTION. I have not handled adoptions as a routine part of my practice as there are many lawyers specializing in that exclusive practice. I am familiar with the adoption laws and have served as a *Guardian ad Litem* on a limited number of cases involving adoption and termination of parental rights.

(f) ABUSE, NEGLECT AND JUVENILE JUSTICE. I have handled a limited number of abuse and neglect cases as a compensated attorney. I have handled many child abuse and neglect cases as an attorney appointed by the Court in DSS cases.

My experience in juvenile justice has been limited to appointments in DSS cases when children have been removed from their home. I have monitored and will continue to monitor juvenile justice proceedings in our family courtrooms. I also have attended seminars on handling juvenile justice, abuse and neglect cases, and I have obtained and studied materials related to these cases.

(g) MISCELLANEOUS. I have handled civil and criminal contempt actions. I have prepared and litigated the enforceability of prenuptial/antenuptial agreements, as well as reconciliation agreements. I have handled name changes for adults and children, paternity, annulments, and rescission actions. I have handled cases for clients who needed protection from domestic abuse.

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

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

(a) federal: NONE;

(b) state: ALMOST WEEKLY.

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

(a) civil: NONE;

(b) criminal: NONE;

(c) domestic: 100%, although a minor percentage of my practice has involved criminal contempt within the domestic arena.

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

(a) jury: NONE;

(b) non-jury: 100%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? ALMOST ALWAYS 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) Jeffrey A. Pyle v. Velda L. Pyle, 98-DR-23-850.

There were two separate trials in this case during which I represented the wife on both occasions. During the first trial, wife was awarded permanent periodic alimony. The second trial was brought by the husband seeking to terminate his alimony obligation to wife based upon her alleged cohabitation with another man.

Husband prevailed and I appealed the case. At trial and on appeal, I argued a new test for South Carolina, namely, whether the former husband, seeking termination of alimony, could prevail based solely upon wife's cohabitation without showing a substantial change of financial circumstances. The basis of my argument was that since alimony is intended as a substitution for the support a husband provided during marriage and prior to divorce, without a financial gain resulting from the cohabitation, the alimony award should stand.

The Court of Appeals affirmed the trial court's decision.

(b) John J. Sweeney v. Doris M. Sweeney, 2003-DR-23-904.

This case involved a divorced, elderly couple and dealt with, as a matter of law, whether the husband could be compelled to sell or deplete minimal assets from his award of half of the marital estate, in this case solely an IRA, in order to continue to pay alimony, when the assets held by both parties were practically identical. The alimony award had been made when husband was earning a significant income and held significant assets. At the time of trial, husband was unemployed, had suffered great losses in the stock market and was supporting himself and a mentally disabled child with the use of his retirement funds.

The trial court held that he could be required to continue to pay alimony.

I appealed the case and the Court of Appeals affirmed the lower Court's decision.

(c) Michael Steven Riggs v. Crystal Moore and John C. Simmons, 2003-DR23-0593.

This case involved litigated issues on custody, visitation, child support, restraining orders and attorney's and *Guardian ad Litem* fees. The parties had never been married and both had been engaged in lifestyles which were not in the best interest of the child. However, father had reformed his lifestyle and become a very caring, responsible and supportive father. After several days of trial, my client, the husband, prevailed and continues to raise, as a single parent, a very special,

talented young boy.

- (d) Suzanne Paradis v. Laura Van Schaick and Edward "Todd" Eugene Van Schaick III, 2006-DR-23-23.

In this case I represented the maternal grandmother of two minor grandchildren, in which she sought custody from her daughter and the children's father. The case was brought on a Notice and Motion for Expedited and Emergency Relief that alleged parental neglect and unfitness of the parents. I prevailed in this case and the custody of the two minor grandchildren was awarded to the grandmother. They continue to reside with her and are doing well.

- (e) Richard Jacob Brown, Sr. v. Amanda Brown, 2005-DR-42-1601.

In this case, I was retained by the father after DSS took emergency protective custody of the parties' six-month old son from Greenville Memorial Hospital. There were allegations that the mother had harmed the child, based upon a video tape in the hospital room. It was later alleged that she was guilty of *Munchausen's by Proxy Syndrome*.

The case was quite interesting and involved a number of professionals, including the treating hospital pediatrician, physicians at Duke University, Spartanburg Regional, and Greenville Memorial hospitals. There were psychological and psychiatric, as well as psycho-personality, evaluations conducted. The baby boy had a five-year-old sister and, on a temporary basis, the baby was placed in foster care and the daughter was placed in the custody of the paternal grandparents.

My client, the father, was awarded custody of the children at a second temporary hearing subject to supervised visitation to the mother. The minor children remain in the father's sole custody and see their mother under supervised conditions.

- (f) Deborah J. Bucci v. Michael N. Bucci, 2005-DR-23-4165.

This case involved divorce, alimony, equitable division of assets and debts, including valuation of four real estate properties, a medical practice, a franchise, investment accounts, retirement and pension accounts, including passive gains on the accounts after filing of action, husband's substantial earnings and wife's earning capacity, attorney's fees and suit costs. The estate in this case was substantial and diversified and required the use of experts for real estate and business evaluations. I represented the wife and argued that although she was well educated, and had at least two master's degrees, her husband's earning capacity was so substantial that no late in life career could support the standard of living she and her son had enjoyed during the course of a long marriage.

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) Jeffrey A. Pyle v. Velda L. Pyle, 98 DR 23-850, 2000 UP 462

- (Ct.App. 2000);
- (b) John J. Sweeney v. Doris M. Sweeney, 2003 DR 23-904, 2006 UP 166 (Ct.App. 2006);
  - (c) Rebecca J. Waters v. Sheldon K. Waters, 2001 DR 23-1230;
  - (d) One other with the Wilkins Law Firm, not reported, and case citation unavailable.
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? 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. Also list citations to any appellate review of these orders or opinions. 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? 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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?  
YES. I sought election to the Greenville Family Court, Seat 3, earlier this year, 2008. I was not successful in that election.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? YES.  
(a) Law Clerk, Harvey Golden in Columbia, SC (1988-1989);  
(b) Paralegal with Leatherwood Walker Todd & Mann (1984-1986);  
(c) self-employed caterer (1984);  
(d) women's retail clothing buyer, Amy Pride in Greenville, SC;  
(e) (1983-1984), licensed real estate agent at Litchfield Beach, SC.
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.  
None other than the management of my professional corporation, Catherine E. Fairey, P.C., Attorney at Law. All aspects of a family law practice since 1995.
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. NONE.



31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation; state law or regulation; or county or municipal law, regulation, or ordinance? NO.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? NO.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? NO.
34. Have you ever been sued, either personally or professionally? 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? NO.  
Are you aware of any friends or colleagues contacting members of the General

- Assembly on your behalf? NO.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? NO
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? NO.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SOUTH CAROLINA BAR – FAMILY LAW SECTION DELEGATE;
  - (b) FAMILY LAW COUNCIL, SC BAR, CHAIR AND MEMBER;
  - (c) GREENVILLE COUNTY BAR – no offices;
  - (d) AMERICAN BAR ASSOCIATION – FAMILY LAW SECTION;
  - (e) CERTIFIED MEDIATOR, MEMBER OF SOUTH CAROLINA ADR.
  - (f) SOUTH CAROLINA WOMEN LAWYERS 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) BOARD MEMBER – CAROLINA YOUTH SYMPHONY;
  - (b) BOARD MEMBER – LANGSTON CHARTER SCHOOL;
  - (c) SOUTH CAROLINA WOMEN 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.  
No negative issues. I have been involved in the SC Bar Family Law Council and Family Law Section, as well as the American Bar Association Family Law Section, for the past ten years or longer. I have been a guest speaker on family law on WSPA-TV in Spartanburg.
49. References:
- (a) Sharon Whitney  
Carolina First Bank  
South Main Street  
Greenville, SC 29601  
(864) 255-7883;
  - (b) Ambassador David H. Wilkins  
United States Embassy  
P.O. Box 5000  
Ogdensburg, N.Y. 13669  
(613) 715-2790;
  - (c) Thomas W. Traxler, Esquire  
Carter Smith Merriman & Traxler  
P.O. Box 10828  
Greenville, SC 29603

- (d) (864) 242-3566;  
Ken H. Lester, Esquire  
1901 Gadsden Street  
Columbia, SC 29201  
(803) 252-4700;
- (e) Matt Williams  
Pastor, Grace Church  
2801 Pelham Road  
Greenville, SC 29615  
(864) 284-0122.

