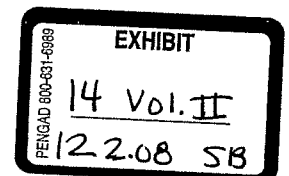


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: Joseph C. Smithdeal
Business Address: 409 Main Street
Greenwood, SC 29646
Business Telephone: (864) 229-1947

1. Why do you want to serve as a Circuit Court judge? I want to serve as a Circuit Court judge because I am well qualified, would do a good job, and can be of benefit to the legal system which I love. I often hear lay people complaining about the legal system. One person who has served on jury duty might feel disrespected and another person believes the judge or lawyers were "paid off". Having worked in the profession and having gotten to know a lot of attorneys and judges, I know that the good far outweighs the bad. My own honor, my work ethic and my deep abiding respect for the hard working women and men in the profession make me want to serve those people and their clients. I believe that every person has a right to a fair and speedy trial by an unbiased jury and/or judge. I believe every person has the right to my respect – not because of some status he has or the amount of money in his bank but because he is a person. My desire to serve as a Circuit Court judge comes from my desire to serve in general. I believe that I would be a good judge in whom the public and the legal system would have full confidence.
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? I have no plans to return to private practice one day.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? My philosophy is that except in limited circumstances, such as administrative matters, scheduling, true emergencies or when expressly authorized by law, *ex parte* communications should not take place or be considered by a judge. At the very minimum, this type of contact undermines public confidence in the judge and the justice system. Ex parte contacts are covered by Section 3B (7) of the Code of Judicial Conduct.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? The Code of Judicial Conduct provides that a judge



shall disqualify himself or herself when, "(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer...." Section 3E (1) (a). I would not generally have such bias or prejudice for or against any attorney, and no attorney who is a friend of mine would expect me to act in a biased manner. Recusal, however, may still be required by the general language of section 3E (1) if impartiality is reasonably questioned. After disclosing on the record any information that I think might be relevant to disqualification, I would consider the nature and length of the relationship as well as the urgency of the matter and the availability of another judge as indicated in the commentary to Section 3E. I would not hesitate to disqualify myself if a party has a reasonable question as to my ability to conduct a fair trial.

Regarding lawyer-legislators, they have to practice law too. Unless I have a close personal relationship with the lawyer-legislator and that relationship fell within the Code of Judicial Conduct such as Section 3E (1), I would not feel a reasonable question of impartiality would be raised. At present, I have no such relationships with lawyer-legislators. However, I do believe a judge should be on guard against the perception of bias or prejudice and would therefore always seek to maintain the confidence of the public.

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? Section 3E of the Code of Judicial Conduct states, "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned...." Generally the provision mandates recusal based upon the reasonable appearance of a question. If the disclosure, in fact, had the appearance of bias, I believe recusal would be required.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? The involvement financially or socially of my spouse or close relative in a matter before me would raise a reasonable question as to my ability to be impartial. Appearances, in this case, would trump a subjective assessment of my impartiality. I would recuse myself.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? Pursuant to Cannon 4 of the Code of Judicial Conduct, I would respectfully decline gifts or social hospitality without an underlying friendship outside of any judicial relationship. Only gifts or invitations consistent with the occasion and the non-judicial relationship are appropriate.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Section 3D of the Code of Judicial Conduct provides guidance in these two situations,

“(1) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.

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

Assuming that I had received information indicating a substantial likelihood of a violation on the part of a judge or a lawyer, I would address the information directly with the person and investigate in private to avoid scandal and protect the integrity of the judicial system. If I then had knowledge of a particular misdeed I would urge the person to self report and if he or she did not, I would be duty bound to report it myself.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? Yes. I have already notified the various boards on which I serve of my intentions to run for Circuit Court Judge and my need to withdraw should I be elected.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No
13. If elected, how would you handle the drafting of orders? Most judges before whom I have appeared have requested proposed orders from the prevailing party's attorney. I believe that this is the most efficient way to handle orders. The attorneys are the people most familiar with the case. Where circumstances such as time are an issue, I would draft the order. I enjoy writing.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines? As in the practice of law, deadlines are important. I would maintain a computerized and a back-up paper calendaring system of hearings and trials. The calendars would denote oral orders issued, parties, attorneys and time to submit proposed written order. My staff and I would monitor the calendars weekly to ensure that all work was being done in a timely manner.
15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy? Judges have no role making or promoting what they believe to be public policy. The judge's responsibility is to interpret and apply the law as established by the Legislature and Appellate Courts.
16. Canon 4 allows a judge to engage in activities to improve the law, legal

system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system? I have taught "Law School for Non-Lawyers and been involved with the local high school's mock trial teams. I think the public often has a negative impression of the legal system. I would hope to continue to assist the Bar in its ongoing efforts to demystify the legal system for the public.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this? No. I have spoken with several judges and am fully confident that the pressures of serving as a judge would not strain my personal relationships. My wife is also a member of the Bar and has clerked for a Circuit Court judge. She is very supportive of my decision to run for this seat.
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders. Equal justice under law has always been a guiding principle for me. Judges, however, are not paid to be robots. Within the law I would view each case on its own merits and do justice to the best of my abilities. In general:
 - a. Repeat offenders: For various crimes there are progressive penalties for repeat offenders and it would be my responsibility to apply such sanctions. I would not hesitate to do so to the fullest extent in the appropriate cases. Without statutory guidance in sentencing, I would evaluate the case as presented and dispense appropriate justice on repeat offenders.
 - b. Juveniles (that have been waived to the circuit court): A juvenile that has been waived up to the Circuit Court is to be tried and sentenced as an adult. The law, however, provides for age appropriate sentences in certain situations such as the Youthful Offender Act. As a trial judge I would look for ways to both protect society and rehabilitate youthful offenders.
 - c. White collar criminals: I would make no distinction between "white collar" crimes and other similar crimes without such a label. Stealing is stealing.
 - d. Defendants with a socially and/or economically disadvantaged background: Although social and/or economic disadvantages may explain certain behaviors they cannot be used as an excuse for criminal activity. I have faith in human beings and as such I would treat the rich and poor alike.
 - e. Elderly defendants or those with some infirmity: Alternative sentencing may be needed in the case of the aged or infirmed so as not to place an additional burden on the State. However, in general, advanced age should not be a factor in sentencing.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Canon 3 of the Code of Judicial Conduct does not require disqualification unless the interest is more than *de minimis*. However, I believe that the appearance of bias should be avoided and I would certainly entertain any motion for recusal and give serious consideration to any party's concerns. For example, I would probably not recuse myself and delay justice in a case involving Pangea Petroleum, Inc of which I own \$.36 worth of stock.
21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
23. What do you feel is the appropriate demeanor for a judge? A judge's demeanor should be courteous, kind and respectful to everyone in the courthouse and on the street. A judge should be firm, fair and consistent. A patient judge is a wise judge. A judge should also be punctual.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? I strive, sometimes without success, to put the Golden Rule into practice every day. I believe in it.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants? Anger is not appropriate in dealing with defendants, attorneys or pro se litigants. Anger is personal. While I am sure there have been many times that a judge has gotten frustrated or maybe was even provoked intentionally, a judge should not let anger effect his/her judgment.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? \$193.23 Yes.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not applicable
28. Have you sought or received the pledge of any legislator prior to this date? No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report

has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.

31. Have you contacted any members of the Judicial Merit Selection Commission? No.
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/Joseph C. Smithdeal

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

Notary Public for S.C.

My Commission Expires: 7/24/2018

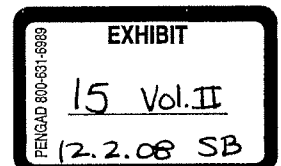
JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large
Judge, Seat 1

1. NAME: Mr. David Craig Brown
BUSINESS ADDRESS: 616 S. Coit St., Florence, S.C. 29501
BUSINESS NUMBER: (843) 662-4474
2. Date of Birth: 1969
Place of Birth: Sumter, S.C.
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on June 18, 1994, to Kay Hunt Brown. Three 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) Francis Marion University
Jan, 1988 – May 1988
No degree – Transferred from Francis Marion University to The Citadel;
 - (b) The Citadel
Summer, 1988 – May 1992
B.S. Political Science;
 - (c) The University of South Carolina School of Law
Aug. 1994 – May 1997
Juris Doctor.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina – 1998 – Bar examination taken twice.
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.

The Citadel

 - (a) College Football 1988 - 1990;
 - (b) Summerall Guards Member 1992;
 - (c) Honor Committee Member 1991-1992;
 - (d) Big Brother Program 1991 - 1992;



- (e) Kilo Company Platoon Leader 1991 – 1992;
 (f) Member of The Citadel Training Cadre Fall 1990;
 (g) Commandant's Distinguished Service List (Date Unknown)
U.S.C. School of Law;
 (h) Student Bar Association.
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) Criminal Justice Act Mini-Seminar | 08/01/08; |
| (b) 17 th Annual Criminal Practice | 10/05/07; |
| (c) Mandatory ADR Training | 09/08/06; |
| (d) 2006 Public Defender Conf. | 09/25/06; |
| (e) 20 th Annual Criminal Law Update | 01/21/05; |
| (f) Federal Sentencing Guidelines | 03/03/05; |
| (g) Attorney EOF Training | 03/08/05; |
| (h) How to Successfully Resolve Automobile Accidents in S.C. | 12/02/05; |
| (l) Workers' Compensation in S.C. | 12/07/05; |
| (j) Examining and Resolving Title Issues in S.C. | 12/14/05; |
| (k) Federal Criminal Practice 2004 | 05/13/04; |
| (l) Blakely v Washington Seminar | 07/21/04; |
| (m) Revised Lawyer's Oath | 10/19/04; |
| (n) Accident Litigation: Trying a Wreck | 03/21/03; |
| (o) 2003 SC Tort Law Update | 09/26/03; |
| (p) 5 th Annual Spring Seminar | 05/03/02; |
| (q) Auto Torts | 12/06/02. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture. Do NOT attach a separate list.
- (a) Francis Marion University – Adjunct Professor – Business Law
August 1999 – May 2005;
 (b) Florence-Darlington Technical College – Adjunct Professor – Business
Law – March 7, 2000 – May 11, 2000.
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice. See Application.
 All South Carolina Courts: May 11, 1998;
 United States District Court: December 2, 1998;
 United States Court of Appeals: July 7, 2004.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) Judicial Law Clerk, for the Honorable M. Duane Shuler, South Carolina Circuit Court. Aug. 1997 – Summer 1998;
 - (b) Bridges, Orr, Derrick & Ervin – Aug. 1998 – April 2001
Engaged in the practice of civil litigation, primarily defense;
 - (c) The Law Office of D. Craig Brown, P.C. – May 2001 – present
Engaged in the practice of civil litigation, (plaintiff and defense) and criminal defense, (state and federal);
 - (d) Florence County Public Defender – (Part-time) – July 2006 – August 2007. Engaged in the practice of criminal defense in the South Carolina Court of General Sessions;
 - (e) Marion County Public Defender – (Part-time) – July 2006 – present. Engaged in the practice of criminal defense in the South Carolina Court of General Sessions.

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

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

Throughout my legal career, I have tried civil and criminal cases. My experience as a criminal trial attorney includes defending such minor offenses as “unlawful possession of a weapon”, which carries a sentence of up to one year. I have also tried complex felony cases such as murder.

The most recent murder case that I tried was in June of 2008. The case was initially ruled a suicide. Approximately four months later, the case was ruled a homicide based upon gunshot residue found on my client, his mother, and the decedent. The trial of the case involved numerous evidentiary and scientific issues related to gunshot residue, location of the wound, and statements given by my client prior to his

arrest. After a week long trial, the jury convicted my client of voluntary manslaughter, rather than murder, and he received a sentence of eight years.

My experience in civil matters goes back to the fall of 1998, when I began practicing law. The primary types of matters handled by me include personal injury cases (plaintiff and defense). The primary issues involved have been liability on behalf of the defendant, and damages on behalf of the plaintiff. One case I tried in Marlboro County, wherein I represented the defendant, involved the legal issue of intoxication of the defendant and whether his intoxication was the proximate cause of the accident. The defense of the case required me to argue the facts and law related to the defendant's intoxication. The trial resulted in a favorable verdict for the defendant.

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: Approximately 5 times a month;
(b) state: Approximately 5 times a month.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 40%;
(b) criminal: 55%;
(c) domestic: 5%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
(a) jury: 2-5%;
(b) non-jury: 1%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
I have served in each capacity probably an equal amount of time.
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) State v. Brockington – I represented the defendant who was charged with attempted lewd act. The case went to trial. In defending the case, one important legal issue involved statements given by unavailable witnesses which were exculpatory. The statements were admitted and the case ended in a mistrial after the jury could not reach a verdict. The case has never been called again for trial.

