

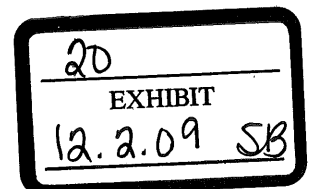
JUDICIAL MERIT SELECTION COMMISSION

In the Matter of:)
Frances P. Segars-Andrews)
Candidate for Family Court Judge)
Ninth Circuit, Seat 1)

AFFIDAVIT OF DAVID R. GRAVELY

PERSONALLY appeared before me, David R. Gravely, who, being duly sworn, deposes and states as follows:

1. I am a member of the South Carolina Bar having been admitted in September 1972. I have practiced law with the firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A. in Myrtle Beach, South Carolina since November 1972. The primary focus of my practice has been in civil litigation, and for the past thirty (30) years I have focused primarily in the field of Domestic Relations. I have tried many domestic cases through the State of South Carolina, and I remain actively involved with my practice primarily in the Family Court of the Fifteenth Judicial Circuit. I am a member of the American Academy of Matrimonial Lawyers. I enjoy an A-V rating with Martindale-Hubbell.
2. I have thoroughly reviewed the following documents:
 - a. Final Order For Equitable Division, Child Support, Attorney Fees And Costs dated June 8, 2006 and filed June 13, 2006 with the Clerk of Court of Clarendon County in Civil Action Number 2004-DR-14-315 and Civil Action Number 2004-DR-24-243 entitled William R. Simpson, Jr., Plaintiff, vs. Becky H. Simpson and Wade Ingle, Defendants.
 - b. The Order Denying the Plaintiff's Motion for a New Trial based upon failure of the Defendants' Counsel to Disclose the Court's Conflict of Interests dated May 22, 2006 and filed June 6, 2006 with the Clerk of Court's Office for Clarendon County in Civil Actions Numbers 2004-DR-14-315 and 2004-DR-14-243 in the case entitled William R. Simpson, Jr., Plaintiff, vs. Beck H. Simpson and Wade



Ingle, Defendants.

- c. The Court of Appeals Opinion Number 4341 submitted November 1, 2007 and filed February 8, 2008 in the action entitled William R. Simpson, Jr., Appellant, vs. Becky H. Simpson and Wade Ingle, Defendants, of whom Becky H. Simpson is Respondent.
3. It is my opinion that the Final Order for Equitable Division, Child Support, Attorney fees and Costs issued by Judge F. P. Segars-Andrew is well within the bounds of reasonableness both procedurally and substantively based upon my knowledge of the laws of the State of South Carolina as same relates to Domestic Relations law. The equitable division award of sixty (60%) percent of the marital assets to William R. Simpson, Jr., and a forty (40%) percent equitable distribution interest to Becky H. Simpson seems most reasonable in view of the facts and circumstances surrounding the parties' marriage. The detailed findings requiring William R. Simpson, Jr. to pay fifty (50%) percent of the Defendant, Becky H. Simpson's attorney fees and costs appear to be entirely appropriate based upon the facts and circumstances of this case. In my opinion, setting aside the initial agreement that William R. Simpson, Jr. had Becky H. Simpson sign is, in and of itself, sufficient basis for the award of attorney fees to be paid by Mr. Simpson. All of the factors which were considered by Judge Segars-Andrews clearly mandate an award of attorney fees to be paid by the Plaintiff.
4. The Order issued upon the Motion for a New Trial based upon failure of the Defendant's counsel to disclose the court's conflict of interest dated March 28, 2006, is also well within the bounds of reasonableness both procedurally and substantively. Judge Segars-Andrews had heard all of the testimony in the case and had clearly and fairly decided all issues without any knowledge of the alleged conflict of interest. It is abundantly clear that both Mr. and Mrs. Simpson received a fair and impartial hearing from Judge Segars-Andrews. In view of the timing of the Plaintiff's Motion for a New Trial and further in view of the trial judge's lack of knowledge of the alleged conflict, it appears to me that Judge Segars-Andrews had the duty to rule in this case.

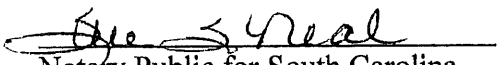
5. The South Carolina Court of Appeals clearly found that Judge Segars-Andrews' rulings were procedurally and substantively correct. The Court of Appeals noted that William R. Simpson, Jr. did not appeal the reasonableness of the fees and costs but simply he was ordered to pay one-half (1/2) of the fees. The Court of Appeals rightfully found that the efforts of Ms. Simpson's counsel in setting aside the earlier Separation Agreement executed by Mrs. Simpson would be sufficient for the award of fees based upon the beneficial results obtained.
6. In view of the detailed analysis provided by the South Carolina Court of Appeal and the decision of the Judicial Conduct Commission, it is my opinion that the Judicial Merit Selection Commission should not disregard the opinions of these two judicial bodies and "retry" this highly contested Family Court case. It is my opinion that the impartiality of the Family Court Judiciary and the entire judiciary of the State of South Carolina would be threatened if Judge Segars-Andrews is found to be not qualified based upon the facts and circumstances of the Simpson case.

FURTHER the Affiant saith not.



David B. Gravely

SWORN to before me this
30th day of November 2009.



Notary Public for South Carolina
My Commission Expires: 12/28/14