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/ CATHERINE E. FAIREY

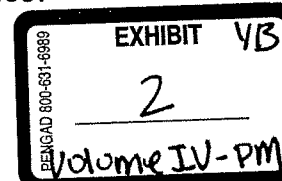
Date: 09/12/08

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

Family Court  
(New Candidate)

Full Name: CATHERINE E. FAIREY  
Business Address: 213 Whitsett Street  
Greenville, SC 29601  
Business Telephone: (864) 235-9090

1. Why do you want to serve as a Family Court Judge?  
To serve the citizens of South Carolina in an area of the law which I have practiced for 18 years and, by my experience and age maturity, to assist families who are going through legal difficulties.  
The family is the basic root of our society, and the issues and problems that impact the family, when judicial intervention is required, call for a jurist who has both the legal knowledge relating specifically to these problems, as well as the practical knowledge gained from practicing that law in a family courtroom.  
I have experience, knowledge, compassion and concern, which are essential values for the family court bench, as well as the ability to hear and decide cases with integrity, respect, and a caring attitude for all socioeconomic groups.
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?  
Ethical rules instruct us that these communications should not take place under almost any circumstance. It may be that *ex parte* contact would be necessary if bodily harm is threatened, or if immediate action is required to protect a child or innocent person from some other form of violence. Even under those rare circumstances, however, there should be some follow up to insure that the *ex parte* action was in fact required, with sanctions to follow if the Court were to determine that it was not. I believe our statutes anticipate and provide a procedure for almost every occasion when *ex parte* contact may become necessary.  
No Judge should entertain *ex parte* communications regarding pending proceedings, except for non-adversarial instances, such as conflicts in scheduling, or for purely administrative purposes, or for emergencies.



Otherwise, all parties and their attorneys should be included in any communications with the Judge.

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

A judge should refuse to hear matters when political pressure, bias, or friendship, or any other factor, might give the appearance of affecting his or her ability to be fair and impartial to all parties.

Under these circumstances, a Judge should disqualify himself or herself if his or her impartiality might reasonably be questioned.

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?

For reasons of judicial economy, I would want to determine whether the request for recusal had a basis in fact or was sought just for purposes of delay. Would I grant such a motion? Probably in every situation, because the appearance of bias is the acid test, not just actual bias.

Judges must at all times avoid the appearance of impropriety or partiality. An appearance of bias leads to the perception that a litigant will not receive a fair hearing, and that situation should be resolved in a manner that gives as much assurance as possible that there is judicial neutrality.

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

Hopefully, this situation would not arise because of prior knowledge. If it did, however, I would disclose the facts to all parties and counsel and inform them that I could not hear any matter which would give an appearance of impropriety (because it is not my personal esteem but the integrity of the Court which is being jeopardized).

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

I believe current ethical standards address this problem. No Judge, and probably no member of a Judge's family, should accept a thing of value from anyone who is a mere social acquaintance, except those incidental to a public testimonial, or an invitation to a function or activity devoted to the improvement of the law, the legal system, or the administration of justice. Even then, the test must be that the gift could not reasonably be perceived as intended to influence a Judge in his or her performance of judicial duties.

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

I would be bound ethically to report that misconduct, and procedures are in place to handle that misconduct, but I would do that in a discrete way, to avoid any public embarrassment.

As I understand the Canons, I also am bound ethically to report information indicating a substantial likelihood of actual misconduct, as well as a substantial question about a lawyer's honesty, trustworthiness or fitness as a lawyer.

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?

I would follow the prevailing practice of having the attorney for one of the parties draft an order, pursuant to an outline from the Court, to be submitted then to opposing counsel for review before being submitted to the Court. In some instances, I anticipate that I would need to prepare the order myself.

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

Maintain a calendar of all pending issues or cases, and review that on a scheduled basis, to assure that all work is completed as close as possible to the event to which it relates.

As a sole practitioner, I have made it a practice to review, every week, all pending matters which are awaiting action by my law firm.

Computer calendars, as well as paper calendars, are maintained and updated daily by my staff and me.

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 would monitor reports by the GAL, to make sure that the interests of the one being represented are being protected by competent and comprehensive activity, and that statutory requirements are being met.

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

I am opposed to judicial activism, which to me means that I might attempt to impose my idea of what the law "should be" rather than applying the law as written. Judges should enforce the law, not make the law. All judges should be strict constructionists because, having been enacted, a law is the composite best result of the thoughts and decisions of a lot of people.

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 have a requirement that there be standard interrogatories which have to be completed by the parties to a new action, within 30 days after an action is filed, to furnish most of the information which otherwise must be drawn out, resulting in delays from unnecessary discovery.  
Family Court Judges should engage in meetings with the family law section of the Bar, to discuss and suggest remedies for problems which occur in practice.  
All judges should assist citizens' groups in presenting the positive aspects of the judiciary and its impact on our society.  
All judges should meet with the local Bar on a regular basis to address procedural issues or problems and work to achieve a clear understanding for both judge and attorney.
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 believe the schedules imposed on a judge are less stressful than a full-time, solo law practice, when you are conflicted by a large variety of schedules demanded by others. Children are not an issue for me, and I believe my friends and family already are aware of the time constraints on my activities. I hope I would deal with any issues with a level head and good judgment.
19. Would you give any special considerations to a *pro se* litigant in family court?  
I would make sure that the *pro se* litigant understood the facts of the case and the legal issues, as well as the possible outcome. I would try to make sure that he or she understood the inherent problems in trying to represent one's own interests in a system which is unfamiliar to most people.  
I would make sure that the *pro se* litigant had received full financial disclosure, and that he or she understood the serious consequences which could occur from a failure to fully comprehend the laws of this State, as well as the court procedures and potential rulings.  
I would be more inquisitive on the issues involved in the *pro se* litigant's case, and I would treat that litigant with the same respect and patience I would give to others who appear before me.
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, because what might seem insignificant to me probably would be considered important to someone who did not get the result he or she wanted and, again, it is the appearance of impropriety which is controlling.  
I would disqualify myself in any proceeding in which my impartiality might reasonably be questioned.  
I would err on the side of recusal if a member of my family or I held a *de minimis* financial interest in a party involved, even when the Code did not actually require that.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? NO
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? YES
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: 90% of which 50% includes (b) below;
  - b. Child custody: (See above)
  - c. Adoption: 1%
  - d. Abuse and neglect: 5%
  - e. Juvenile cases: 4%
25. What do you feel is the appropriate demeanor for a judge?  
To be, like "Caesar's wife," above reproach in all your dealings, both public and private.  
To be a good listener, and to consider all sides of an issue. To allow the law, and not personal feelings or emotions, to guide my decisions.  
To avoid any behavior, including speech, gestures or other conduct, which could be perceived as partiality or bias.  
To be patient, dignified and courteous, and require those subject to his or her direction and control to act likewise.
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?  
Every day, all the time. As a Judge, I could not possibly establish, maintain and enforce high standards of conduct and integrity if that behavior were limited to the courtroom. Any behavior which diminishes public confidence in the judiciary, whether it takes place in the courtroom or out, damages public confidence in the responsibility and integrity of a judge.



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?  
In answer to each of these questions, I believe anger is an inappropriate response. At the point of anger, we are not in control of our emotions, and rational thinking vanishes. No one can avoid frustration, but anger should not be a response to any situation. In the event I became angered by anyone appearing before me, I would internalize that response and act outwardly in a fair, patient, efficient and business-like manner.
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 have not spent any money except to get business cards, and I have had some costs for personal meals and transportation.
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?  
I have friends and family throughout most of the State, and I have asked some of these to introduce me to their legislators. I have asked my representative to introduce me to other legislators at social functions held in Greenville and Columbia. I am not aware of anyone contacting members of the General Assembly to seek commitments on my behalf.
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 (PAGES 1 THROUGH 7) ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

CATHERINE E. FAIREY

Sworn to before me this 12th day of September, 2008.

Notary Public for South Carolina

My commission expires: 4/10/2010

December 1, 2008

Bradley S. Wright, Esquire  
Counsel to the Speaker  
South Carolina House of Representatives  
P.O. Box 11867  
Columbia, South Carolina 29211

Re: Catherine E. Fairey Application Materials

Dear Brad:

Thank you for meeting with me last Tuesday to review my application materials for Seat 6 on the Family Court here. During our meeting, you pointed out a possible inconsistency in my responses to paragraph 43 on the PDQ and paragraph 32 on the Ethics Statement. These both relate to the question whether I have asked other people to contact legislators on my behalf. My response to paragraph 32 is more explanatory and accurate than a simple "No" in paragraph 43, so I would like to amend the PDQ as follows:

"I have never asked anyone to contact a legislator to seek a commitment to vote for me. I did have considerable contact with legislators in Columbia when I was running for Seat 3 in the spring of 2008. I also have been introduced to legislators at social events, or the South Carolina Bar Convention, or other functions, when a legislator was attending the same event. I reiterate that I never have asked a legislator whom I met to give me either a commitment of support or special attention."

Thank you for bringing the apparent inconsistency to my attention, and thank you for accepting this letter as my amendment to paragraph 43 of the PDQ. Your assistance is much appreciated.

With best regards,

Yours truly,

Catherine E. Fairey

CEF/se

213 Whitsett Street  
Greenville, SC 29601  
PHN 864 235 9090  
FAX 864 235 2999  
E-Mail: [cfairey@charterinternet.com](mailto:cfairey@charterinternet.com)

December 1, 2008

Jane O Shuler, Esquire  
Chief Counsel  
Judicial Merit Selection Commission  
Room 104  
Gresham Senate Office Building  
1101 Pendleton Street  
Columbia, South Carolina

Re: Letters of Recommendation -- Application

Dear Jane:

I am enclosing four originals of the required letters of recommendation for my Personal Data Questionnaire. These are from Tim Madden (Nelson Mullins), Tom Traxler (Smith Merriman Rogers & Traxler), Ken Lester (Lester & Hendrix) and Sharon Whitney (Carolina First Bank). One of the pastors of our church, William White of Grace Church, sent his letter directly to the Commission.