- (b) State v. McKenzie – I represented the defendant who was charged with and convicted of murder based upon DNA evidence and testimony of the State’s expert witness. The case was significant because of evidentiary issues related to DNA and their expert’s scientific opinion.
 - (c) Keels v. Poston - Unpublished Opinion No. 2005-UP-039. I represented the defendant, who was sued for negligence. The case was tried and the defendant was found liable in the amount of \$35,000.00. This case was significant because the defendant was charged with failure to yield the right-of-way. The plaintiff had medical bills totaling approximately \$7,000.00 and only obtained a verdict of \$35,000.00 in Williamsburg where verdicts are typically higher.
 - (d) Ray v. Radford – I represented the defendant who was sued for negligence. The defendant was intoxicated at the time of the accident. The case was significant because of the issues relating to the defendant’s intoxication and whether or not his intoxication was cause of the accident. At the conclusion of the trial, a defense verdict was returned, wherein the jury determined that the defendant’s intoxication was not the proximate cause of the accident.
 - (e) State v. Joshua Weatherford – I represented the defendant who was charged with murder. This was a case that was initially ruled a suicide. Approximately four months after the decedent’s death, the defendant was one of two individuals charged with murder due to gunshot residue tests performed on the defendant and his co-defendant on the night of the decedent’s death. The case was significant due to legal issues pertaining to gunshot residue which were presented by the State’s expert during their trial and by the defense. The jury convicted the defendant after a week long trial of voluntary manslaughter, rather than murder, and he received a sentence of eight years.
20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter);
- (a) Amerson v. Ervin, et. al., Appealed from the South Carolina Court of Common Pleas. Decision filed in S.C. Court of Appeals on January 18, 2006. Unpublished Opinion No. 2006-UP-044;
 - (b) Keels v. Poston, Appealed from the South Carolina Court of Common Pleas. Decision filed in S.C. Court of Appeals on January 14, 2005. Unpublished Opinion No. 2005-UP-039.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter.
- (a) State v. James Rogers, 368 S.C. 529, 629 S.E.2^d 679 (2006). S.C. Court of Appeals, March 13, 2006;
 - (b) State v. Christopher Earl Lane – S.C. Court of Appeals, June 8, 2007.

- Unpublished Opinion No. 2007-UP-302;
- (c) U.S. v. Barry Wayne Griggs, U.S. Court of Appeals.
Unpublished Opinion July 30, 2007, 241 Fed. Appx. 155 (2007);
 - (d) U.S. v. Rodney Barner, U.S. Court of Appeals.
Unpublished Opinion, August 29, 2007, 238 Fed. Appx. 970 (2007);
 - (e) U.S. v. Charles Jamal Huggins, U.S. Court of Appeals.
Unpublished Opinion, April 20, 2006, 176 Fed. Appx. 420 (2006).
See attached copies of briefs
22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court. 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. 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? If so, give details, including dates.
- (a) Florence County Voter Registration and Election Commission;
 - (b) Appointed March 2007 and resigned on February 5, 2008.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?
- (a) Probation Agent with the South Carolina Department of Probation, Parole, and Pardon Services – Fall 1993 – Summer 1994;
 - (b) Francis Marion University – (part-time) – Business Law Instructor – August 1999 – May 2005;
 - (c) Florence-Darlington Technical College – (part-time) – Business Law Instructor – March 2000 – May 2000.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
- (a) KatMar Properties, LLC, Owner – Engaged in real estate investment;
 - (b) Old Stallions, LLC, Officer – Engaged in real estate investment.

My involvement is limited to financial contributions. The properties are managed by a property management company.

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 known.
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?
I was arrested in December 1988 for DUI. The charge was subsequently dismissed and should be expunged.
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. N/A.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. N/A.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf, in furtherance of your candidacy for the position you seek.

| | | |
|----------|----------|---|
| 09-02-08 | \$257.04 | S/W Printing – Biographical Information Sheet |
| 09-02-08 | \$170.00 | Postage |

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?
The unintentional mailing of biographical information to Representative E.G. Delleney, Jr.; Representative W. Douglas Smith; Senator Raymond E. Cleary, III; Representative James H. Ritchie, Jr.; Representative Fletcher N. Smith, Jr. and Senator Robert Ford.
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) Florence County Bar Association.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
(a) Pee Dee Area Citadel Club – President 2005;
(b) Florence YMCA – Lend-A-Hand Contributor;
(c) Florence County T-Ball Baseball Coach;
(d) Upward Soccer Coach.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
I believe that my work history and many life experiences should be considered for the position that I seek. My parents have always taught me to respect others, work hard, and have integrity and I have used these traits in all endeavors. I have held numerous jobs from high school until now, which have included the following: working on a gladiola farm cutting and packaging

gladiolas; working at a service station changing tires, pumping gas, and servicing automobiles; working 3rd shift on the production line at Tupperware Industries; working as a Probation Agent with the South Carolina Department of Probation, Parole and Pardon Services; teaching business law at Francis Marion University; and, being in private practice as an attorney and handling both civil and criminal cases. I believe that these varied work and life experiences have prepared me to relate to many different people and their circumstances.

49. References:

- (a) James G. Carsten
1123 Rock Creek Dr.
Florence, SC 29505
(843) 669-0770
- (b) Kathy Price Elmore, Esq.
P.O. Box 2527
Florence, SC 29503-2527
(843) 667-6613
- (c) Dr. William J. Curtis
1734 Damon Dr.
Florence, SC 29505
(843) 665-7160
- (d) The Honorable M. Duane Shuler
705 Sumter Hwy.
Kingstree, SC 29556
(843) 382-8712
- (e) Marion Blakely Gibson
4304 Blue Heron Circle
Florence, SC 29501
(843) 661-6334

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 Craig Brown

Date: 09/15/08



The Law Office of
D. Craig Brown, P.C.

D. Craig Brown
dcbrownlaw@bellsouth.net

Wallace H. Jordan, Jr., Associate
wjayjordan@bellsouth.net

December 1, 2008

JUDICIAL MERIT SELECTION COMMISSION
1101 PENDLETON ST., ROOM 104
GRESSETTE BLDG.
COLUMBIA SC 29202

Regarding: Amendment to Question 31
Of my Personal Data Questionnaire

To Whom It May Concern:

I was arrested in December 1988 for DUI. I pled guilty to possession of alcohol by a minor and open container in 1989. The DUI charge was dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Craig Brown", written in a cursive style.

D. CRAIG BROWN

DCB:rb

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

Circuit Court
(New Candidate)

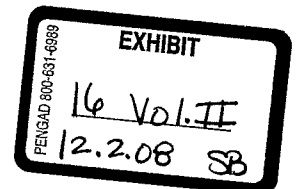
Full Name: David Craig Brown
Business Address: 616 S. Coit St., Florence, S.C. 29501
Business Telephone: (843) 662-4474

1. Why do you want to serve as a Circuit Court judge?
I have had a desire to serve as a Circuit Court judge since clerking with the Honorable M. Duane Shuler while he was a Circuit Court judge. My experience as a law clerk allowed me to observe his demeanor, positive influence and impact that he had from the bench. This created a desire within me to do the same in my community and throughout the State. Therefore, I have spent my entire professional career working towards fulfilling my goal of becoming a Circuit Court 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 Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex Parte communications are improper, except under certain circumstances. Ex Parte communications are governed by Rule 501, Code of Judicial Conduct, Canon 3(B)(7). All parties or their lawyers should be included in communications with a judge. However, there are circumstances where *ex parte* communications may be proper for such matters as scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits. Ex Parte communications are expressly authorized in certain situations such as the issuance of a temporary restraining order, determination of fees and expenses for indigent capital defendants, and the issuance of a seizure order regarding delinquent insurers.

Even in these situations, such contact is improper unless the judge reasonably believes that no party will gain a procedural or tactical advantage and the judge makes provisions to promptly notify all other parties of the substance of the *ex parte* communication and allows them an opportunity to respond.

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



These situations will arise, but they do not necessarily require recusal. My obligation would be to uphold the integrity and independence of the judiciary.

First, I would determine if there was an objection to me hearing the matter. I would then hear each party's argument. If their argument presented some evidence that may result in the appearance of prejudice or bias by me, then I would be obligated to recuse myself. Otherwise, I would hear the case and ensure that my findings were supported by the facts in the record.

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?

Rule 501, Code of Judicial Conduct, Canon 3, requires that I perform the duties of judicial office impartially. The rules further require that I uphold the integrity and independence of the judiciary. My actions should promote further confidence in the integrity and impartiality of the judiciary.

If what I disclosed had "the appearance of bias or prejudice," I would grant the moving party's motion to recuse myself if my conduct would create, in reasonable minds, a perception that my ability to carry out my judicial responsibilities with integrity, impartiality, and competence was impaired.

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

First, I would address the issue with my spouse or close relative and inform them again of the relevant ethical restraints that apply to judges and their family members to ensure it did not happen again.

If the matter involved a case that was before me, and such financial or social involvement of my spouse or a close relative raised questions about my impartiality and the integrity of the judicial office, then I would disqualify myself from the matter. However, I would disclose on the record the basis of my disqualification and ask the parties and their lawyers to consider, out of my presence, whether they wish to waive my disqualification. If, following full disclosure of the basis for disqualification, the parties agree that I should not be disqualified and I was willing to participate, then I would do so and put the agreement on the record.

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

The standards I would set for myself would be governed by Rule 501, Canon (4)(D) (5)(a) through (i). It would have to be determined on a case-by-case basis. Furthermore, I would not accept gifts or social hospitality that might reasonably be perceived to exploit my position as

a judge or that could reasonably be perceived to influence me in any way.

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

If the conduct of a lawyer or judge raised a substantial question as to their honesty, trustworthiness or fitness as a lawyer or judge, then I would fully comply with my duties under our rules and report them to the appropriate professional authority, the Commission on Lawyer Conduct or the Commission on Judicial Conduct.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No.

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

I would remain an owner of rental property through KatMar, LLC and Old Stallions, LLC. These are real estate holding companies and the properties are managed through a property management group. They do not require any of my time, only financial contributions when necessary.

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

Ordinarily, I would have attorneys submit proposed orders in a format that I could review, make changes if necessary, and then sign. However, this would depend on the posture of the case, which I am sure would sometimes result in me drafting the order. Prior to signing any order, though, I would give all counsel of record an opportunity to review the order and submit any proposed changes.

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

I would implement some form of calendaring system via computer and hard copy to ensure that deadlines were met even if computer systems were to go down.

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

I do not believe that "judicial activism" is proper. Judges are required to uphold the integrity and independence of the judiciary. This requires full compliance with all statutes, case law, and applicable rules. The function of the judiciary is not to set or promote public policy. Thus, the personal feelings of a member of the judiciary should not be promoted.

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

If elected, I would be willing to speak, write, lecture, teach and participate in other judicial activities concerning the law. For example, I previously taught Business Law at Francis Marion University and would enjoy doing so again. I have not been asked to do so in the past, but would be willing to lecture through the Bar Association at judicial

conferences or other organizations dedicated to the improvement of the legal system.

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

No. My wife and I were married in June of 1994. I started law school in August of 1994 and went into private practice in May of 2001. Through law school and into private practice my wife has seen the demands of the legal profession and she has supported me throughout.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

- a. Repeat offenders:

For each class of offenders, I would look at their case individually, realizing that they had committed a crime for which our lawmakers have established penalties.

For repeat offenders, I would want to know the reason for such action and how the judicial system could help that individual not repeat again. For example, if their addiction to drugs is what caused them to repeat, I would want to sentence them in a manner that would help them deal with their addiction so they would not repeat again.

Our legislature, in a number of situations, has passed laws enhancing the penalties for "repeat offenders." I would look at the facts and circumstances of each case as presented by the State and victims, if any, along with any mitigation presented by the defense. After hearing such, I would implement a sentence within the parameters established by our legislature to punish the defendant for the offense.

- b. Juveniles (that have been waived to the Circuit Court):

If a juvenile was before me, I know that it would be a serious offense. I would look at such factors as whether or not the juvenile was a leader or a follower; what type of prior record, if any, the juvenile had at the time he committed the offense for which he was standing before me; and, I would listen to the State, victims, defendant and the attorney for the defendant. Taking all of this in to consideration, I would sentence the juvenile in a manner that would hopefully keep him or her from falling into the class of a "repeat offender" at a later time.

- c. White collar criminals:

The nature and sophistication of the offense does not minimize its effects. Therefore, I would look at such things as the nature and sophistication of the offense, the sophistication of the offender, the number of victims involved and the impact of the offense on the victims. I would then implement a sentence within the parameters established by our legislature to punish the offender for the offense.