In answer to question 49, I currently have designated Ambassador David Wilkins, since he sent a letter for me earlier this year, but I was not able to contact him in time to send a letter this time. Instead, I have obtained the enclosed letter from Tim Madden, formerly David's partner. In addition, I had designated Pastor Matt Williams from our church because he gave one earlier. Instead, I am submitting the one from Pastor William White. Do I need to amend the Questionnaire to show these changes, or will this letter suffice? Thanks!

With best regards,

Yours truly,

Catherine E. Fairey

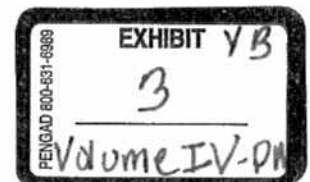
CEF/se

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court Judge, 13<sup>th</sup> Judicial Circuit, Seat 6

1. NAME: Mr. Alex Kinlaw, Jr.  
BUSINESS ADDRESS: 309 Mills Avenue  
Greenville, South Carolina 29605  
BUSINESS NUMBER: (864) 232-9917
2. Date of Birth: 1952  
Place of Birth: Georgetown, 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 October 27, 1984, to Yvette Wiggins Kinlaw. Never divorced. Two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
  - (a) University of S C (Columbia), 1971-1975 Bachelor of Arts Degree;
  - (b) University of S C Law School, 1975-1978 Juris Doctorate 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.  
South Carolina – Admitted October, 1978.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.  
I participated in a voter registration drive while in college and I also served as a member of the Black American Law Student Association while in law school.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.
 

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SCTLA Auto Torts	12/06/03;
(b) SCBLA Annual Summit & Retreat	10/21/04;
(c) SCTLA Auto Torts	12/04/04;
(d) S.C. Bar Bankruptcy/Consumer Act	12/06/05;
(e) SCBLA Retreat	09/28/06;



- |  |     |  |           |
|--|-----|--|-----------|
|  | (f) | SCTLA Auto Torts                             | 12/01/06; |
|  | (g) | S.C. Bar Management of Lawyer Trust Accounts | 11/20/07; |
|  | (h) | S.C. Bar Ethics & Non-Lawyer Employees       | 11/20/07; |
|  | (i) | S.C. Bar SC Trust Accounting                 | 11/19/07. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?  
2006 – I gave a seminar on custody in the family court at the South Carolina Black Lawyers Retreat.
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, November, 1978;  
(b) United States District Court, December, 1978.
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) 1978-1980 – I was employed as a staff attorney with the Legal Services Agency in Greenville County;  
(b) 1980-1981 – I was employed with the Public Defender's Office in Greenville County;  
(c) 1982-present time – I have been engaged in the private practice of law with a focus in the area of Family Law.
- 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.
- When I was employed with the Legal Services Agency, I handled a number of cases in the Family Court which ranged from representation of abused spouses to custody matters. Further, during my tenure with the Public Defender's Office, I represented a significant amount of juveniles in the Family Court who were charged with offenses ranging from truancy to serious felony related offenses. After going into private practice, I have handled over 10,000 family court related matters which included adoptions, divorces and cases involving equitable apportionment of property. Lastly, I also spoke at a CLE credited retreat on the different types of custody rulings that a judge could impose.
15. What is your rating in Martindale-Hubbell? I have never submitted information for a Martindale-Hubbell 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: Ten percent;
  - (b) state: Ninety percent.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
  - (a) civil: Ten percent;
  - (b) criminal: Fifteen percent;
  - (c) domestic: Seventy-five percent.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
  - (a) jury: Twenty-five percent of my practice involved matters that went to a jury.;
  - (b) non-jury: Fifteen percent of my practice involved non-jury matters.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I acted as sole counsel in these matters.
19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
  - (a) I was lead counsel in the first capital case that permitted a jury to be chosen from another county and be transported to the county where the case was to be tried. This was pursuant to a change of venue motion;
  - (b) I was involved in an adoption case where the issue was whether the adopting parents could change their mind after a hearing was held, but the Judge had not yet signed the order of adoption;
  - (c) I was also involved in a family court matter that involved what was considered a domestic support obligation as defined by the Bankruptcy Court;
  - (d) I litigated an issue in Family Court regarding whether a person's voluntary termination of employment affected his current obligation of support;
  - (e) Lastly, I handled several matters in Magistrate Court regarding a landlord's duty to repair.
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 do any appellate work.
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. Same as number 20.

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. See number 22 above.
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. NA.
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?  
I taught Business Law at Rutledge College while working at the Public Defender's Office.
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?  
On 01-30-02 a tax lien for \$1,001.00 was mistakenly filed against me, but, was resolved by the South Carolina Department of Revenue on 04-10-02.
34. Have you ever been sued, either personally or professionally?



Approximately ten years ago, a client filed suit alleging that my office allowed a statute of limitation to pass. Judge Kittredge dismissed the case as having no merit.

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 Association;
  - (b) National Bar Association;
  - (c) South Carolina Black Lawyers 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) Urban League of the Upstate;
  - (b) Sigma Pi Phi Fraternity;
  - (c) Alpha Phi Alpha Fraternity;
  - (d) Greenville Mental Health Board.
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. None.
49. References:
- (a) Kimberly G. Montanari, Esquire  
306 NE Main Street  
Simpsonville, SC 29681;
  - (b) Alma White  
413 North Congdon Street  
Georgetown, SC 29440  
843-546-0369;
  - (c) Reverend John H. Corbitt  
202 Dove Tree Road  
Greenville, SC 29615  
864-234-5388;
  - (d) Attorney Randall Rosel Williams  
P. O. Box 3461  
Greenville, SC 29648;
  - (e) Wanda Bowman  
Bank of America  
1927 Augusta Street  
Greenville, SC 29605  
864-271-5914.

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/Alex Kinlaw, Jr.

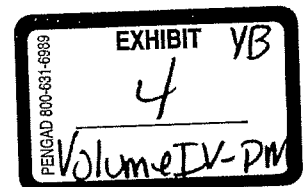
Date: 09/22/08

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

Family Court  
(New Candidate)

Full Name: Alex Kinlaw, Jr.  
Business Address: 309 Mills Avenue  
Greenville, South Carolina 29605  
Business Telephone: 864-232-9917

1. Why do you want to serve as a Family Court Judge?  
I have practiced family law for such a long time that I see first hand the problems families encounter. I feel that I can be an unbiased trier of the facts in each case that came before me.
2. Do you plan to serve your full term if elected?  
I do intend to serve my full term, if elected.
3. Do you have any plans to return to private practice one day?  
I do not intend to return to private practice.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?  
I have met all of the statutory requirements relative to residency, age and years of practice.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
I am a firm believer that a Judge should never have *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?  
I would review each case on a case by case basis, but certainly would recuse myself in definite conflict situations.
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 strongly adhere to the philosophy that there should be a sense of fairness to all litigants. I would grant counsel's motion to be recused.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
In all situations, if there is an appearance of impropriety, I would



- not get involved in the matter after having given full disclosure to all parties.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?  
I would never accept gifts or social hospitality from a lawyer-legislator, attorneys, judiciary members or members of the public.
  10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?  
When aware of misconduct of a lawyer or fellow judge, it is imperative to report this to the appropriate sanctioning body.
  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?  
I would let attorneys involved in the litigation draft the orders, but will review the same with my notes to assure accuracy. I would also let each attorney review the order before it is sent to me.
  14. If elected, what method would you use to ensure that you and your staff meet deadlines?  
I would utilize a tickler system similar to the one used in my law practice.
  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 would make sure that each participating attorney has in hand the applicable Guardian Ad Litem statutes and would review the same with counsel during the course of the litigation.
  16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
I firmly believe that judges should not be activists as it relates to the setting or promoting of public policy.
  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 hope I am able to publish manuals, articles, etc. that would aid in the improvement of the legal system.
  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?  
No, I think it is important to address these concerns with the parties involved early on so everyone would be fully aware of what is expected in my role as a judge.

19. Would you give any special considerations to a *pro se* litigant in family court?  
No, I would hold that person to the same standard as an attorney.
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)
22. Do you belong to any organizations that discriminate based on race, religion, or gender? (No)
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? (Yes)
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: 75%
  - b. Child custody: 75%
  - c. Adoption: 75%
  - d. Abuse and neglect: 75%
  - e. Juvenile cases: 75%
25. What do you feel is the appropriate demeanor for a judge?  
A judge should at all times have a demeanor that exemplifies a sense of concern as well as interest and temperance.
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?  
These rules should be applicable at all times.
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?  
A judge should never exhibit anger no matter what the circumstances of the case.
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? (None)
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
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)
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.

s/Alex Kinlaw, Jr.

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

Notary Public for South Carolina

My commission expires: 8/28/2016

Alex Kinlaw, Jr. – Family Court, Seat 6

Amendment to Question 26 of Personal Data  
Questionnaire:

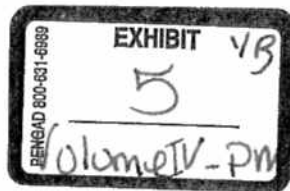
I was qualified and nominated as a candidate for the Family Court, Seat 3, but withdrew prior to election.



**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court, 13<sup>th</sup> Judicial Circuit, Seat 6.

1. NAME: Mr. William Marsh Robertson  
BUSINESS ADDRESS: Robertson & Hodges, LLC.  
PO Box 1885  
Greenville, SC 29605  
BUSINESS NUMBER: (864) 242-1090
2. Date of Birth: 1963  
Place of Birth: Greer, 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 November 26, 1988, to Barbara Kessenich Robertson. Never divorced. Three children.
6. Have you served in the military? I've never served in the military.
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) Washington & Lee University, 1981-1985, B.A. degree (cum laude) in History;  
(b) University of South Carolina School of Law, 1985-1988, J.D. degree.
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.  
I was admitted to the South Carolina Bar in 1988 after passing the bar exam on my first sitting, and have remained a member in good standing from that date to current. I have never been admitted nor applied for admission in another 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.
- |   |              |
|---|--------------|
| <u>Washington &amp; Lee University Activity</u> | <u>Dates</u> |
| (a) Pi Kappa Alpha fraternity                   | 1981-85;     |
| (b) Intramurals Chairman;                       |              |



(c) Honor Roll/Dean's List.

University of South Carolina School of Law Activity

Dates

Clerked for 3 separate law firms during 2<sup>nd</sup> and 3<sup>rd</sup> years and corresponding summers.

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)	Hot Tips From the Coolest Domestic Law Practitioners	9/19/08;
(b)	Lawyer Communications as Officers of the Court and Drug Testing for Family Court Cases	02/26/08; 12/07/07;
(c)	SC Family Court Bench/Bar	09/21/07;
(d)	Hot Tips from The Coolest Domestic Practitioners	02/21/07;
(e)	Attorneys Ethics in Negotiations	01/19/07;
(f)	Sidebar: Family Law Case Update	12/19/06;
(g)	Criminal and Civil Law Updates	12/08/06;
(h)	SC Family Court Bench/Bar	12/27/05;
(i)	Ethical Dilemmas for Advocates and Nuetrals in ADR	
(j)	Nuts & Bolts of Permanency Planning Hearings and Termination of Parental Rights	12/27/05; 12/02/05;
(k)	SC Family Court Bench/Bar	09/23/05;
(l)	Hot Tips from the Coolest Domestic Practitioners	12/03/04;
(m)	SC Family Court Bench/Bar	
(n)	Ethical Considerations & Pitfalls for the Family Court Lawyer	12/01/04;
(o)	Hot Tips from the Coolest Family Law Practitioners	09/24/04;
(p)	Revised Lawyer Oath	09/10/04;
(q)	Litigation Technology Roadshow	12/10/03;
(r)	SC Family Court Bench/Bar	12/05/03.

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

Yes. The names, dates, and titles of my presentations are listed below:

- (a) Lecturer, Domestic Practice, Hot Tips from the Experts, 1995, "Pentente Lite (Bifurcated) Divorces: Obtaining a Divorce Before the Final Order is Issued";
- (b) Lecturer, Domestic Practice, Hot Tips from the Experts, 1996, "Issues and Strategies surrounding the 270-Day "Case-Striking" Rule";
- (c) Lecturer, Domestic Practice, Hot Tips from the Experts, 1998, "The Alimony Payor's Right to Retire." Note: Some ten years later, I continue to receive several requests each year from lawyers across the state for a copy of the written materials from this presentation.

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

I have not published any books or articles. I did, however, serve on the Editorial Board for the following two books written by Roy T. Stuckey: *Marital Litigation in South Carolina: Substantive Law, 3<sup>rd</sup> Ed.* (SC Bar – CLE Division 2001) and *Marriage and Divorce Law in South Carolina: A Layperson's Guide* (SC Bar – CLE Division 2001).

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.

All Courts of the State of South Carolina, November 16, 1988

United State District Court, March 23, 1990

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

- (a) 1988 through 1990

Lewis, Lide, Bruce, and Potts, Columbia, SC. I was an associate in this law firm and practiced in a wide array of areas but with an emphasis on real estate law;

- (b) 1990 through 1995

Robertson and Robertson, PA, Greenville, SC. – I practiced for this five-year stretch in a two-attorney partnership with my father, W.F. Robertson III. Our firm practiced exclusively in the area of family law;

- (c) 1996 – 2008.

Since the retirement of my father, I have continued practicing exclusively in the area of family law, either in sole practice or in the following two-attorney partnerships: Robertson & Quattlebaum, LLC; Robertson and Coleman, LLC; and currently, Robertson & Hodges, LLC.

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) Equitable Division of Property: Over my 17 years of exclusive family law practice, I have personally handled an estimated 1500 domestic relations cases. Of that amount, a high percentage has involved issues of equitable division. I have represented a wide range of clients, ranging from impoverished individuals with little or no net worth to multimillionaires with extremely complex marital estates. I have handled many cases in which I have been required work hand-in-hand with experts in the areas of taxation and business valuation, as well

appraisers of a variety of property classifications including both real and personal property. I have questioned such experts in trial on both direct and cross-examination. I have drafted nearly every imaginable type of legal document involving equitable division, including motions, affidavits, pleadings, discovery documents, orders, memorandums of law, qualified domestic relations orders (QDRO's), and appellate briefs. In addition, as a prerequisite to my induction as a Fellow in the American Academy of Matrimonial Lawyers, I was required to pass rigorous national and state examinations on the more complex aspects of equitable division, including sections on business valuation, defined contribution and defined benefit retirement plans, QDRO's, ERISA, federal taxation, and bankruptcy.

- (b) Child Custody: I have handled a substantial number of contested child custody cases, many of which have proceeded to lengthy and hard-fought trials on the merits. I have successfully represented many mothers and many fathers in these cases, as well as grandparents and other interested parties. I have handled cases involving relocation issues, interstate custody disputes, and cases with international custody concerns. I have served in the capacity as guardian ad litem for minor children, and have acted as mediator in dozens of contested custody/visitation cases. Through my role in these cases, I have gained vast expertise in this state's statutory and case law touching on all areas of child custody, as well as related matters of visitation, paternity, parental rights termination, child removal, modification, and child support. I have likewise achieved expertise in evidentiary, procedural, and jurisdictional matters relevant to child custody and placement disputes. Additionally, the comprehensive exams I passed in the application process for fellowship into the American Academy of Matrimonial Lawyers included sections on the most technical and complex areas of child custody law, including the Uniform Child Custody Jurisdiction Act (UCCJA), the Parental Kidnapping Prevention Act (PKPA), and the Hague Convention on International Child Abduction.
- (c) Abuse and Neglect: Although my experience in this area is more limited than in other areas of family practice, I have handled a number of abuse and neglect cases over the years, primarily through SCACR Rule 608 appointments. I have represented the parents of children for whom removal is sought, and have also served as the Guardian ad Litem for abused or neglected children.
- (d) Juvenile Justice: My involvement in these cases has been rare. However, given my widespread experience in other children's issues in family court, as well as my willingness and proven ability to learn new subject matter, I am quite confident that I can bring myself completely up to speed in this area of law before assuming the bench.

15. What is your rating in Martindale-Hubbell? I maintain an AV rating.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: none;
  - (b) state: Frequent.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 0%;
  - (b) criminal: 0%;
  - (c) domestic: 100%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 0%;
  - (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) Miller vs. Miller, 99-DR-23-4733

This change of custody action was prompted by a custodial parent's relocation. I successfully represented the Plaintiff/father of two children, ages 7 and 4. Only a few months before filing, the parties had settled the contested issue of child custody as part of their overall divorce agreement. The father had agreed to concede primary placement of the children to the mother under the condition that he would receive an extraordinarily liberal visitation schedule. One day after the divorce, the mother accepted a marriage proposal to a man she had just recently met over the internet. The two married a month later and almost immediately relocated from Greenville to McClellanville, more than 250 miles away. We filed for change of custody. Following a three day trial featuring multitudes of exhibits and witness testimony, the court granted my client full custody of the children. The judge made this decision notwithstanding a recommendation to the contrary by the Guardian ad litem. The significant elements of this decision were:

- (i) the impact in child custody determinations of poor judgment by a custodial;
- (ii) the importance of environmental factors in child custody determinations; and
- (iii) the subordinate role of guardian ad litem recommendations in child custody determinations.;

(b) Ringler vs. Ringler, 98-DR-23-2362

This Greenville County case is significant for many reasons, not the least of which goes to its longevity and convolutedness. I represented the husband beginning in 1996. Both parties were retired at the time of

filing. The case was ultimately filed in 1998, and the primary contested issues were divorce (my client alleged adultery by wife), alimony, and equitable division of a marital estate that included real and personal property and retirement benefits already in pay status. After a lengthy trial in 1999, a final order was issued in early 2000. The Court granted a divorce on no-fault grounds, denied the wife's alimony request, and divided the marital estate equally. Post-trial motions for consideration quickly followed. Wife then appealed. That appeal would involve approximately two dozen appellate motions, petitions, and returns, along with corresponding orders. Ultimately, my client and I were successful in having the appeal dismissed with an award of attorney's fees, but not until nearly six years had elapsed from the date my involvement in the case had begun.;