- d. Defendants with a socially and/or economically disadvantaged

background:

Having grown up in a socially and economically disadvantaged area, I believe that I could relate very well to the circumstances of these cases and these offenders. I would sentence these individuals in a way that would provide just punishment as established by our legislature but avail them to the available tools to assist them with their socially and economically disadvantaged situation. These tools may include such opportunities as job corps, vocational rehabilitation or adult education.

e. Elderly defendants or those with some infirmity:

In dealing with these types of offenders, as well as all others, I would look at the facts and circumstances, along with the punishment for such offense as established by our legislature. I would also take into consideration such things as the offender's work history and prior record before implementing a sentence that I believe would punish the offense and ensure the defendant did not fall into the class of "repeat offender" at a later time.

In conclusion, I would treat each group of offenders with the same respect and dignity that I would want them to treat me if I were in their situation. Each case with each class of offenders would have to be looked at individually, since each case is separate and distinct from the next.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

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

I would advise the parties and their lawyers of the situation, allow them to confer out of my presence so that they could make the decision of whether or not they would waive such potential disqualification. If the parties agree that there is no basis for disqualification, I would probably hear the case after incorporating the agreement on the record.

If my impartiality might reasonably be questioned, I would not hear the case, stating such reasons on the record.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

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

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

I believe that the demeanor of a judge should be one who is self-disciplined, humble and thankful for the opportunities that he or she has had, knowing that others have not had the same opportunities. I believe that judges should treat others with the same respect and dignity as they want to be treated. Judges should be honest and trustworthy in all of their dealings, so as to uphold the integrity and independence of the judiciary. Finally, I believe that judges should be conscientious, diligent

and hardworking, not too good to perform any task necessary to complete the job.

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

The rules that I set forth in my answer to question 23 should apply seven days a week, twenty-four hours a day. Judges never know who may be watching and the potential impact, good or bad, that they could have on others.

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

Anger is not appropriate in dealing with criminal defendants, attorneys, or pro se litigants. A judge is required to be impartial in his or her decisions. Anger very well could affect a judge's ability to be impartial, which in turn would affect the integrity and impartiality of the judiciary.

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

I have spent \$257.04 for printing and \$170.00 for postage, for a total of \$427.04. Yes, it has been reported to the House and Senate Ethics Committees.

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

28. Have you sought or received the pledge of any legislator prior to this date? No.

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.

30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.

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

The unintentional mailing of biographical information to: Representative E.G. Delleney, Jr.; Representative W. Douglas Smith; Senator Raymond E. Cleary, III; Representative James H. Ritchie, Jr.; Representative Fletcher N. Smith, Jr.; and Senator Robert Ford.

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

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

s/David Craig Brown
Sworn to before me this 15th day of September, 2008.
Notary Public for S.C.
My Commission Expires: 10/30/2011_____



The Law Office of
D. Craig Brown, P.C.

D. Craig Brown
dcbrownlaw@bellsouth.net

Wallace H. Jordan, Jr., Associate
wjayjordan@bellsouth.net

November 11, 2008

HOUSE LEGISLATIVE ETHICS COMMITTEE
BOX 11867, BLATT BLDG.
COLUMBIA, SC 29211

SENATE LEGISLATIVE ETHICS COMMITTEE
BOX 142, 205 GRESSETT BLDG.
COLUMBIA, SC 29202

Regarding: Circuit Court, At-Large Judge, Seat 1

To Whom It May Concern:

This is to advise you that, from September 15, 2008 through today, I have spent the following additional money on my campaign for Circuit Court, At-Large Judge, Seat 1:

| | | | |
|-----|----------|----------|-------------------------------------|
| (1) | 09/18/08 | \$ 76.68 | PrintImage (Business Cards) |
| (2) | 10/23/08 | \$ 21.60 | The Trophy Co. (Name Tags) |
| (3) | 10/21/08 | \$424.53 | Brookhollow Cards (Christmas Cards) |

Sincerely,

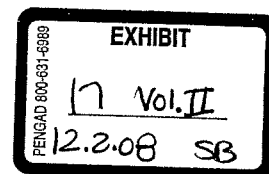
D. CRAIG BROWN

DCB:rb

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large
Seat 1

1. NAME: Mr. Allen Fretwell
BUSINESS ADDRESS: Thirteenth Judicial Circuit Solicitor's Office
305 East North Street, Suite 325
Greenville, SC 29601
E-MAIL ADDRESS: afretwell@greenvillecounty.org
BUSINESS NUMBER: (864) 467-8789
2. Date of Birth: 1974
Place of Birth: Greenville, 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 September 4, 2004, to April Elaine Fretwell.
Never divorced. No children.
6. Have you served in the military? N/A.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) USC School of Law
08/96 – 05/99, Juris Doctorate;
 - (b) University of South Carolina
09/93 – 08/94, (Correspondence Course);
 - (c) Bob Jones University, 08/91 – 05/95
Bachelor of Science.
8. List the states in which you have been admitted to practice law and the year of each admission.
South Carolina, 1999.
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.
College:
 - (a) Who's Who Among Students in American Universities & Colleges;
 - (b) Dean's List;



- (c) Judge National Forensic League;
- (d) Counselor, Home Educators Leadership Program;
- (e) Actor, University Classic Players (Dramatic Productions);
- (f) Member, University Debate Association;
- (g) Software Instructor, Carlson Group, Inc. (Summer 1996);
- (h) Guardian *ad Litem* (11/1995 – 07/1996);
- (i) Legislative Intern, Fourth Congressional District (Fall 1995 – Summer 1996);
- (j) Substitute Teacher, Greenville County School District (Fall 1995);
- (k) Instructor, South Carolina Department of Juvenile Justice (1994-1996);
- (l) Intern, Merrill Lynch, Pierce, Fenner, & Smith (Fall 1994);
- (m) Volunteer, Commission on Alcohol & Other Drug Abuse Prevention (Fall 1994);
- (n) Member, Inter-Societal Council (1994);
- (o) Vice-President, Excalibur Literary Society (1994);
- (p) University Fine Arts Contest Finalist, Original Oratory (1993);
- (q) Member, University Business Association (1992-1995);
- (r) Computer Lab Assistant (1992-1994).

Law School:

- (a) Order of the Palmetto (1998);
- (b) Palmetto Legal Scholar;
- (c) Order of the Wig and Robe (1999);
- (d) Student Editorial Board, ABA Real Property, Probate, & Trust Journal (1997–99);
- (e) Chair, Student Bar Association Technology Committee;
- (f) Member, Federalist Society;
- (g) Member, Student-Faculty Taskforce;
- (h) Member, Christian Legal Society;
- (i) Researcher, Professor Patrick Hubbard (National Historic Preservation);
- (j) Legislative Aide, Honorable Shirley Henson (Spring 1999);
- (k) Legislative Aide, Honorable Dr. Thomas Dantzler (Spring 1999);
- (l) Legislative Aide, Honorable John Graham Altman (Spring 1999);
- (m) Legislative Aide, Honorable Lynn Seithel (Spring 1999);
- (n) Law Clerk, Chief Legal Counsel for Gov. David Beasley (Summer - Fall 1998);
- (o) Legislative Aide, Honorable Robert Leach (Spring 1998);
- (p) Legislative Aide, Honorable Glenn Hamilton (Spring 1998);
- (q) Legislative Aide, Honorable Michael Easterday (Spring 1998);
- (r) John Belton O’Neal Inn of Court (1998-1999);
- (s) Legislative Council Representative, Student Bar Association (1997-1999);
- (t) Judicial Intern, Honorable Joseph F. Anderson, Jr. (Fall 1997);
- (u) Law Clerk, Furr and Henshaw P.A. (Summer 1997);

- (v) Legislative Aide, Speaker Pro Tempore Terry E. Haskins (Fall 1996 - 1997).
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) Death Penalty Update | 08/21/08 to 8/22/08; |
| (b) Technology in Prosecution | 05/11/08; |
| (c) 2007 Annual Conference | 09/23/07; |
| (d) 7 th Annual Meeting | 05/13/07; |
| (e) 2006 Annual SC Solicitors' | 09/24/06; |
| (f) Cross Examination | 08/28/06; |
| (g) 13 th Circuit Solicitor's Office | 05/06/06; |
| (h) Avoiding Errors in Closing | 09/27/05; |
| (i) Ethics & P.R. Training Tracks | 09/26/05; |
| (j) Prosecution of Ted Bundy | 09/25/05; |
| (k) 13 th Circuit Solicitor's Office | 05/08/05; |
| (l) Revised Lawyer's Oath CLE | 09/27/04; |
| (m) 2004 Annual Solicitor's | 09/26/04; |
| (n) 4 th Annual Retreat | 05/03/04. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) Guest Speaker, Bob Jones University Criminal Justice Class [3/7/08]
Topic: Answering Pre-submitted Questions about Criminal Prosecution;
- (b) CLE Speaker, Thirteenth Judicial Circuit Conference
Topic: Applicability of the Fifth and Sixth Amendments Right to Counsel;
- (c) Guest Speaker, Bob Jones University Criminal Justice Association
Topic: A Prosecutor's Role;
- (d) Guest Speaker, Bob Jones University Criminal Justice Camp
Topic: The Courts;
- (e) Judge, We The People: Project Citizen (7/14/06);
- (f) Attorney Coach, Bob Jones Academy Mock Trial Team (2000 - Present);
- (g) Judge, Greenville County Youth Court;
- (h) Presiding Judge, American Mock Trial Association Regional Tournament;
- (i) Scoring Judge, American Mock Trial Association Regional Tournament;
- (j) Scoring Judge, National High School Mock Trial Competition (2005);
- (k) Attorney Coach, Bob Jones University Mock Trial Team (2004 - 2005).
12. List all published books and articles you have written and give citations and the

dates of publication for each.

(a) "Growing up With Grandparents" Today's Christian Senior (Spring 2007)*

*Article title may reflect editorial alteration.

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, November 15, 1999.

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.

Assistant Solicitor, Thirteenth Judicial Circuit, 08/99 to Present.

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

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

Although I am assigned to the Violent Crimes Unit, drug cases have comprised the majority of my prosecutorial workload over the past five years. Common issues involved in drug cases include: (1) evaluating the credibility of undercover informants; (2) identifying police conduct implicating the Fourth Amendment right against unreasonable searches & seizures; (3) determining the propriety of police-citizen encounters and interrogation of suspects within the Fifth Amendment framework; (4) verifying proper chain of custody for all fungible items and (5) responding to these and other suppression motions through oral argument.

I am also responsible for handling many arson cases made in Greenville County. Common issues in arson cases include: (1) evaluating the process employed by law enforcement and arson investigators in determining cause and origin; (2) reviewing the thoroughness of the

investigation to rule out accidental and natural causes; and (3) learning the scientific process utilized by analysts to determine the presence of ignitable liquids and fuel loads in preparation for presenting this evidence at trial.

Serving as the liaison for law enforcement Cold Case Units, I am responsible for evaluating the sufficiency of evidence and providing an alternate perspective for pursuing leads and uncovering additional evidence. I have also had the opportunity to secure convictions in a double homicide that had been cold for over four years prior to arrest and have served as co-counsel in other murder cases. I previously assisted in a capital prosecution for which I conducted the preliminary hearing that resulted in the case being bound over for Grand Jury action. Although I have not handled matters of a civil nature since I was a law clerk and in law school, I have been responsible for knowing and applying the rules that apply to civil practice. A prosecutor can aptly be described as a criminal law "specialist." I am responsible for knowing and applying the Rules of Evidence in the same manner as those whose practice is restricted to the civil arena. Moreover, I must know and apply the Rules of Criminal Procedure in addition to the Rules of Civil Procedure. Not only must I comply with the Rules of Professional Conduct that govern the behavior of all lawyers, I must also follow the additional rules of conduct that govern prosecutorial behavior.

In the same manner that a general practice attorney will study and become conversant in an area of law with which he or she is not familiar, a criminal lawyer can apply case evaluation and trial strategy skills in becoming conversant in the civil arena.

Additionally, I have been involved in the mock trial program in South Carolina for eight years. The cases considered by the mock trial programs are evenly divided between civil and criminal subject matter and require an understanding of the distinction between civil and criminal cases such as burdens of proof and legal presumptions. I have served as the attorney coach for the Bob Jones Academy team who, during my tenure, twice won the State Championship and, in 2004, won the National Championship. I have also served as an attorney coach at the middle school and collegiate levels. I have served as a judge, both presiding and scoring, on the high school and collegiate level, and have most recently served as a presiding judge in multiple rounds at the American Mock Trial Association's District Competition hosted by Furman University. I served as a judge for the National High School Mock Trial Championship in Charlotte, North Carolina, in 2005. I participated in the creation of Greenville County's school-based Youth Court Program and have served as a judge in this program many times. I have served as a judge for the South Carolina Bar's "Project Citizen"

program hosted by Clemson University and was, for a number of years, a judge in competitions presented by the National Forensic League.