(c) Burch vs. Anderson, 97-DR-42-3322

This was a contested child custody case in Spartanburg County. I represented the Plaintiff/Mother, who initiated the action seeking only an order of child support. The father counterclaimed for custody based primarily on various accusations of unfitness on the part of the mother, including allegations of drug addiction and educational neglect. After a two-day trial, the presiding judge awarded my client primary placement of the child notwithstanding a recommendation by the Guardian ad litem that custody be awarded to the father. This case provides a good example of these principals:

- (i) the "primary caretaker" standard remains an important factor in child custody determinations, particularly where a previously uninvolved father decides to seek custody only after being served with a complaint seeking child support;
- (ii) a child's need for stability and consistency may outweigh allegations of parental misconduct (i.e., drug use) that occurred several years before the custody action was filed; and
- (iii) while a guardian ad litem is a useful tool in a contested custody case, the guardian's recommendation is to aid, not direct the Court, and the ultimate custody decision lies with the trial judge;

(d) Theisen vs. Theisen, 99-DR-23-2818

This was an extremely involved domestic relations case featuring extremely high net worth parties and the involvement of a virtual "who's who" of the top family court attorneys and experts in the state. I have chosen to include this case even though it was ultimately settled prior to a merits trial, simply because this case involved a magnified view of nearly every imaginable issue that family courts deal with in private litigation: fault-based divorce allegations, alcoholism and other "marital misconduct", contested child custody, contested visitation, contested child support beyond Guidelines limitations, contested alimony, equitable division of marital property (including substantial closely held business

interests, retirement benefits, financial accounts, and real estate), transmutation, insurance matters, and attorneys fees. I was lead counsel for the Wife/Defendant. After many months of intense litigation that included countless motions, rules, interlocutory orders, depositions, written discovery and expert analysis, the case was settled at the conclusion of two full days of mediation;

(e) Patsie C. Walker vs. Kenneth C. Walker, 94-DR-04-138

Following an Anderson County Family court order granting my client, the plaintiff/wife, a divorce, alimony, and an award of 50% of the net marital estate, the husband appealed. I represented the wife on appeal. The case was remanded back to the trial court, where ultimately the original order was upheld subject to a slight alimony reduction. The appellate opinion was unpublished, but the case was significant on the following points of law:

- (i) An award of alimony is appropriate where a 15-year marriage is destroyed by a husband's adulterous affair;
- (ii) husband's effort to bar wife from alimony based on allegation of adultery will fail where the evidence of infidelity is not clear and convincing;
- (iii) an award of 50% if the marital estate is proper notwithstanding the fact that the alimony was based on part on the discrepancy in the parties' actual incomes and earning capacities.

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) Kenneth C. Walker, Appellant vs. Patsie C. Walker, Respondent  
[see answer (e) above];
- (b) Roberta D. Ringler, Appellant vs. Jack W. Ringler, Respondent  
[see answer (b) above].

I have also handled a small number of other appeals that were settled, abandoned or otherwise ended at early stages of the appeal.

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.

I have never handled a criminal appeal.

22. Have you ever held judicial office? I have never held judicial office.

23. If the answer to question 22 is yes, describe or attach five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. 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 never held public office.

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. 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. None.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation; state law or regulation; or county or municipal law, regulation, or ordinance? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? The answer to both questions is no.
34. Have you ever been sued, either personally or professionally?  
In 2007, BellSouth Advertising & Publishing Corporation filed suit in the Dekalb County, Georgia against Robertson and Hodges, LLC, F/K/A Robertson, Hodges and Coleman, PA, seeking payments owed under a Yellow Pages advertising contract.  
At the time the subject contract was entered, my law firm was known as Robertson, Hodges and Coleman, L.L.C. ("the L.L.C.") The L.L.C was a true limited liability corporation, formed with the assistance and counsel of a highly-regarded corporate attorney at the Nelson-Mullins law firm, with the prior consent and direction of our professional liability insurance carrier, the General Agency. The L.L.C. was properly registered with the South Carolina Secretary of State through the filing of Articles of Incorporation and Amended Articles of Incorporation. The L.L.C. had a written Operating Agreement in place, maintained a central firm bank account under the name,



Robertson, Hodges, and Coleman, LLC, and filed corporate tax returns. The membership of the L.L.C. consisted of three individual professional associations: W. Marsh Robertson, P.A., Thomas T. Hodges, P.A., and Ann S. Coleman, P.A. ("the P.A.'s). From the firm's common L.L.C. bank account, certain shared firm expenses were paid. In addition, each individual attorney / P.A. maintained a separate operating account in the name of his or her own P.A.. Each attorney's fees and revenues were routinely deposited into that attorney's own P.A. operating account, and each attorney routinely paid his or her own operating expenses from his or her own P.A. account. Each P.A. filed a separate tax return in addition to the jointly filed L.L.C. tax return. On or firm letterhead, proper designations were made as to our firm's corporate status and each individual attorney's professional association status.

One of the shareholders of the L.L.C., Ann S. Coleman, provided adoption services through her own Professional Association. At some point prior to retiring from the practice of law in 2005, Ms. Coleman entered into a contract with BellSouth to advertise her adoption services in the state of Georgia. Without the knowledge or consent of the other two L.L.C. shareholders, she signed her individual name to a contract that identified the signor under the name of our L.L.C. rather than her individual P.A. Mr. Hodges and I had no knowledge at any time of the existence of the contract, nor of any alleged delinquency relating thereto. In 2005, Ms. Coleman retired from the practice of law. On November 18, 2005, Mr. Hodges and I filed with the Secretary of State a Member's Statement of Dissociation from a Limited Liability Company. In 2007, our firm, now properly registered and known as Robertson & Hodges, LLC, was contacted by BellSouth, who advised that Ms. Coleman had failed to make certain payments owed under her advertisement contract. Not knowing at the time that Ms. Coleman had signed a contract that apparently bound the L.L.C., we immediately contacted Ms. Coleman, who assured us she would "take care of it" on her own. After she failed to do so in a timely manner, BellSouth filed suit naming "Robertson and Hodges, LLC, F/K/A Robertson, Hodges, and Coleman, PA." as the defendant. Upon being served, I once again immediately contacted Ms. Coleman, and took it upon myself to promptly negotiate a resolution with BellSouth. Pursuant to the terms of settlement, my current firm, Robertson & Hodges, LLC, satisfied the negotiated delinquency amount in full, using funds provided by Ms. Coleman. The case was dismissed with prejudice.

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? The answer to both questions is 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) Greenville County Bar Association;
  - (b) South Carolina Bar (Family Law Section);
  - (c) American Academy of Matrimonial 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) Christ Episcopal Church (Youth basketball coach);
- (b) Greenville Little League (Youth baseball coach);
- (c) Greenville Country Club;
- (d) Poinsett Club.

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.

Having practiced exclusively in the area of family law for over 17 years, I have appeared before dozens of different family court judges, each exuding a unique nature, style, and demeanor. Through this process, I have become acutely aware that judges truly are the product of their backgrounds and life experiences. If honored with the opportunity to serve as a family court judge, my primary goal would be to follow in the footsteps of the judges I have admired most in my career. Those judges share a combination of qualities and traits that are quite simple in concept, yet perhaps less simple to achieve. They project high intellect and reason, and demonstrate a thorough comprehension of family law and procedure grounded on many years of experience in the field. They are diligent and industrious. They are analytical yet compassionate, with a keen sense of fairness. They are inflexibly honest. Perhaps most compelling, they are dedicated to our societies' families, and to the laws that have developed to preserve and protect our families, especially our children. If elected to serve on the family court bench, I am confident that through my own life experiences, I have the foundation to exemplify these qualities.

(a) Knowledge and Experience

I began learning about law and the legal profession at an early age. My father, William F. Robertson III, was a distinguished family court lawyer, a past president of the South Carolina Trial Lawyer's Association, and one of the earliest Fellows in the American Academy of Matrimonial Lawyers. While a student, I worked after school and during summers for my father's law firm as a runner and later as a law clerk. I once wrote an appellate brief in a child custody case that my father successfully handled. In my third year of law school while taking a Domestic Relations class, I came to recognize that I had an affinity toward family law, and that I would ultimately dedicate my career to that field of law. Following law school, I remained in Columbia for two years to gain experience with an outside law firm, before returning to Greenville in June of 1990 to go into family law practice with my father. Since that date, I have handled an estimated 1500 family law cases, and to the best of my recollection have not handled a single case that did not fall under the jurisdiction of the family court. In the earlier years, I represented a large number of

financially disadvantaged clients. As my career progressed, my practice steadily moved toward more complex family court litigation involving higher net-worth clients. In recent years, I have chosen to focus the majority of my practice on mediation of family law cases. This career, which has been specialized in subject matter yet diverse in clientele, has given me the opportunity to fully master this important area of law. With an extensive background as a counselor, litigator, and mediator in the family law arena, I consider myself uniquely qualified to take on the role of family court judge.