15. What is your rating in Martindale-Hubbell?

To my knowledge, I have never been listed in Martindale-Hubbell.

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

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

(a) federal: None;

(b) state: In court 2-3 weeks out of every month; A portion of those 2 or 3 weeks was spent making appearances for guilty pleas and occasional suppression motions; 1 or 2 of these weeks each month was spent in trial court—I am required to submit 1 to 2 trials for the docket each month and 2 to 5 cases went to trial each year (the others were resolved in a guilty plea or a bench warrant for failure to appear).

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

(a) civil: 0%;

(b) criminal: 100%;

(c) domestic: 0%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury? I carry 275 to 375 warrants on my docket at any given time, dispose of 500 to 600 warrants a year and try 2 to 5 cases a year. That doesn't even register as a percentage point.

(a) jury: 0.1%;

(b) non-jury: 99.9%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Primarily sole counsel or chief counsel; associate counsel in some instances as a mentor or assisting another prosecutor in a complicated murder case.

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) State v. Carla Taylor, 260 S.C. 18, 598 S.E.2d 735 (Ct. App 2004)—Overruled State v. Chisolm, 355 S.C. 175, 584 S.E.2d 401 (Ct. App 2003), and established the current test for establishing chain-of-custody for drug cases in South Carolina.

(b) State v. Jomer Hill—This was one of the initial cold case arrests, since the Greenville Police Department started its Cold Case Unit several years ago. The defendant was arrested in January of 2000, four years after

- his crime, and was convicted of double-murder at trial in May of 2006.
- (c) State v. Gustavo Alvarado, AP 2005-UP-120 (Ct. App 2005)—Defendant was convicted of Trafficking in Marijuana and was sentenced to 18 years. Defendant appealed on the basis that the stop was pretextual and not supported by probable cause. The Court of Appeals disagreed and the conviction was affirmed. A significant aspect of this case was that the passenger, Gallegos, testified that the drugs were his and the defendant, Alvarado, didn't know anything about them. The case on appeal focused on the element of the defendant's ability to exercise dominion and control over the drugs or over the premises upon which the drugs were found.
- (d) State v. Jermaine Hawkins—Defendant was convicted *in absentia* of two counts each of Armed Robbery and Assault and Battery of a High and Aggravated Nature. This case is significant to me because of the profound effect these crimes had on the victims involved and the fact that an identification of the defendant was strong enough to convict the defendant in his absence. The defendant petitioned for post-conviction relief (PCR) and his application was granted since the trial judge did not specifically advise the jury panel that the defendant's absence should not be held against him, although I advised the jury of this responsibility during closing arguments. Following the granting of the defendant's application for PCR, this case was resolved by way of a guilty plea.
- (e) State v. Jeffrey Motts—Handled the preliminary hearing where this capital-murder case was bound over for grand jury action. The defendant was subsequently convicted and sentenced to death.
20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship, please attach one copy of briefs filed by you in each matter. N/A.
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. N/A.
22. Have you ever held judicial office?
Aside from the quasi-judicial office Assistant Solicitor, I have never held a 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. N/A
24. Have you ever held public office other than judicial office?
Aside from being appointed Assistant Solicitor and as Law Clerk to the Chief Legal Counsel to Governor David Beasley, I have not held any 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. N/A.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I have never before been a candidate for elective or any other public office besides a judicial office. I ran as a candidate for the Circuit Court, At-Large Seat 13 in 2007-08 and was found qualified and nominated by the South Carolina Judicial Merit Selection Commission. Once I learned that a candidate in that race had secured enough pledges to be elected, I immediately withdrew from the race.

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?

| | <u>Occupation/Job</u> | <u>Employ. Dates</u> | <u>Employer Name</u> |
|-----|-----------------------|----------------------|-----------------------------|
| (a) | Legislative Aide | 01/99 – 05/99 | SC House of Rep's; |
| (b) | Sales Associate | 12/98 – 05/99 | The Men's Wearhouse; |
| (c) | Law Clerk | 04/98 – 01/99 | Gov. David Beasley's Of.; |
| (d) | Legislative Aide | 01/98 – 04/98 | SC House of Rep's; |
| (e) | Law Clerk | 05/97 – 10/97 | Furr and Henshaw, P.A.; |
| (f) | Paige/Leg. Aide | 08/96 – 05/97 | SC House of Rep's; |
| (g) | Software Trainer | 04/96 – 08/96 | Carlson Compute; |
| (h) | Waiter | 03/96 – 04/96 | Roe Coach Factory Rest.; |
| (i) | Substitute Teacher | 09/95 – 12/95 | Greenville School District; |
| (j) | Camp Counselor | 06/95 – 08/95 | Camp CoBeAc (MI); |
| (k) | Electrician's Asst | 05/95 | P.E. Collins Electric Co.; |
| (l) | Courier | 01/95 – 04/95 | Mitchell Bouton Law Firm; |
| (m) | Instructor | 01/95 – 04/95 | SC Dept of Juv. Justice; |
| (n) | Usher | 01/95 – 05/95 | Bob Jones University; |
| (o) | Banquet Server | 08/94 – 09/94 | Hyatt Regency Hotels; |
| (p) | Comp. Lab Instructor | 08/92 – 12/94 | Bob Jones University; |
| (q) | Food Service/Waiter | 03/92 – 05/95 | Greenville Country Club; |
| (r) | Produce Delivery | 12/92 – 3/92 | Beason's Produce Co.; |
| (s) | Audio/Visual Director | 08/91 – 05/92 | BJU Acad. Auditorium; |
| (t) | Usher | 04/91 – 08/91 | Greenville Braves; |
| (u) | Electrician's Asst | 5/89 – 8/89 | P.E. Collins Electric Co.; |
| (v) | Waiter/Cook | 02/89 – 04/91 | Swenson's Ice Cream Par.; |
| (w) | Custodian | 05/88 – 08/88 | Bob Jones University. |

28. Are you now an officer or director or involved in the management of any business enterprise? No (see question 47).

29. A complete, current financial net worth statement has been provided.

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.

My wife and I have a rental house that is rented to a physician's assistant and her husband. I would recuse myself if these renters were a party to any suit in Circuit Court, and I would disclose this relationship in any case in which their employers were a party in any suit before me and offer to recuse myself if either party believed there to be a conflict of interest due to my landlord-tenant relationship with our renters.

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.
I have never been placed in custodial arrest for any reason. I have been issued one or two tickets for speeding and one for, I believe, an improper lane change, but I do not recall the amount of the fines and I have not, to my recollection, received a ticket for any reason since being admitted to the SC Bar.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally?
Yes. A former criminal defendant in a state case brought an action in Federal Court suing me, his attorney, the trial judge, the court reporter, the clerk of court, and others in connection to his guilty plea or conviction in state court. The defendant alleged a violation of his civil rights, the case was styled, Anderson v. Miller et al, and the case docket number was 9:2008cv00743. The defendant filed this suit on March 6, 2008, and he was ordered by Federal Magistrate Judge George C. Kosko on May 5, 2008, to conform his pleadings to the proper form in 20 days or risk having his suit dismissed. It is my belief that I am no longer a party defendant in this action and have never been formally served with any pleadings in this matter.
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

I have no knowledge of any formal charges or informal allegations against myself or any other candidate for violations of these provisions.

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.

I have no knowledge of any formal charges or informal allegations against myself or any other candidate for violations of these provisions.

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.

| <u>DATE(S)</u> | <u>DESCRIPTION</u> | <u>AMOUNT</u> |
|----------------|----------------------------|---------------|
| 9/5/08-9/17/08 | Cards/Postage (13 x 0.884) | \$11.49 |
| | Cards (2 x 0.464) | \$0.83 |
| | TOTAL | \$12.32* |

*For my accounting purposes, I consider an "expenditure" to occur at the time of use, rather than purchase.

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.

I have not made any contributions of this nature and I am not aware of, nor have I authorized, any such contributions made on my behalf.

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?

I have not requested that any friends or colleagues contact members of the General Assembly on my behalf with respect to the seat I now seek.

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

With the exception of contact that properly took place during the period of time during my last candidacy when such contact was appropriate, no one has, to my knowledge, contacted any member of the General Assembly on my behalf.

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?

Yes. Shortly after Representative Fletcher Smith lost his bid for re-election, I asked him for his thoughts about my continued candidacy for Circuit Court since I believed that additional seats would be coming open in the near future.

I believed, at the time I spoke to Rep. Smith, that his primary loss would mean that he would no longer be a member of the Judicial Merit Selection Commission. I learned during our conversation that he would continue to serve as a member of the Commission until his replacement was sworn in for the session to begin in January. I ended our conversation and have not brought the matter up to him again even though we have spoken generally since that time. I also had lunch with Professor John Freeman a couple of times last year after I had withdrawn as a candidate for circuit court judge. I had not had the opportunity to talk with him while I was a candidate, and I believe I may have told him about some of my experiences as a judicial candidate during those lunches. I also spoke to other members of the Commission during the time period where it was appropriate to seek pledges to thank them for their consideration of me as a candidate and for their collective action in nominating me for judicial office. My contact with JMSC members during my previous candidacy for judicial office was disclosed at that time.

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
Member, SC BAR Nominating Committee 2007 – Present;
Member, House of Delegates 2002-03; 2006 – Present;
Member, Law Related Education Committee 2004 – Present;

(b) Greenville Bar Association
Member 2008 – 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.

(a) Colonel Elias Earle Historic District Association
Vice President 2008 – Present
Neighborhood Liaison to the City of Greenville 2008 – Present
Member 2007 – Present;

(b) *Roper Mountain Science Center Association

- | | | |
|-----|--|-----------------|
| | Member | 2001 – Present |
| | President | 2007 – 2008; |
| (c) | Center for Developmental Services Children’s Carnival Volunteer | 2004 – 2007; |
| (d) | Hampton Park Baptist Church Member | 1986 – Present. |

*The RMSCA is a non-profit, eleemosynary “friends” group that supports the Roper Mountain Science Center (RMSC) through fundraising, volunteer recruitment and community involvement. The RMSC is a facility dedicated to the education of school-aged children and young people in the sciences and is owned and operated by the School District of Greenville County.

48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I understand the distinction between the role of a judge and the role of an advocate. As a prosecutor, I advocate on behalf of the State. As a judge, I would have no advocacy role whatsoever, whether it be for a particular side, position or person. A judge must adopt the principle that he or she has “no friends to reward, nor enemies to punish.” Although the Defense Bar might refer to me as a “tough” prosecutor, I believe none would challenge my work ethic, diligence and integrity. I further assure the Commission that I would treat every litigant and attorney, civil or criminal, in the same way and with the same respect with which I would wish to be treated.

As a Christian, I have adopted an ethical code for my life that includes many of the principles reflected in the Rules of Professional Conduct and the Code of Judicial Conduct. One of these principles is treating others as I would like to be treated. My courtroom experience has taught me the importance of a level playing field where rules are consistently and fairly applied. My primary goal as a circuit judge would be to fairly, impartially and consistently apply the law. The prospect of studying new areas of the law is exciting to me, as I have always enjoyed learning. I realize, however, that the academic aspect of the judicial process will not be my only concern. I want to perform my duties in an ethical manner that honors our system of justice.

My siblings and I were raised by my grandparents after my mother died of liver cancer. As educators, my grandparents taught us the value of hard work and a good education. They worked and sacrificed to provide us with the highest quality of life. My grandfather taught me to do my best, even in the little things, and to finish the job. He put our needs ahead of his own and was kind and helpful to everyone he met. Living and working in Greenville, I encounter his former students who remember him fondly and tell me how he profoundly and positively influenced their lives. I want to influence people as a circuit

judge in the same positive and caring way that my grandfather did throughout his life.

Throughout my legal career, I have observed many different lawyers, jurors and judges. I have waited for court to start, and I have had judges wait for my witnesses to appear. I have talked with witnesses about their fear of the courtroom and heard fellow attorneys concerned about the "mood" of the judge that day. Some judges have displayed extraordinary discernment and temperament in their roles, and others have failed to do so. Although few remember the lawyers involved in a particular case, most people remember the judge. The public perception of our justice system is greatly influenced by judges. I want to be the kind of judge who is the same both on and off the bench and who neither forgets the responsibilities nor violates the public trust of the judicial office.

49. References:

- (a) Mr. Brett Robinson
Carolina First Bank
102 South Main Street
Greenville, SC 29601
(864) 255-7898
- (b) The Honorable Steve Loftis
Sheriff, Greenville County
4 McGee Street
Greenville, SC 29601
(864) 467-5284
- (c) Ms. Nell Stewart
26 East Montclair Avenue
Greenville, SC 29609
(864) 232-3392
- (d) Mr. Frank Eppes, Esquire
Eppes & Plumblee, P.A.
1225 South Church Street
Greenville, SC 29605
(864) 235-2600
- (e) Mr. Dave Henderson
1 Eastwood Drive
Taylors, SC 29687
(864) 630-2734

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/Allen O. Fretwell
Date: 09/19/08

ALLEN O. FRETWELL
 8 JAMES STREET
 GREENVILLE, SOUTH CAROLINA 29609

December 2, 2008

Jane O. Shuler, Chief Counsel
 Judicial Merit Selection Commission
 Post Office Box 142
 Columbia, South Carolina 29202

Re: At-Large Circuit Court Seat 1

Dear Jane:

I wish to amend the following answers on my Sworn Statement:

- (1) Amendment to Question 26, to change answer to the following:

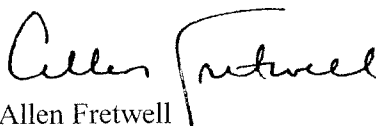
| <u>FROM</u> | <u>TO</u> | <u>DESCRIPTION</u> | <u>QUANTITY</u> | <u>PRICE/UNIT</u> | <u>AMOUNT</u> | <u>RUN TOTAL</u> |
|-------------|-----------|--------------------|-----------------|-------------------|---------------|----------------------|
| 8/20/08 | | Pens | | | \$20.99 | \$20.99 |
| *Rptd | | | | | | |
| 9/5/08 | 9/17/08 | Cards/Postage | 13 | 0.884 | \$11.49 | |
| *Rptd | | Discards (Cards) | 2 | 0.464 | <u>\$0.93</u> | |
| | | TOTAL | | | \$12.42 | \$33.41 |
| 9/19/08 | 9/30/08 | Cards/Postage | 7 | 0.884 | \$6.19 | |
| *Rptd | | Discards (Cards) | 1 | 0.464 | <u>\$0.46</u> | |
| | | TOTAL | | | \$6.65 | \$40.06 |
| 9/19/08 | | Paper | 94 | 0.012 | \$1.13 | |
| *Rptd | | Postage/Mailer | 1 | 6.44 | <u>\$6.44</u> | |
| | | TOTAL | | | \$7.57 | \$47.63 |
| 9/23/08 | | Printing (Res) | 200 | 0.45 | \$95.40 | \$143.03 |
| *Rptd | | | | | | |
| 9/23/08 | 9/28/08 | Stationery | 168 | 0.0241 | \$4.05 | |
| *Rptd | | Envelopes | 168 | 0.05 | \$8.40 | |
| | | Ink | 168 | 0.05 | \$8.40 | |
| | | Stamps | 168 | 0.42 | \$70.56 | |
| | | Discards (Stnry) | 14 | 0.0241 | \$0.34 | |

| | | | | | | |
|----------|----------|------------------|-----|--------|---------------|----------|
| | | Discards (Env) | 13 | 0.05 | \$0.65 | |
| | | Discards (Ink) | 29 | 0.05 | <u>\$1.45</u> | |
| | | TOTAL | | | \$93.85 | \$236.88 |
| 9/30/08 | | Paper | 6 | 0.012 | \$0.07 | |
| *Rptd | | Envelopes | 4 | 0.0636 | \$0.25 | |
| | | Ink | 9 | 0.05 | \$0.45 | |
| | | Stamps | 3 | 0.42 | <u>\$1.26</u> | |
| | | TOTAL | | | \$2.04 | \$238.91 |
| 10/5/08 | 12/2/08 | Paper | 33 | 0.012 | \$0.40 | |
| | | Envelopes | 19 | 0.0636 | \$1.21 | |
| | | Ink | 51 | 0.05 | \$2.55 | |
| | | Stamps | 23 | 0.42 | <u>\$9.66</u> | |
| | | TOTAL | | | \$13.81 | \$252.73 |
| 10/7/08 | 10/31/08 | Cards/Postage | 51 | 0.884 | \$45.08 | |
| | | Discards (Cards) | 1 | 0.464 | <u>\$0.46</u> | |
| | | TOTAL | | | \$45.55 | \$298.28 |
| 10/20/08 | 10/20/08 | Cards | 42 | 0.464 | \$19.49 | |
| | | Discards (Cards) | 4 | 0.464 | \$1.86 | |
| | | TOTAL | | | \$21.34 | \$319.62 |
| 10/23/08 | 12/2/08 | Stationery | 169 | 0.0241 | \$4.07 | |
| | | Stationery (Old) | 10 | 0.056 | \$0.56 | |
| | | Envelopes | 1 | 0.05 | \$0.05 | |
| | | Ink | 2 | 0.05 | \$0.10 | |
| | | Stamps | 1 | 0.42 | <u>\$0.42</u> | |
| | | TOTAL | | | \$5.20 | \$324.82 |
| | | Cards | | | | |
| 11/4/08 | 11/26/08 | (II)/Postage | 195 | 0.662 | \$129.09 | |
| | | Discards (Cards) | 12 | 0.242 | \$2.90 | |
| | | TOTAL | | | \$131.99 | \$456.82 |

***For my accounting purposes, I consider an "expenditure" to occur at the time of use, rather than purchase.**

Thank you for the opportunity to revise my statement with this information.

Respectfully,

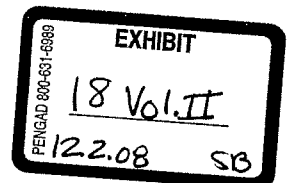

Allen Fretwell

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

Circuit Court
(New Candidate)

Full Name: Allen Oliver Fretwell
Business Address: 305 E. North Street, Suite 325
Greenville, SC 29601
Business Telephone: (864) 467-8789

1. Why do you want to serve as a Circuit Court judge?
I want to serve as a Circuit Court judge because I am proud of the American system of justice and I respect the rule of law. I believe I possess the strength of character to remain impartial and to treat people fairly. The life of a Circuit Judge demands constant travel and a strong work ethic and I have the energy and the inclination for both. As a prosecutor, I have spent a considerable amount of time in the courtroom. I have appeared before judges who exhibit the highest ideals of professionalism, fairness and integrity and I have appeared before those who do not. Trial judges are the "face" of the judicial system and greatly affect not only those appearing before them, but also the jurors whose limited interaction with the legal system forms a lasting impression. Most attorneys who are eligible to practice law in this state and have any experience in trial work can learn the rules, interpret the law and apply the rules and the law in any given situation. Character, however, is not something you pick up from a rule book. Integrity is not something that you put on or take off like a robe. Because I highly value character and integrity in my own life, I want to help maintain these crucial elements of the judicial system by becoming a Circuit Court judge. I understand the sacrifices judges must make to preserve their impartiality and the difficulty involved in treating all people fairly. I know what it means to place justice and fairness above self-advancement and popularity and I am prepared to conduct myself without bias or prejudice in the exercise of my judicial responsibilities.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day? No
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
As a general rule, *ex parte* communications violate the very nature of legal advocacy and have no place in our system of justice. In limited



circumstances, *ex parte* communications may be appropriate for scheduling, emergencies, administrative functions, settlement resolution and where specifically authorized by statute. In all such instances, the judge should examine the wisdom and necessity of these communications and fully inform all parties involved.

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 recuse myself in any matter in which my impartiality could reasonably be questioned unless (1) all parties to the action waived my disqualification after full disclosure and (2) I was personally satisfied that my impartiality was not affected and that recusal would not be in the best interest of justice. I have prosecuted cases defended by lawyer-legislators without respect to their office. As a circuit judge, I would treat all litigants and their counsel fairly and impartially.

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

I would grant any motion for recusal where any appearance of bias existed on my part.

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 grant any motion for recusal in this circumstance. I would maintain diligent efforts to be informed of these involvements and fully disclose them in every appropriate situation.

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

I would not accept any gift, bequest, loan or favor from anyone except as may be permitted by Canon 4D(5). Even in those instances, however, I would not accept any gift or advantage that would affect my impartiality or give the appearance of impropriety.

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

I would refer the misconduct of any judge that raises a substantial question as to that judge's fitness for office to the Commission on Judicial Conduct. I would refer the misconduct of any lawyer that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness for the profession to the Commission on Lawyer Conduct or the Office of Disciplinary Counsel.

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

I am not currently affiliated with a political party in a leadership, fundraising or public advocacy role. Upon election to the Circuit Court, I would discontinue past practices of attending political gatherings.

Upon election to the Circuit Court, I would resign my position as a member of the Roper Mountain Science Center Association Board of Directors, as the primary purpose of this organization involves fundraising. I would resign my office with my neighborhood association and examine whether my continued membership in this association presents any conflict with my judicial responsibilities.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No, other than our rental house.
13. If elected, how would you handle the drafting of orders?
After fully articulating its contents on the record, I would typically have the prevailing party draft the order and forward it to opposing counsel for review before I reviewed and signed it. Where circumstances were not practical to follow this procedure, either my law clerk or I would draft an order for review by counsel prior to issuance. If time restraints required, I would draft and issue an order without specific input by counsel as to its wording, but this would not be my preferred method of handling orders and would occur only in limited circumstances.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I would employ the use of electronic calendars with automatic reminders and back this system up to an archival network. I would periodically review the efficacy of this system and consider any suggestions by my staff, fellow judges and their staffs, or others as to how to improve my calendaring system.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Judges have no role in setting or promoting public policy. The judge's responsibility is to simply interpret and apply the law within the constitutional framework.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?
As a member of the SC Bar's Law Related Education Committee and as an attorney coach for middle school, high school and college mock trial programs, I have participated in many areas of law-related education for non-lawyers. As a judge, I would continue to engage in activities to educate and excite young people and non-lawyers about the practice of law and their legal rights and responsibilities. I would also make myself available to speak to schools and civic groups about the law, its history and its practice whenever possible and especially on dates commemorating an aspect of the legal system. I agree that the requirements of an independent judiciary do not include isolating members of the bench from the community in which they live and I believe it is important for judges, as well as other lawyers, to give back

to the community in a positive way that engenders respect and appreciation for the judicial system.

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

Although I cannot be certain of the degree to which judicial service would strain my personal relationships, I know that my wife strongly supports my decision and is as committed to the successful fulfillment of my judicial responsibilities as I am. Should my personal life ever create an obstacle to the proper performance of my judicial responsibilities, I would take every step to alleviate the obstacle and, if unsuccessful, I would tender my resignation.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders: Consistent with legislative enhancements for recidivism, repeat offenders would be subject to enhanced sentencing. I would evaluate each case, however, as to the nature and manner of the offense, the seriousness and longevity of the defendant's criminal history and other factors unique to the defendant, such as education, life experience and mental capacity. Additionally, the sentence should serve to protect present and future victims and members of society as a whole as well as properly addressing the consequences of the defendant's repeated actions.

b. Juveniles (that have been waived to the circuit court): With the exception of applying the Youthful Offender Act when appropriate, I would treat juvenile offenders the same as other offenders in circuit court. Their juvenile status becomes part of the analysis in considering their sentence, and rightly so, but will not serve as an excuse for criminal behavior.

c. White collar criminals: The sentencing of offenders for different types of crimes varies to the degree that those sentencing ranges are provided by the legislature. Although the legislature does not often establish mandatory minimum incarceration periods for "white collar" crimes, as opposed to some drug trafficking offenses, the effect of white-collar crime is no less harmful to its victims. I would sentence these offenders within the statutorily prescribed framework and consider the same factors I would for offenders of any other type of crime.

d. Defendants with a socially and/or economically disadvantaged background: Of any factor to consider in determining a defendant's sentence, I would expect this to be the least. Although a difficult circumstance or upbringing may mitigate the degree of sentencing in some respects, one's socioeconomic background should never be a factor in enhancing a defendant's sentence or treating that person

adversely from someone without those disadvantages.

e. Elderly defendants or those with some infirmity: This category is similar to those of a young age or, to a lesser degree, socioeconomic disadvantage in that these are factors to consider in possible mitigation, but not excuse, for criminal conduct. This category, especially, requires a case-by-case analysis to determine what impact, if any, one's seniority or infirmity has on his or her conduct. Considering these factors, however, still requires careful attention to fashioning a sentence that serves the interests of justice and protects society.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? My wife and I have a rental house that is rented to a physician's assistant and her husband. I would recuse myself if these renters were a party to any suit in Circuit Court, and I would disclose this relationship in any case in which their employers were a party in any suit before me and offer to recuse myself if either party believed there to be a conflict of interest due to my landlord-tenant relationship with our renters.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
No. Irrespective of my ability to act impartially, hearing a case under those circumstances could give the appearance of impropriety that Canon 2 expressly forbids.
21. Do you belong to any organizations that discriminate based on race, religion, or gender? Not of which I am aware; I would discontinue my membership in any organization that discriminated in this manner. Of course, membership in my church is limited to those of like faith in the same manner in which other churches and religious organizations prescribe the nature of their respective membership.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge? Pursuant to the judicial oath, a judge must "listen courteously, sit impartially, act promptly, and rule after careful and considerate deliberation." I believe a judge should treat anyone that comes before him or her with the same fair, impartial and consistent manner with which that judge would wish to be treated.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? A judge does not "give up" the responsibilities of his or her office when the robe is not on or when outside of the courthouse setting. The demeanor with which a judge, or anyone, should act applies every moment of every day.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in

dealing with attorneys or pro se litigants? No, anger is never appropriate in a courtroom setting, whether directed towards a litigant, attorney, court security officer, bailiff, juror, courthouse staff or anyone else. The judge should set the example for proper courtroom decorum and enforce this decorum through firm, yet reasoned, direction.