(b) Honesty

As far back as I can remember, I have felt a strong sense of honesty, and a certain disdain for those that do not. My three sisters and I learned integrity from our parents, who have now been married for more than 45 years. In college, I had the good fortune to attend Washington & Lee University, an institution nationally renowned for its simple but stringent honor system. At W&L, students are taught on day one that there will be no lying, no cheating, and no stealing. Any violation of any of these principals, no matter how small or seemingly inconsequential, results in expulsion. In four years, I never personally observed or experienced a single violation of the Honor Code. I was allowed to schedule my own exams and take them when and where I chose. I was able to leave valuable items unattended and unsecured without fear of theft. I was able to accept the word of my fellow students at face value. This environment of honesty instilled in me a sense of morality, fairness and trustworthiness that has carried on in all aspects of my life.

(c) Industriousness and Diligence

I have always been a person with tremendous self-discipline and motivation - traits that have enabled me to achieve the goals I have set for myself along the way. As a high school student, my work ethic enabled me to gain early-decision acceptance to an excellent university. In college, I pushed myself against tremendous competition to graduate *cum laude*, leading to my acceptance into law school. After a graduating law school and passing the bar exam, I entered private practice where I have achieved professional success, perhaps best evidenced by my 1999 induction as a Fellow in the American Academy of Matrimonial Lawyers. For most of my legal career, I have worked as a sole practitioner or in a two-person law firm. Success in the small-firm capacity requires one to be self-motivated, highly organized and efficient. These are skills that would transfer well to the family court bench.

(d) Analytical Ability, Fairness and Compassion

My clients and colleagues alike have often complimented me on my ability to efficiently and effectively solve problems by breaking a set of

facts down into its constituent parts to get to the heart of the matter, and from there to arrive at a logical, often creative solution. I have likewise been praised for my compassion and keen sense of fairness. After more than fifteen years in the trenches of family court litigation, I shifted the focus of my legal practice in recent years to mediation. This decision was made in large part to take advantage of my unique ability to quickly and comprehensively analyze factual circumstances, apply my extensive knowledge of the law to the facts and issues, and to facilitate a settlement from a neutral perspective, using my skills as a negotiator and communicator as well as my sense of compassion and fairness. This is not unlike what a family court judge is charged to do. I have thrived as a mediator, assisting in the settlement of dozens of highly contested cases. I am confident that I would thrive to an even greater degree as a family court judge.

(e) Dedication to Family

More than anything else, I am a "family man." I grew up in a wonderful, close-knit family, and I am now blessed with an incredible family of my own. I have been married to my wife, Barbara, for nearly twenty years. Our three children, ages 16, 13, and 10, are my pride and joy. All three are exceptional human beings – intelligent, motivated, diversely talented, and genuinely kind-hearted. My success as a parent far exceeds any success I have achieved in any other capacity in my life, and given a choice I would not have it any other way. In many ways, being a family court lawyer has made me a better husband and father. Seeing first-hand the problems that other, less fortunate families must face helps me to better appreciate my blessings, and motivates me to strive to continually improve as both a spouse and parent. Likewise, being a husband and father has made me a better family court lawyer, and would no doubt prove invaluable to me as a family court judge in my quest to protect the rights and interests of all family members of this state.

49. References:

In March, 2008, I submitted to the JMISC letters of reference from the following individuals (Listed alphabetically):

- (a) Robert T. Bockman  
McNair Law Firm  
PO Box 11390  
Columbia, SC, 29211  
(803) 799-9800;
- (b) Pamela E. Deal  
Deal & Deal, PA  
PO Box 1764  
Clemson, SC 29633  
(864) 654-1669;

- (c) Erroll Anne Yarbrough Hodges  
McAngus, Goudelock & Courie, LLC  
Greenville, SC 29602  
(864) 239-4031;
- (d) Mark B. Kent  
135 South Main Street, Ste 200  
Greenville, SC 29601  
(864) 878-6367;
- (e) Mindy Levy  
Branch Manager, Wachovia Place  
15 S. Main Street  
Greenville, SC 29601  
(864) 467-2506.

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 Marsh Robertson

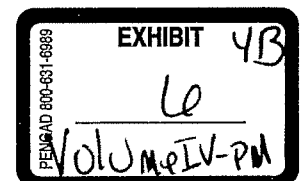
Date: 09/19/08

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

Family Court  
(New Candidate)

Full Name: William Marsh Robertson  
Business Address: PO Box 1885  
Greenville, SC, 29602  
Business Telephone: (864) 242-1090

1. Why do you want to serve as a Family Court Judge?  
This past November I began my twentieth year of legal practice. For the past 17 years, I have practiced exclusively in the area of family law, meaning quite literally that I have not accepted a single case falling outside of the Family Court arena. My long-term plan has been to reach the highest level I am capable of reaching as a family law practitioner, then concentrate my efforts on being elected to a family court judgeship and serving in that capacity. I believe that time has arrived. In my private practice, I have represented countless husbands and wives, mothers and fathers, children and the elderly. I have acted as counselor, advocate, adversary, and mediator. I have represented scores of clients who are disabled, downtrodden and impoverished; and I have also represented a number of the wealthiest and most privileged citizens in the Upstate. Throughout this process, I have learned that I am passionate about family law and about families in general. I could not have survived for so long practicing exclusively in this field if this were not the case. I have achieved professional success and respect among my peers, as is reflected by my induction in 1999 as a Fellow in the prestigious American Academy of Matrimonial Lawyers, and by my AV rating in Martindale-Hubbell. In recent years, I have devoted a significant portion of my practice to mediating family law cases, and have enjoyed and thrived in that role. I am proud of my accomplishments as a private family law attorney, but have always believed that my nature, temperament and overall skill-set are best suited to the role of judge.
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?

My philosophy regarding *ex parte* communications is consistent with the applicable provisions of our state's Rules of Professional Conduct, Code of Judicial Conduct, and statutory law. In a nutshell, a lawyer and a judge should never discuss the issues or merits of an active or anticipated case unless all opposing parties have simultaneous and equal access, or unless the situation falls under an exception provided by law, such as emergency *ex parte* proceedings.

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

Our Code of Judicial Conduct provides appropriate guidelines for disqualification of a judge. In simple terms, a judge should recuse himself or herself if there is even the slightest appearance of impartiality or other impropriety. In such instances, the judge should first determine whether he believes in earnest that he will be able to adjudicate the matter in a completely unbiased matter. If yes, the judge should next fully disclose the prior association to all parties and attorneys involved, and withdraw from the matter upon the reasonable request of any party or attorney. This philosophy includes situations in which a former law partner or associate appears before the judge. While the judge does not have an automatic duty to disqualify himself from a case solely on the basis that one of the attorneys is a former partner or associate, he should proceed with caution in such instances to ensure that his impartiality may not reasonably be questioned. The judge should without exception disqualify himself if he worked with the former partner or associate on the matter in controversy. This standard likewise applies to situations involving lawyer-legislators. A judge has no mandated duty to disqualify himself from a case simply because a lawyer in the case happens to also serve in the state's General Assembly. On the other hand, if a party offers a reasonable, fact-supported concern for the judge's ability to adjudicate the matter in an impartial manner, the best course of action is recusal.

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 faced with this scenario, I would carefully consider arguments made in support of the request. If I could ascertain even a hint of merit in the movant's position, I would err on the side caution and grant the motion for recusal, notwithstanding my personal beliefs. On



the other hand, if I deemed the Movant's position to be void of merit, I would honor the duty of a judge to sit.

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

I would not hesitate to disqualify myself in any circumstance where there is the appearance of impropriety, including potential conflicts of interest involving my wife or relatives. I would fully disclose the relevant facts to all concerned, and would honor any reasonable request for recusal. We are fortunate in Greenville County to have many excellent family court judges, any one of whom would be more than capable of presiding over the matter in my stead.

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

I would follow the standards promulgated by Canon 4D(5) of the Code of Judicial Conduct, and would err on the side of caution in "close calls." Specifically, I would not accept gifts from anyone except from relatives or friends on normal gift-giving occasions (e.g., birthdays), and would accept only ordinary social hospitality. Under no circumstances would I accept any benefit from any person or entity that could reasonably be construed as "influential" to my performance as a judge.

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

If I observed or gained irrefutable knowledge of a lawyer's violation of the Rules of Professional Responsibility, I would be duty-bound to report the information to the Commission on Lawyer Conduct and would do so. Likewise, if I knew with certainty of a fellow judge's violation of the Code of Judicial Conduct, I would act upon my duty to report the matter to the appropriate Supreme Court authorities. If I only suspected misconduct, I would confront the individual in question to ascertain his or her side of the story, and would follow through as dictated by the response.

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?