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

| <u>DATE(S)</u> | <u>DESCRIPTION</u> | <u>AMOUNT</u> |
|----------------|----------------------------|---------------|
| 9/5/08-9/17/08 | Cards/Postage (13 x 0.884) | \$11.49 |
| | Cards (2 x 0.464) | <u>\$0.83</u> |
| | TOTAL | \$12.32* |

*For my accounting purposes, I consider an "expenditure" to occur at the time of use, rather than purchase.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
28. Have you sought or received the pledge of any legislator prior to this date?
No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No.
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
I have not requested that any friends or colleagues contact members of the General Assembly on my behalf with respect to the seat I now seek. With the exception of contact that properly took place during the period of time during my last candidacy when such contact was appropriate, no one has, to my knowledge, contacted any member of the General Assembly on my behalf.
31. Have you contacted any members of the Judicial Merit Selection Commission?
Yes. Shortly after Representative Fletcher Smith lost his bid for re-election, I asked him for his thoughts about my continued candidacy for Circuit Court since I believed that additional seats would be coming open in the near future. I believed, at the time I spoke to Rep. Smith, that his primary loss would mean that he would no longer be a member of the Judicial Merit Selection Commission. I learned during our conversation that he would continue to serve as a member of the Commission until his replacement was sworn in for the session to begin in January. I ended our conversation and have not brought the matter up to him again even though we have spoken generally since that time. I also had lunch with Professor John Freeman a couple of times last

year after I had withdrawn as a candidate for circuit court judge. I had not had the opportunity to talk with him while I was a candidate, and I believe I may have told him about some of my experiences as a judicial candidate during those lunches. I also spoke to other members of the Commission during the time period where it was appropriate to seek pledges to thank them for their consideration of me as a candidate and for their collective action in nominating me for judicial office. My contact with JMSC members during my previous candidacy for judicial office was disclosed at that time.

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

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

s/Allen O. Fretwell

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

Notary Public for S.C.

My Commission Expires: 7/21/2016

ALLEN O. FRETWELL
8 JAMES STREET
GREENVILLE, SOUTH CAROLINA 29609

December 2, 2008

Jane O. Shuler, Chief Counsel
Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

Re: At-Large Circuit Court Seat 1

Dear Jane:

I wish to amend the following answers on my Personal Data Questionnaire:

- (1) Amendment to Question 19, to change my reference in (b) from the incorrect date of January 2000 to the corrected date of **November 30, 2004**.
- (2) Amendment to Question 34, to change answer to the following:

Yes. A former criminal defendant in a state case brought an action in Federal Court suing me, his attorney, the trial judge, the court reporter, the clerk of court, and others in connection to his guilty plea or conviction in state court. The defendant alleged a violation of his civil rights under 42 U.S.C. § 1983, the case was styled *Anderson v. Miller et al*, and the case docket number was 9:2008cv00743. The defendant filed this suit on March 6, 2008, and he was ordered by Federal Magistrate Judge George C. Kosko on May 5, 2008, to conform his pleadings to the proper form in 20 days or risk having his suit dismissed. On August 19, 2008, Judge Kosko issued a "Report and Recommendation" that this suit be dismissed by the District Court. In his report, Judge Kosko found specifically that the plaintiff failed to state a claim upon which relief could be granted and that the actions alleged by the complaint to have been by me were immune from suit pursuant to the protections afforded by prosecutorial immunity. Although this report does not qualify as a final disposition of this matter, the plaintiff has ten (10) days in which to file objections with the District Court. To my knowledge, no such objections have been filed. It is my belief that I am no longer a party defendant in this action and have never been formally served with any pleadings in this matter.

- (3) Amendment to Question 40, to change answer to the following:

| <u>FROM</u> | <u>TO</u> | <u>DESCRIPTION</u> | <u>QUANTITY</u> | <u>PRICE/UNIT</u> | <u>AMOUNT</u> | <u>RUN TOTAL</u> |
|-------------|-----------|--------------------|-----------------|-------------------|---------------|----------------------|
| 8/20/08 | | Pens | | | \$20.99 | \$20.99 |
| *Rptd | | | | | | |
| 9/5/08 | 9/17/08 | Cards/Postage | 13 | 0.884 | \$11.49 | |
| *Rptd | | Discards (Cards) | 2 | 0.464 | <u>\$0.93</u> | |
| | | TOTAL | | | \$12.42 | \$33.41 |
| 9/19/08 | 9/30/08 | Cards/Postage | 7 | 0.884 | \$6.19 | |
| *Rptd | | Discards (Cards) | 1 | 0.464 | <u>\$0.46</u> | |
| | | TOTAL | | | \$6.65 | \$40.06 |
| 9/19/08 | | Paper | 94 | 0.012 | \$1.13 | |
| *Rptd | | Postage/Mailer | 1 | 6.44 | <u>\$6.44</u> | |
| | | TOTAL | | | \$7.57 | \$47.63 |
| 9/23/08 | | Printing (Res) | 200 | 0.45 | \$95.40 | \$143.03 |
| *Rptd | | | | | | |
| 9/23/08 | 9/28/08 | Stationery | 168 | 0.0241 | \$4.05 | |
| *Rptd | | Envelopes | 168 | 0.05 | \$8.40 | |
| | | Ink | 168 | 0.05 | \$8.40 | |
| | | Stamps | 168 | 0.42 | \$70.56 | |
| | | Discards (Stnry) | 14 | 0.0241 | \$0.34 | |
| | | Discards (Env) | 13 | 0.05 | \$0.65 | |
| | | Discards (Ink) | 29 | 0.05 | <u>\$1.45</u> | |
| | | TOTAL | | | \$93.85 | \$236.88 |
| 9/30/08 | | Paper | 6 | 0.012 | \$0.07 | |
| *Rptd | | Envelopes | 4 | 0.0636 | \$0.25 | |
| | | Ink | 9 | 0.05 | \$0.45 | |
| | | Stamps | 3 | 0.42 | <u>\$1.26</u> | |
| | | TOTAL | | | \$2.04 | \$238.91 |
| 10/5/08 | 12/2/08 | Paper | 33 | 0.012 | \$0.40 | |
| | | Envelopes | 19 | 0.0636 | \$1.21 | |
| | | Ink | 51 | 0.05 | \$2.55 | |
| | | Stamps | 23 | 0.42 | <u>\$9.66</u> | |
| | | TOTAL | | | \$13.81 | \$252.73 |
| 10/7/08 | 10/31/08 | Cards/Postage | 51 | 0.884 | \$45.08 | |
| | | Discards (Cards) | 1 | 0.464 | <u>\$0.46</u> | |
| | | TOTAL | | | \$45.55 | \$298.28 |
| 10/20/08 | 10/20/08 | Cards | 42 | 0.464 | \$19.49 | |

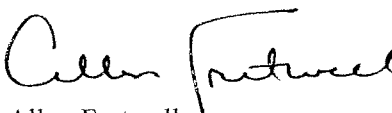
| | | | | | | |
|----------|----------|------------------|-----|--------|---------------|----------|
| | | Discards (Cards) | 4 | 0.464 | \$1.86 | |
| | | TOTAL | | | \$21.34 | \$319.62 |
| 10/23/08 | 12/2/08 | Stationery | 169 | 0.0241 | \$4.07 | |
| | | Stationery (Old) | 10 | 0.056 | \$0.56 | |
| | | Envelopes | 1 | 0.05 | \$0.05 | |
| | | Ink | 2 | 0.05 | \$0.10 | |
| | | Stamps | 1 | 0.42 | <u>\$0.42</u> | |
| | | TOTAL | | | \$5.20 | \$324.82 |
| | | Cards | | | | |
| 11/4/08 | 11/26/08 | (II)/Postage | 195 | 0.662 | \$129.09 | |
| | | Discards (Cards) | 12 | 0.242 | \$2.90 | |
| | | TOTAL | | | \$131.99 | \$456.82 |

***For my accounting purposes, I consider an "expenditure" to occur at the time of use, rather than purchase.**

- (4) Amendment to Question 46, to delete my reference in (b) to my membership in the Greenville Bar Association for this past year. Although I believed I sent in a check directly to the Greenville Bar last winter for my dues for the present year, I checked with the secretary of the organization when it appeared I was not on the mailing list and she indicated they had no record of receiving my dues payment. I will be sending in my dues for this coming year to the South Carolina Bar with my bar licensing fees which is the ordinary method of paying these dues.
- (5) Amendment to Question 47, to change answer in (a) to the following:
- (a) **Colonel Elias Earle Historic District Association**
- | | |
|--|----------------|
| President | 2008 – Present |
| Vice President | 2008 |
| Neighborhood Liaison to the City of Greenville | 2008 |
| Member | 2007 – Present |

Thank you for the opportunity to revise my questionnaire with this information.

Respectfully,


Allen Fretwell

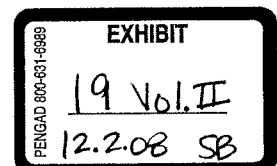
**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court At-Large Seat
1

1. NAME: Mrs. Lisa C. Glover
BUSINESS ADDRESS: 220 Executive Center Drive, Suite 119
Columbia, SC 29210
E-MAIL ADDRESS: lcglover@sif.sc.gov
BUSINESS NUMBER: (803) 798-2722 x 124
2. Date of Birth: 1964
Place of Birth: Orangeburg, 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 October 9, 2004, to Titus Daniel Glover, Jr. Never divorced. Two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) University of South Carolina - August 1982-May 1986, BS Degree Criminal Justice;
 - (b) University of South Carolina School of Law - August 1988-May 1991, Juris Doctorate.
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 1991.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) University of South Carolina Marching and Concert Bands - 1982-1986;
 - (b) Tau Beta Sigma Band Sorority - 1982-1986;
 - (c) Black Law Student Association - 1988-1991;
 - (d) Phi Alpha Delta - 1990-1991.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

Conference/CLE Name

Date(s)



- (a) Dissecting Workers' Comp Case 09/05/2008;
- (b) SC Local Government 12/07/2007;
- (c) Ethics for Government Lawyers 11/09/2007;
- (d) SC Workers' Compensation Law 09/07/2007;
- (e) Workers' Comp Spring Seminar 05/12/2006;
- (f) 27th Annual Workers' Comp Con 03/03/2006;
- (g) Ethical Issues in ADR 02/27/2006;
- (h) Workers' Comp Medical Seminar 03-03 – 03-06;
- (i) Workers' Comp Annual Seminar October 2003 – 2005;
- (j) ASCCAWC Seminar November 2003 – 2005;
- (k) Ethics 2003 – 2005.

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

Yes. From May 2005 through December 2007 I served as an Adjunct Professor at Midlands Technical College in the Paralegal Studies Department. I have taught a Workers' Compensation course. Additionally, I have served as a lecturer for the South Carolina Bar CLE Division, speaking during the CLE entitled Dissecting a Workers' Comp Case-Second Injury Fund, Uninsured Employers' Fund, State Accident Fund Do's and Don'ts.

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.

Magisterial and State courts of South Carolina.

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) January 8, 2007 – present - Deputy General Counsel
South Carolina Second Injury Fund and Uninsured Employers' Fund
I attend and participate in Workers' Compensation hearing representing both Funds;
- (b) July 1, 2000 – June 30, 2006 – Commissioner
South Carolina Workers' Compensation Commission
Presided over Workers' Compensation hearing statewide, issued rulings, signed settlement documents, served on appellate panels;
- (c) 1991 – 2000 - Assistant Solicitor
5th Judicial Circuit (Richland and Kershaw Counties)
Criminal Prosecution in Magisterial and Circuit Court .

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

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

(a) Criminal matters

I worked for approximately eight and one-half years as an Assistant Solicitor for the Fifth Judicial Circuit. During that time I handled Preliminary hearing and trials in Magistrate and General Sessions Court. I participated in the prosecution of all types of criminal cases. I handled cases involving Shoplifting, Driving Under the Influence, Arson, Assault & Battery with Intent to Kill and Murder. I also appear before the Grand Jury for Richland County. Further, I also appeared in Bond Court to set bonds on behalf of the State of South Carolina. Before leaving the Solicitor's Office I served as the first Plea Court Coordinator. I was responsible for ensuring that Judges had enough guilty pleas to process for the entire one-week term of court. I performed this job duty while also handling an active caseload.

(b) Civil matters

I frankly do not have much experience in handling civil matters. I believe that my background has prepared me to handle civil matters. I have extensive criminal court experience. I understand the rules of evidence and civil procedure. I will further prepare myself by studying the law by attending CLEs, reviewing Advance Sheets and other publications offered by the Bar. I will review the files prior to the court date to research the law and identify any evidentiary issues that may arise. Additionally, I will conduct pre-trial conferences to outline the issues.

Furthermore, during my tenure as a Workers' Compensation Commissioner, I presided over cases on a weekly basis. While presiding over these hearing I had to make rulings on evidentiary matters, apply the facts of the case to the procedural and substantive law as well as judge the credibility of the witnesses. I believe these are all essential skills in civil court. Additionally, I served on three person appellate panels ruling on Orders from other Single Commissioners.

15. What is your rating in Martindale-Hubbell?

I am not rated in Martindale-Hubbell. I sought a rating while serving as a Commissioner with the South Carolina Workers' Compensation Commission. I was informed that I could not be rated since the lawyers

who would offer comments could appear before me. I have not sought a rating since that time.

22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
Yes. I was appointed to and served a six-year term on the South Carolina Workers' Compensation Commission from July 1, 2000 through June 30, 2006. My jurisdiction was limited to Workers' Compensation cases only.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) Bryan Patrick Robbins v. Walgreens and Broadspire Services, Inc., 652 S.E.2d 90 (Ct. App. 2007) (Single Commissioner);
 - (b) Ronnie W. Ellison v. Frigidaire Home Products, 638 S.E.2d 664 (SC 2006) (Single Commissioner);
 - (c) Mary Lizee v. South Carolina Department of Mental Health, 367 S.C. 122, 623 S.E.2d 860 (Ct. App. 2005) (Single Commissioner);
 - (d) Carol Roberts v. McNair Law Firm, 366 S.C. 468, 619 S.E.2d 453 (Ct. App. 2005) (Single Commissioner);
 - (e) Virginia Cox v. Bellsouth, 356 S.C. 468, 589 S.E.2d 766 (Ct. App. 2003) (Single Commissioner).
24. Have you ever held public office other than judicial office? N/A.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
Adjunct Professor - Midlands Technical College
Paralegal Studies Department teaching a Workers' Compensation Course
- (i) August 2004 through December 2004;
 - (ii) May 2005 through July 2005;
 - (iii) January 2006 through May 2006;
 - (iv) August 2007 through December 2007.
- Supervisor: Bill McSorley, Esq., (803) 822-3620.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
Yes. I was a candidate for Administrative Law Seat 5. I was found Qualified but not Nominated March 2006.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No.
29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. N/A.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Yes.
Have you ever defaulted on a student loan? No.
Have you ever filed for bankruptcy? No.
State tax liens filed and satisfied. Please see attachments.
34. Have you ever been sued, either personally or professionally? Yes.
I have been sued in my professional capacity as an Assistant Solicitor by a defendant named Robert Jackson as a result of his criminal prosecution. The suit was dismissed.
I have also been sued in my professional capacity as Commissioner with the South Carolina Workers' Compensation Commission. In 2001, the Full Commission voted to terminate the employment of each Commissioner's court reporter and 7-8 other employees due to a reduction-in-force, which became effective November 2, 2002. The court reporters sued. The actions were entitled Kellie Lindler v. The South Carolina Workers' Compensation Commission and the South Carolina Budget and Control Board 2007-MO-006, and Skylet Morris, Kathy Snelling, Jo Elizabeth Wheat v. The South Carolina Workers' Compensation Commission, J. Alan Bass, Lisa Denese Chavis, Sherry Shealy Martschink, W. Lee Catoe, Holly Saleeby Atkins, J. Michelle Childs, George N. Funderburk, as Commissioners of the South Carolina Workers' Compensation Commission, and Alicia K. Clawson, as Executive Director of the South Carolina Workers' Compensation Commission, in their official capacities, 370 S.C. 85 (2006).
In the Lindler case the Court of Appeals affirmed the Circuit Court's finding that Ms. Lindler served at the pleasure of her Commissioner pursuant to § 42-3-60. and further that since she was an "at will" employee she could not use the State's grievance procedure to appeal her termination.
In the Morris, et al, case, the Supreme Court reversed the Circuit Court's finding of Summary Judgment in favor of the Respondents, which reinstated the Respondents.
I have just been personally served with a complaint entitled SC Community Bank v. Lisa C. Glover. This is an action regarding foreclosure. I am currently

- working with the bank to pay the past due amount owed which equals two months payments.
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.
Approximately \$50.00 for stationary and postage.
 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) Richland County 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) National Council of Negro Women "Living the Legacy Award" Honoree 2005;
 - (b) Brookland Academy Child Development Center Board of Directors Member.
48. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
- I have been deemed qualified by the Commission for the Administrative Law Court as recently as 2006. I am a diligent and hard working individual. I enjoy serving the public in the capacities I have held and want to continue to serve.
49. References:
- (a) Ms. Karen Alexander
Auntie Karen Foundation
3419 Hazelhurst Road
Columbia, SC 29203
(803) 748-7124;
 - (b) Mr. Deborah Dawson
SC Community Bank
1545 Sumter Street
Columbia, SC 29201
(803) 733-8100;
 - (c) Mr. Bruce Pope
Northwestern Mutual
1901 Bull Street
Columbia, SC 29201
(803) 254-0133 x 3026;
 - (d) Dr. Andrew Billingsley
University of South Carolina
(803) 777-8760;

- (e) Rev. Charles B. Jackson, Sr.
Brookland Baptist Church
1066 Sunset Boulevard
West Columbia, SC 29169.

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/Lisa C. Glover

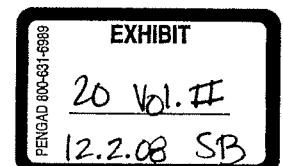
Date: 09/26/08

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

Circuit Court
(New Candidate)

Full Name: Lisa C. Glover
Business Address: SC Second Injury Fund and Workers' Compensation
Uninsured Employers' Fund
220 Executive Center Drive, Suite 119
Columbia, SC 29210
Business Telephone: (803) 798-2722 x 124

1. Why do you want to serve as a Circuit Court judge? I want to serve as a Circuit Court judge because I continue to be humbled by the profession I have chosen. The law is constantly evolving. I believe that I am qualified for this position based on my education, experience, ability to be impartial, my professionalism, and my work ethic. My entire work history has been in the public service arena.
2. Do you plan to serve your full term if elected? Yes. I plan to serve out the full term if elected.
3. Do you have any plans to return to private practice one day? I have never been in private practice. I have always worked in County and State Government. I do not plan to enter private practice.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes. I am 44 years of age, a lifelong resident of South Carolina and have been licensed to practice law since 1991.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? Ex Parte communications should not take place under any circumstances.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? If I have a prior relationship with a party appearing before me I will disclose that a relationship exist and the nature of the relationship. I will then offer to recuse myself. If neither party has an objection to my hearing the case I will proceed otherwise I will step aside.
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 will defer to the party requesting the recusal and grant the motion.
8. How would you handle the appearance of impropriety because of the



- financial or social involvement of your spouse or a close relative? I will recuse myself.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I will not accept gifts from attorneys who are likely to appear before me.
 10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would discuss the matter with the lawyer or judge. Based upon the conversation I would notify the appropriate authorities.
 11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No.
 12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.
 13. If elected, how would you handle the drafting of orders? I would rely on the transcript of record, my notes taken during the proceeding to draft the Order. I may also request the parties to submit Proposed Orders within 14-30 days to opposing counsel and myself for consideration.
 14. If elected, what methods would you use to ensure that you and your staff meet deadlines? I will set a deadline for submission of requested materials and check the status as the deadline approaches. I, along with my staff, would be responsible for checking the status of matters outstanding in my office.
 15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I believe Judges should interpret and analyze the law as outlined by the legislature and the appellate courts. I do not believe a Judge should be activist or promote any public policy. Activism and promotion of public policy are the roles of the legislature. I believe Judges should remain active in bar associations and community to be aware of updated legal standards, and rulings.
 16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system? I plan to continue participating in Bar activities, specifically Mock Trial. I would also like to continue teaching as an Adjunct Professor if that does not present a conflict.
 17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this? No. I believe one must always balance home and work life so that one does not affect the other. The way to accomplish this is through time management and support of family and friends.
 18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
 - a. Repeat offenders:

- I will take into consideration the prior criminal history, prior sentences and the current charge to sentence the offender.
- b. Juveniles (that have been waived to the circuit court):
The waiver of a juvenile offender to General Sessions Court is very serious. Once again I will take into consideration the prior criminal history, prior sentences and the current charge to sentence the offender.
 - c. White collar criminals:
Typically, persons accused of White Collar crimes do not have prior criminal histories. I will take into consideration the nature of the crime, the impact of the crime and make restitution a part of any sentence imposed.
 - d. Defendants with a socially and/or economically disadvantaged background:
Social and/or economic disadvantage is not an excuse for engaging in criminal behavior. I will take that factor into consideration along with the crime committed and fashion a sentence accordingly.
 - e. Elderly defendants or those with some infirmity:
Consideration will be given to age and physical condition. I will also consider any prior criminal history, prior sentences and the current charge to sentence the offender appropriately.
- 19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
 - 20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No.
 - 21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
 - 22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes. I have always exceeded the minimum number of hours needed per year and carry over hours each year.
 - 23. What do you feel is the appropriate demeanor for a judge? The appropriate demeanor for a judge is cordial and even-tempered. A judge must treat all parties with respect and fairness.
 - 24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? These rules apply to my life on a daily basis.
 - 25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants? Anger is not an appropriate response. While our system is an adversarial one a judge must always display a calm and professional demeanor.
 - 26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? I have spent approximately \$50.00 on stationary and postage.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
28. Have you sought or received the pledge of any legislator prior to this date? No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
31. Have you contacted any members of the Judicial Merit Selection Commission? No.
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/Lisa C. Glover

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

Notary Public for S.C.

My Commission Expires: 11/30/2008 _____

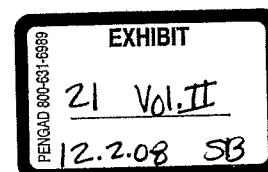
**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court At Large seat,
Seat No. 1

1. NAME: Mr. William B.von Herrmann
BUSINESS ADDRESS: 200 Elm Street
Conway, South Carolina 29526
BUSINESS NUMBER: (843) 488-1030
2. Date of Birth: 1969
Place of Birth: Charleston, 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: Divorced on January 10, 2008, William von Herrmann, Plaintiff in Horry County Family Court. Final divorce granted on grounds of one year continuous separation. Two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
- (a) University of South Carolina, College of Criminal Justice, 1986-1991, B.S.;
 - (b) University of South Carolina, College of Education, 1992-1994, M.ed;
 - (c) Thomas Cooley School of Law, April 1996-June 1996, dropped from enrollment after acceptance from USC School of Law;
 - (d) University of South Carolina School of Law, 1996-1998, J.D.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina - November 1998.
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 was employed full time while attending school at all levels. I operated Ranger Security Forces, Inc. and worked in security at various retail stores.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

Conference/CLE Name

Date(s)



- (a) Criminal Law Update 01/26/01;
 - (b) DNA Basic 06/04/01;
 - (c) S.C. Solicitor's Conference 09/30/01;
 - (d) Criminal Law Update 01/25/02;
 - (e) Prosecuting Violent Crimes 02/25/02;
 - (f) Cross Examination 08/26/02;
 - (g) S.C. Solicitor's Conference 09/29/02;
 - (h) S.C. Solicitor's Conference 09/28/03;
 - (i) Criminal Law Update 01/23/04;
 - (j) Arson Prosecution 04/19/04;
 - (k) S.C. Solicitor's Conference 09/26/04;
 - (l) Revised Lawyers Oath CLE 09/27/04;
 - (m) How to Manage Work 10/08/04;
 - (n) S.C. Solicitor's Conference 09/30/05;
 - (o) Trial Advocacy 03/03/06;
 - (p) S.C. Solicitor's Conference 09/24/06;
 - (q) S.C. Solicitor's Conference 09/27/07.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Guest instructor at Coastal Carolina University;
 - (b) Horry Georgetown Technical College speaker on recent prosecutions;
 - (c) Training at Conway Police Department;
 - (d) Training at Myrtle Beach Police Department Annual training update;
 - (e) Instructor/Moderator 1st, 2nd, 3rd, and 4th Annual Law Enforcement Training;
 - (f) S.C. Criminal Justice Academy Department of Public Safety instructor.
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.
All South Carolina courts – 1998
United States Federal Court – 2008.
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) May 1997-June 1998 - Kenneth G. Goode & Associates law clerk;
 - (b) August 2, 1998–August 2, 1999 - The Honorable John L. Breeden, Jr. law clerk;
 - (c) August 3, 1999–July 7, 2008 - Solicitor's Office 15th Judicial Circuit;
 - (d) July 8, 2008–current - Law office of William B. von Herrmann.