I take great pride in my ability to draft well-crafted, well-written orders, and my preference would be to personally draft every order I issue. Given the reality of crowded dockets and heavy caseloads, however, I recognize that more often than not I will be compelled to assign the order-drafting responsibilities to the attorneys of record. In such instances, I would most often delegate the job to the prevailing

party's attorney (or to the attorney for the Movant or Plaintiff if all else is equal), subject to the other party's inspection and approval. There may be times -- in close or particularly complex cases -- when I would consider having both parties draft proposed orders from which I would construct my own. Under no circumstances would I sign any order without first carefully reviewing it and ensuring the inclusion of any modifications necessary to clearly and accurately reflect the full intent of my findings of fact and conclusions of law.

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

I would implement a calendar and "tickling" system similar to the one I have successfully relied upon in private practice. It would include both electronic and paper calendaring.

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?

The key to ensuring compliance with the GAL statutes is, of course, to remain fully versed in the terms of the statute. I have read the statute on more than one occasion, and would do so again before assuming the bench. In any case involving a guardian, I would run down the check-list of applicable requirements to ensure compliance in the particular case.

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

My philosophy on "judicial activism" is simple. Under this country's system of checks and balances, the role of the judiciary is to interpret and enforce the law based on existing statutes and case law precedent. It is not the role of the judiciary to create new law or to "tweak" existing law to suit one's own agenda. A person who is unable to separate his or her personal beliefs or political convictions from the performance of his or her judicial duties is ill-qualified to be a judge.

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 plan to write family law-related articles for publication to bar members and/or the public at large. I would volunteer to speak at family law continuing legal education seminars from time to time as I have done in the past. I would actively participate in the monthly Bench-Bar Liaison Committee meetings in Greenville County. If and when asked, I would willingly take on the role of Administrative Judge in our county.

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?

While a career as a family court judge would no doubt alter the nature of my personal relationships, I do not believe that it would significantly strain them. I am fortunate to have a very supportive wife, children and friends who are all quite excited about the prospect of me becoming a judge.

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

I would not give any form of favoritism or legal advantage to a *pro se* litigant. When dealing with procedural or court formalities that do not impact the ultimate disposition of the merits, however, I might hold the *pro se* litigant to a somewhat less rigid standard than an attorney or represented party if doing so would promote the ends of justice without prejudice to any 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?

This situation is probably less likely to arise in the Family Court setting, but I would not hear any case that would give the appearance of a potential financial conflict of interest, no matter how small, without first disclosing the pertinent facts to the parties involved and obtaining their consent to proceed.

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

No.

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

Yes, I have done so in a timely manner my entire career.

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: Approximately 80%, assuming I include separation actions and post-divorce modification and enforcement actions in this category.

b. Child custody: Approximately 25% if I include ongoing divorce cases that involve contested child custody and visitation issues (hence the total percentage exceeding 100%) as well as custody cases that are not part of an ongoing divorce action.

- c. Adoption: <5%. Over my career I have probably been involved in an average of two to three adoption actions per year.
- d. Abuse and neglect: 1-2% estimated. My involvement in these cases normally involves court-appointments, and averages about 2 cases per year.
- e. Juvenile cases: 0%. I would work diligently to bring myself up to speed on Juvenile Law by studying the applicable Code statutes and case law, attending or viewing on-line CLE seminars, monitoring juvenile cases before sitting judges, and discussing the law with attorneys who practice regularly in the area.

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

I agree completely with the evaluation criteria of the Judicial Merit Selection Committee that a judge's demeanor should reflect "patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility." The judges with the demeanor I admire the most are those that strive to make everyone in the courtroom as comfortable as possible given the typically uncomfortable circumstances that surround their presence.

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?

I am certainly human and as such imperfect, but I believe that those who know me best would agree that the traits written above are part of my natural chemistry. If elected to the Family Court Bench, I will do my best to exhibit each of these characteristics on a daily basis both on and off the bench.

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?

Showing anger in the courtroom is never acceptable behavior for a trial judge, regardless of whether the anger is directed at a represented or unrepresented party or at an attorney. To maintain the dignity and respect of the tribunal in which he sits, a judge must be able to check his emotions and put himself above angry outbursts.

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? None.

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

I am not a sitting judge.

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.
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.

s/William Marsh Robertson

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

Notary Public for South Carolina

My commission expires: 3/22/2015

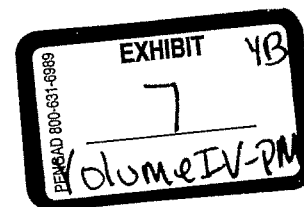
**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court, 13<sup>th</sup> Judicial Circuit, Seat 6

1. NAME: David Jamison Rutledge  
BUSINESS ADDRESS: 304 Pettigru Street  
Greenville, SC 29601  
BUSINESS NUMBER: (864) 467-0999
  
2. Date of Birth: 1955  
Place of Birth: Augusta, Georgia
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 11, 1977, to Debra Walsh Rutledge. 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) Brevard College - 1973-75, Associate of Arts;
  - (b) Furman University - 1975-77, Bachelor of Arts, 1983-84 - Left to attend law school;
  - (c) Cumberland School of Law, Samford University - 1984-87, Juris Doctor.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
  - (a) Alabama - Admitted in 1987;
  - (b) South Carolina - Admitted in 1994;
  - (c) North Carolina - Admitted in 1995.I took and passed each exam on the first try in all three states.
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.

Cumberland School of Law Activity

  - (a) Cumberland Law Review, executive editor - 1985-87
    - (i) Voted most valuable editor by my peers;
    - (ii) Assisted on three articles on the Review.;
  - (b) Writer, school newspaper - 1985-86;
  - (c) Dean's List for five semesters - 1985-87.



- (a) Furman University Activity  
Delta Beta Chi social fraternity - 1975-77;
- (b) Dean's List;
- (c) Christian Social Worker.

Brevard College Activity

10. Phi Theta Kappa academic fraternity – 1975.  
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>	<u>State</u>
(a)	Children's Issues in Family Court	03/28/08	SC;
(b)	Solo and Small Firm Conference	06/22/07	SC;
(c)	Children's Issues in Family Court	03/23/07	SC;
(d)	Confidentiality in a Wired World	12/27/07	NC;
(e)	Everything You Needed to know About Substance Abuse	12/18/07	NC;
(f)	South Carolina Family Court Bench/Bar	12/01/06	SC;
(g)	Speaking to Win	04/28/06	SC;
(h)	Children's Issues in Family Court	03/17/06	SC;
(i)	ABC's of Effective and Ethical Practice	10/14/05	SC;
(j)	Hot Tips from Domestic Practitioners	09/23/05	SC;
(k)	Children's Issues in Family Court	03/18/05	SC;
(l)	Depositions	02/01/05	AL;
(m)	Oath Seminar	12/21/04	SC;
(n)	Representing Non-US Citizens	05/23/03	SC;
(o)	Cool Tips from the Hottest Practitioners	04/25/03	SC;
(p)	Guardian <i>ad litem</i> Training	01/10/03	SC.

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

- (a) Videos for South Carolina State Bar
  - (i) Trials in Magistrate's Court – 2007;
  - (ii) Trials in Family Court – 2006;
- (b) Mock Trial Competition, Furman University - 2001-2005;
- (c) Lecturer for the South Carolina Bar CLE - Stress and the Practice of Law – 2001;
- (d) Lecturer for the South Carolina Bar - I gave lectures on Family Law for the Bar's "Ask a Lawyer" program at various libraries in Greenville County. 2006-2007;
- (e) Lecturer - I gave frequent lectures on employment related issues in Alabama. 1988-1990.

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

- (a) "Age Discrimination in the Work Force", Executive Enterprises(1988);

(b) "Mrs. Jamison's Tale of the War", South Carolina Historical Magazine, vol. 99, number 4 (1998).

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.

North Carolina Bar	03/18/1995
Supreme Court of the United States	01/23/1995
U.S. Court of Appeals, 11 <sup>th</sup> Circuit	01/03/1995
South Carolina Bar	11/21/1994
U.S. District Court, Middle District of Alabama	04/02/1991
U.S. District Court, Southern District of Alabama	06/17/1991
U.S. District Court, South Carolina	02/23/1995
U.S. Court of Appeals, 4 <sup>th</sup> Circuit	12/29/1994
U.S. District Court, Northern District of Alabama	03/09/1989
Alabama State Bar	09/28/1987

I am on "special status" with the state of Alabama. I no longer actually practice in Alabama and I am not required to keep the CLE requirements. I have let the Federal District and the Court of Appeals Admissions lapse since I do not practice in those Courts.

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) Clerkship, United States District Court for the Northern District of Alabama, U.S. District Judge Robert B. Probst (1987-88)  
I wrote opinions and orders and dealt with the legal community. The judge published two legal opinions which I wrote during my clerkship - one was on ERISA preemption and the other on Social Security Disability pain issues. The former was published at the request of the bar in Alabama, and the latter at the request of West Publishing Company.

(b) Sirote & Permutt. Birmingham, AL (1988-1990)  
General practice of labor law, copyright law, trademarks, and other intellectual property issues. I gave numerous lectures on benefit-related topics including health insurance, tax issues and intellectual property. I handled E.E.O.C. complaints, wrote briefs and performed legal research. I was the city attorney for the city of Graysville, Alabama.