I currently am in private practice specializing in criminal defense and civil plaintiff's work.

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

I have practiced primarily in General Sessions court over the past five years as the First Assistant Solicitor until recently. As a Senior Solicitor, Deputy Solicitor and the First Assistant Solicitor, I represented the State in over 20 trials involving the prosecution of felony charges. Of the last 20 cases I tried while at the Horry County Solicitor's Office, over 15 involved either murder or homicide by child abuse. My position typically required that the cases I was assigned involved unique and sometimes complex issues.

Prior to going into private practice in July of this year, I was also tasked with the responsibility of supervising approximately 20 other lawyers who prosecute criminal cases at various trial court levels. Over the course of my career, I have appeared before every level of trial court. While employed with the Horry County Solicitor's office, I tried in excess of 40 criminal cases before a jury and was successful in all but two of those cases. I would estimate that I have been involved in resolving approximately 5000 cases by plea, trial or dismissal. As earlier stated, I have just gone into private practice within the last couple of months. I did represent the State on several occasions in an effort to have businesses that were involved in activities not desirable in our area to be declared public nuisances while with the Horry County Solicitor's Office. Moreover, I was employed by a firm in law school that primarily represented plaintiffs in civil litigation and was exposed to civil court. As a law clerk for The Honorable John Breeden, I was exposed to Common Pleas court, both jury and non-jury, on a regular basis and learned much from being in the courtroom during those particular terms of court. Currently, I have several civil cases pending in my private practice that I am working on. I am very familiar with the Rules of Evidence used in both criminal and civil court in South Carolina.

15. What is your rating in Martindale-Hubbell? Not yet rated.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different

than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: none;
 - (b) state: approximately seven times per month.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 30%;
 - (b) criminal: 70%;
 - (c) domestic: 0%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 25%;
 - (b) non-jury: 75%.

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

In criminal cases, sole counsel. In civil cases, associate counsel until recently. Since mid-July 2008, as sole counsel in most cases.

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) State v. McKnight, 352 SC 635, 576 SE2d 168, SC 2003
This case was the first homicide by child abuse case in the nation successfully prosecuted whereby a mother was held criminally responsible for killing her unborn child by ingesting drugs.
 - (b) State v. White-McCollough, currently on appeal
This was the first homicide by child abuse case successfully prosecuted without ever locating the victim's body. In addition, it was only the 4th "no body" case prosecuted in the State of South Carolina.
 - (c) State v. Wanda Haithcock 2007 UP 444, decided Feb.23, 2007
This murder case involved the death of the Defendant's former boyfriend and involved serious domestic violence issues.
 - (d) State v. Donald Roberts 2003 UP 444, decided June 26, 2003
This case involved the rape and kidnapping of the Defendant's girlfriend. The Defendant in this case had been terrorizing the community for many years and had a violent background. I received several phone calls after his conviction from other women who had been raped by this Defendant, but indicated they were too scared to come forward.
 - (e) State v. James E. Johnson 2005 UP 166, March 7, 2005
This case was mistakenly investigated as an automobile accident and the Defendants were charged with minor crimes. Once the Horry County Solicitor's office became involved in the case, we initiated

another Defendant for murder. Thereafter, two co-defendants pled guilty to related charges.

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. N/A.
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. N/A.
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.
24. Have you ever held public office other than judicial office? No.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
 - (a) Horry/Georgetown Resident Circuit Court seat – withdrew from race in 2007;
 - (b) At-Large Circuit Court Seat 13 – 2008 – found qualified, but not nominated.
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) Sears Roebuck - 1984-1988 – Salesman;
 - (b) Ranger Security Forces - 1988-1993 – Security Manager;
 - (c) Target Stores - 1993-1997 – Security.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

Yes. I am a sole practitioner in a private practice law firm/ LLC. As such, I practice law in both civil plaintiffs' work and also in criminal defense work on the Federal, Circuit Court, Magistrate, and Municipality levels. My duties include in addition to representing my clients in all of the various courts, maintaining and managing my office procedurally and financially. The term of my private practice is unknown at present and will be maintained hopefully until I obtain a circuit judgeship position.
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?
1989 - Driving Under the Influence – Lexington County, South Carolina.
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?
I was sued in 1990 in my capacity as a security guard. The lawsuit was settled out of court.
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 to date.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. 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.
Horry County Bar.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
(a) Ducks Unlimited;
(b) National Turkey Federation.
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) Chief Warren Gall
Myrtle Beach Police Department
1101 Oak Street
Myrtle Beach, SC 29577
(843)-918-1300;
(b) J. Gregory Hembree
Fifteenth Judicial Circuit Solicitor
Post Office Box 1276
Conway, SC 29526
(843)-915-5460;
(c) Dr. Kim Collins
Forensic Pathologist
Medical University of South Carolina
Department of Pathology
Charleston, SC 29425
(843)-792-3500;
(d) Denise Brown
BB&T Branch Manager
656 Sunny Side Drive
Murrells Inlet, SC 29588

(843)-652-5000;
(e) Agent William S. Knowles
Fifteenth Judicial Circuit Drug Enforcement Unit
Post Office Box 1276
Conway, SC 29526
(843)-251-4790.

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 B.von Herrmann

Date: 09/24/08

WILLIAM B. VON HERRMANN

ATTORNEY AT LAW

200 Elm Street
Conway, South Carolina 29526
PH 843.488.1030
Fax 843.488.1035
Email: bvhlaw@aol.com

December 1, 2008

Jane O. Shuler, Chief Counsel
Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

SENT VIA FAX

Re: Judicial Screening for at large seat 1

Dear Mrs. Shuler:

I have some amendments and/or updates changing some responses to the Personal Data Questionnaire submitted to the Judicial Merit Selection Commission. I would appreciate your office including these and submitting these responses to the Commission as well.

Question 1 should reflect I currently reside at 5680 Old Bucksville Road, Conway SC 29527

Question 5 should reflect I was married to Heather Lea von Herrmann on November 15, 2008. Also, Evan von Herrmann is 8 years old and Alex is 5 as both have had a birth day since submission of this form.

These changes reflect current accurate answers to the questionnaire.

Sincerely,



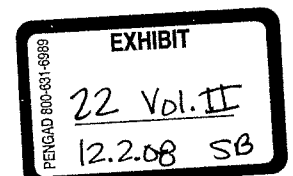
William B. von Herrmann

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

Circuit Court
(New Candidate)

Full Name: William B. von Herrmann
Business Address: 200 Elm Street
Conway, SC 29526
Business Telephone: (843)-488-1030

1. Why do you want to serve as a Circuit Court judge?
I would like to continue my commitment to public service in a position that provides another opportunity to have a positive impact on the community and to strive for justice. I possess the abilities to be a good, fair and knowledgeable member of the Judiciary. Moreover, and not the least important reason, is my desire to leave a legacy of public service and serve as an example of good citizenry to my children in the hope that it positively impacts their lives.
2. Do you plan to serve your full term if elected? Yes.
3. Do you have any plans to return to private practice one day? No.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
If allowed in wholesale fashion, *ex parte* communications would undermine our system of justice and the faith attorneys and the public have in the Judiciary's neutral position. Generally, *ex parte* communication should be avoided.
However, there are specific statutory provisions under the current law which allow for certain *ex parte* communication to take place. In those very limited situations, it would certainly be permissible.
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 initially make two determinations. First, whether or not the relationship would cause me to be biased, favor one side over the other, or compelled to rule with one side over the other when the ruling was not based on sound legal authority. Second, whether any litigants or the public reasonably believe that impropriety exists. If I determined that either of these situations existed, I would respectfully recuse myself from the case including recusal on any issues that would preliminarily arise in the case.
If I determined that neither of these situations existed and that there



were no judicial canons which would prevent me from hearing the case, I would disclose to all parties the relationship between the attorney and/or party and myself. I would then give the parties an opportunity to state any objections on the record as to recusal. In the event the potential for the appearance of bias arose during these objections, I would recuse myself for those reasons. I would give deference to the litigants and any concerns they might have regarding impartiality. In the event no actual bias or appearance of bias, impropriety, or undue influence existed, I would agree to hear the matter.

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?

Avoiding the appearance of bias or impartiality is as important as not being biased or partial to one side over the other. I would always avoid any appearance of partiality or bias to any litigant who appeared before me. I would give great deference to the litigants and/or attorneys in the case and would grant the motion for recusal.

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

First and foremost, I would encourage my spouse and/or relatives not to engage in conduct which may cause this issue to arise. However, in the event the appearance of impropriety was raised, I would recuse myself without further comment from the case. It is important that members of the Judiciary promote public confidence in the integrity of the system.

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

I would not accept gifts from anyone other than friends and relatives on special occasions such as birthdays. I would not accept gifts from attorneys or others who may appear before me and avail him/herself to the justice system.

I would only accept social hospitality if it were a bar-related function or activity devoted to the improvement of justice.

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

I would immediately notify the appropriate authority in writing. In addition to notifying that authority, if a fellow judge was involved, I would notify the Chief Justice of the Supreme Court so that appropriate measures could be taken.

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

No.

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

- No.
13. If elected, how would you handle the drafting of orders?
I would issue Orders in a timely fashion and would draft them myself to insure they accurately reflected the Court's intentions.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I would continue to use the Outlook Calendaring System. In addition I would periodically audit the system to insure all deadlines are being met.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Our system of justice requires that judges accurately follow the laws as passed by the General Assembly. I do not believe judicial activism has a place on the Circuit Court Bench. Rulings should be based on the laws in place; public policy should not be promoted or set from the Bench. These are functions that are in the purview of the General Assembly.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?
I would continue to speak at civic, educational functions, and bar events so long as the purpose was to promote the system of justice and would not effect either my impartiality or create the appearance of impartiality.
17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?
While it is difficult to determine whether or not it would be a strain, it would certainly have an impact on my personal relationships. I have given the issue a great deal of thought and have discussed the potential impact with my former wife, friends and the impact on my children. I have explained to them the position I am applying for, the Judicial Canons I am required to follow as a member of the Judiciary and that at no time can I allow outside influences to effect my decisions as they must be based on the law as set forth by the General Assembly. I will continue to have these discussions and be open and honest with regard to my duties as a judge.
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: It is appropriate to take a Defendant's criminal record for the purpose of sentencing. In doing so, I would fashion a sentence that would be fair and encourage the Defendant to follow the rules of law.
- b. Juveniles (that have been waived to the circuit court): The age of a Defendant is a factor to be considered when sentencing. I understand the varying goals of the juvenile justice system and the adult justice system as well as the competing issues that arise when treating a

juvenile offender as an adult. I would make my rulings based on the law and the facts of each case to insure that justice is served.

c. White collar criminals: Certainly the type of offense, the effect on society, and the impact of victims are all appropriate for consideration in sentencing. I would consider all relevant factors and sentence appropriately. I recognize these cases have the potential to impact many individuals as a group. I think the seriousness of the crime, the impact on the victims, and all of the factors related to sentencing should be considered.

d. Defendants with a socially and/or economically disadvantaged background: All individuals must be treated the same regardless of social or economic background. However, the Court must recognize in fashioning a fair sentence that accomplishes the goals of our system there may be special considerations that need to be made. In all cases, the Court must consider the Defendant's education, personal experiences, and then balance those interests against factors such as the need for restitution and safety of the public.

e. Elderly defendants or those with some infirmity: In determining a sentence that is fair, infirmities should be considered as a part in fashioning a sentence. For instance, ordering public service as part of a sentence may not be feasible for individuals who suffer from physical or mental infirmities. The Court may find it necessary to handle these cases in a different manner. As always, the Court should evaluate each situation on its own merits to best insure all competing interests of our justice system is served.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
Yes.
21. Do you belong to any organizations that discriminate based on race, religion, or gender?
No.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes.
23. What do you feel is the appropriate demeanor for a judge?
I Judge must be calm, confident, compassionate, deliberate and fair. It is important a Judge is accessible to attorneys for discussion and possible resolution of cases. Moreover, a Judge should be patient and courteous to litigants, jurors, court staff, witnesses, attorneys, and others where there is contact with the judiciary.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply

seven days a week, twenty-four hours a day?

They should apply to all attorneys and Judges regardless of the setting.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?
No
No
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
None
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
No
28. Have you sought or received the pledge of any legislator prior to this date?
No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
31. Have you contacted any members of the Judicial Merit Selection Commission?
No
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

s/William B. von Herrman

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

Notary Public for S.C.

My Commission Expires: 03/14/2016 _____