(c) McDaniel, Hall Conerly & Lusk. Birmingham, AL (1990-94)  
Insurance defense work, personal injury, mass tort, legal research, brief writing and some appellate practice. I travelled extensively.

(d) General Practice, solo practitioner. Greenville, SC (1994-present)  
Primarily practicing in the area of family law.

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.

I have been practicing almost exclusively in Family Court since 1994. I have been involved in approximately 1,500 custody cases, serving as attorney for the parties and as guardian *ad litem*. I have been a public defender since 2003 and have represented nearly 2,000 juveniles in court proceedings. I have served as a guardian attorney and as a guardian *ad litem* and have represented parties in approximately 200 cases involving the Department of Social Services. I have handled hundreds of divorces involving property, alimony and/or child-related issues. I have been involved in approximately fifty adoptions, many involving termination of parental rights.

I have represented people of all races, ages, and genders who come from diverse economic backgrounds. I speak some Spanish, and about a third of my clients are Hispanic. I have represented hundreds of African Americans. I have represented many people who are below the poverty line, as well as a number of clients who would be considered wealthy.

I have represented people from all over the world: citizens of France, Italy, Germany, Russia, Iran, China, Africa and Latin American countries.

I am most proud of being born and bred a South Carolinian, the descendent of a family that has been involved for many generations in public service and specifically in the practice of law. I attended local Greenville County public schools from grammar school through high school and college. I have operated an office in Greenville continuously since 1994.

I believe I have a breadth of experience and length of service which is unparalleled in Family Court. I have a strong academic background as evidenced by the fact that I passed the bar examinations for three states on the first try. I was the executive editor of the *Cumberland Law Review* while in Law School and I clerked for a United States District Judge in Alabama. I believe I have an excellent reputation for hard work and integrity in the Greenville County Bar.

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

16. What was the frequency of your court appearances during the last five years?
- (a) federal: never;
  - (b) state: almost daily.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 5%;

- (b) criminal: 35% (primarily involving juveniles);  
(c) domestic: 60%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?  
(a) jury: 5%;  
(b) non-jury: 95%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?  
I typically serve as sole counsel. Most of my work has been in Family Court and does not involve a jury.
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) Allison v. Eudy, 499 S.E. 2d 227 (1998)  
Defined standard for changing custody in a joint custody arrangement. The Court of Appeals wrote this about my representation: "[We] commend the guardian *ad litem* for the thorough investigation he conducted in this case and express our gratitude to him for his appearance on the child's behalf before the court."
- (b) The State of South Carolina v. Antonio Calloway, 2008-JU-23-417 (2008)  
Received a Directed Verdict in favor of my juvenile client who was accused of drug possession. This was a Public Defender case. Although they were subpoenaed, none of his family showed up to serve as witnesses. The case is significant to me because I was the first person ever to stand up for this young man in his life.
- (c) Mary Harlett Clements v. Vanessa May Givens and Joel Andrew Givens, 2005 DR-23-4318 (2007)  
In this *pro bono* case, I was successful in getting custody for my client, the grandmother. There were non-relative interveners who were trying to adopt the children.
- (d) William Hopkins v. Kayla B. Hopkins and John Philyaw, 2007-DR-23-3009 (2008)  
I represented a father who had seen his four year old son only two or three times. D.S.S became involved, but through my efforts the agency was dismissed as a party. The father was eventually awarded custody of his son.
- (e) S.C.D.S.S. v. Kelly West-Hawkins, 1998-DR-23-4180 (2001)  
I represented Kelly West *pro bono*. She was a former school teacher who had developed drug dependency issues and had lost her child to D.S.S. custody. I helped her through drug rehabilitation, the D.S.S. process, and a custody battle with the father of her child. She was successful in regaining custody and I eventually helped her regain her

- teaching license as well. This case is significant to me because I, as her lawyer, assisted her in getting her life back on track.
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.
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? No.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. Not applicable.
24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. 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?
- (a) 1971-1977 - Wall and Floor Treatments, Inc., Liberty, SC. Installed wall covering;
  - (b) 1977 - Beneficial Finance Company, Greenville, SC. Assistant Manager;
  - (c) 1977-1978 - Ivey's Department Store, Greenville, SC. Manager of book department;
  - (d) 1978-1980 - Belk's Department Store, Greenville, SC. Manager of boy's clothing, books, electronics and toys. Buyer of merchandise. Managed store employees;
  - (e) 1980-1983 - Eckerd Drug. Manager of store.
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?  
(a) I have been late in paying state and federal taxes, but there were no tax liens or other collection activities of which I have been aware. The taxes along with penalties and interest were paid.  
(b) I have never defaulted on a student loan.  
(c) I declared personal bankruptcy in 2001.
34. Have you ever been sued, either personally or professionally?  
(a) Leaf River v. 1,500 individuals  
I was a party in an action for a bill of peace in the Mississippi Chancery Court in Leaf County, Mississippi. A bill of peace was filed, which is a common law precursor to a class action suit. The case was dismissed with prejudice and the defendants, of which I was one, were awarded attorneys' fees.  
(b) Jefferson County, Alabama v. David J. Rutledge  
This case was for the collection of employment taxes which were not withheld when I was a law clerk. It resulted in a judgment against me in 1992 for approximately \$200.00.
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.  
Greenville Bar Association - 1994-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.  
I am a member of St. Matthew's Episcopal Church, where I serve as a Sunday School Teacher, Lay Eucharistic Minister, Lay Reader, Eucharistic Visitor, and Wednesday Evening Prayer Officiate. I am a member of the Sons of Confederate Veterans, and have written articles and given lectures on history. I am involved in an ongoing course of Education for Ministry.
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.  
In 1994, my wife and I decided to return to South Carolina to raise our children in our home state, close to our extended families. I opened an office in Greenville as a solo practitioner. I started out with no client base and with very limited financial resources, and for the first few years I made very little money.

Even though this was a difficult time for us financially, I valued the opportunity to conduct my law practice in a way that accorded with my personal ethical standards and my Christian beliefs. I accepted numerous pro bono clients, and served as an attorney for the Guardian *ad litem* office in a volunteer capacity during the 90's when this was not a paid position. I also accepted numerous personal appointments as a Guardian in complex, emotional cases that frequently were unpaid. My acceptance of these cases has required sacrifice on my part and that of my family, but the work I have done over the years with a variety of clients in the most extreme and difficult circumstances of their lives has helped to shape me as an attorney. Paradoxically, it has given me both a deep compassion for these people and an ability to discern what can and cannot reasonably be remedied in their lives.

Throughout my career, I have opened my office to clients who are in need. On many occasions I have accepted indigent clients and have charged little or no money, sometimes asking only that they cover my expenses. I have continued to represent clients who have been unable to continue to pay me even when the rules of ethics would have permitted me to withdraw on that basis. I have chosen to do this because I believe that I should conduct my life in a manner that is in accordance with what I profess ethically and morally to believe, even when this may involve personal sacrifice.

Because I have always been involved with representing children, I am particularly sensitive to issues involving them, and have consistently encouraged my clients to do the right thing for their children as opposed to acting in ways that might offer them a tactical advantage. In my work as a juvenile public defender, I have always insisted that my clients be offered the same level of service and expert representation that would be available to individuals of greater financial means. My representation of them has been rooted in a deep respect for their value as human beings and the hope that with the appropriate assistance at this crucial point in their development they may have the opportunity to remedy the mistakes they may have made and to change the basic direction of their lives.

For the last fourteen years, I have worked almost exclusively in Family Court. I have served as an attorney for adults from all walks of life and as a Guardian and an attorney directly representing children in a great variety of circumstances.

Throughout, it has been my aim to help my clients resolve complex issues. It has always been my instinct to seek to mediate and to ameliorate the most difficult circumstances, and to help my clients find resolution rather than encouraging them to engage in litigation which might ultimately be personally and financially ruinous. With that said, I believe that the best way to encourage the resolution of a case is to be fully prepared to try it, and I have striven always to be completely ready to litigate contested issues.

I believe myself to enjoy a reputation in the local bar for academic expertise. I have throughout my career attempted to make sure that I remain current with

newly published opinions, and I have worked hard to make sure that I continuously maintain and deepen my knowledge of the law. I am frequently consulted by other attorneys as to legal issues, and have attempted to assist them in their discussion and application of these questions.

To me, the practice of law is a service that requires the highest fidelity. I am by nature a thoughtful, reflective person whose first instinct is to seek an equitable resolution of the issues with which I am dealing. I believe that I have both the demeanor and the temperament to be an effective judge, and I think that the breadth and depth of my experience in family court dealing with almost every possible type of individual and circumstance is virtually unparalleled. My own life experiences and the struggles I have personally undergone as have helped to equip me to deal with those who appear before me in a just and equitable manner, tempered with the courtesy and respect that they deserve as human beings. I believe that I can offer truly valuable service as a Family Court judge.

49. References:

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(864) 335-9730;
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- (c) Katherine Tiffany, Attorney at Law  
Post Office Box 10828  
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(864) 242-3566;
- (d) Dale Chandler  
Retired Director  
Greenville County Dept. of Juvenile Justice  
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- (e) Jessica M. Snead  
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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/David Jamison Rutledge

Date: 09/23/08