



**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2022**

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

1. Name: Mr. Philip Bryan Atkinson

Name that you are known by if different from above
(Example: A Nickname): Not applicable.

Are you currently serving in some capacity as a judge? No.

Home Address: (Redacted)

County of Residence: Marion County

Business Address: 601 West Evans Street, Suite 101, Florence, SC 29501

E-Mail Address: (Redacted)

Telephone Number: (home): (Redacted)
(office): (843) 612-0491
(cell): (Redacted)

2. Date of Birth: (Redacted) 1974
Place of Birth: Marion, SC
Social Security Number: (Redacted)

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.

4. SCDL# or SCHD#: (Redacted)
Voter Registration Number: (Redacted)

5. Have you served in the military? No.

6. Family Status:
Married on June 13, 1998 to Allison Marie (East) Atkinson [a high school French teacher].
Never divorced.
Child: (Redacted)

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) Columbia, SC
Bachelor of Science Degree in Criminal Justice, Fall of 1992 Graduating May of 1996
Honors: Graduated Cum laude
Dean's List each semester; Recipient of USC's Presidential Scholarship

(b) University of South Carolina Law School Columbia, SC
Juris Doctorate Degree, Fall of 1996 Graduating May of 1999
Clinical courses in Trial Advocacy and Appellate Advocacy

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

(a) Fall 1996 through May 1999. Maintained 22 hours per week in law-related paralegal work at the McDaniel Law Firm, 1315 Elmwood Ave, Columbia, SC 29201 (under Preston McDaniel, R. Michael Johnson, Jr., and Ernie Peagler) to help support myself through law school.

(b) Spring 1998 through May 1999. Established a business partnership with my cousin, Attorney Ryan Heath Atkinson, to serve court papers (d/b/a Palmetto Process Serving) for local law firms and lawyers such as Turner Padgett, Hank Burris, and Ratchford and Hamilton.

(c) Fall 1996 through May 1999. Participated often as a jury member only to assist the Mock Trial team in training and feedback.

(d) Fall 1998 through Graduation May 1999. Completed clinical courses in Trial Advocacy under Professor Kenneth W. Gaines and intense training and writing in Appellate Advocacy under Robert T. Bockman, culminating in presentation of our mock arguments in the Court of Appeals.

9. 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. Please indicate the number of times you took the exam in each state.

South Carolina. I was admitted to the practice of law on November 15th, 1999. I passed the Bar examination on my first attempt.

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

(a) Geoly at Law in Greenwood, SC.

Associate Attorney from February 2000 through July 1, 2001

I litigated and managed the entire civil caseload in a two lawyer firm with the owner practicing primarily criminal law. My practice areas were Family Court cases, Personal Injury Actions, Worker's Compensation filings and even some Trademark and Entertainment Law projects. During this time, I contracted to perform the Public Defender Attorney Services in the Family Court for the Department of Juvenile Justice with cases against prosecutor Libby Smithdeal. I had extensive weekly court appearances in Newberry, Greenwood, Laurens and Abbeville. I also instituted a new data-base file management system with the firm and directly supervised the paralegal in implementing it. I was heavily involved in the community and served as the stadium announcer for Greenwood High School for two straight State Championship Football Seasons. I only left this position for a great opportunity to move back to my cherished hometown of Marion, SC- purchasing my grandfather's homestead and joining the highly respected Folkens Law Firm (f/k/a Folkens and Jernigan, P.A.).

(b) Folkens Law Firm, P.A. in Florence, SC

Associate Attorney from July 2001 through May 31st, 2019

Having the opportunity to join one of the preeminent firms in the Pee Dee region for matrimonial litigation and mediation practice (mentored and guided by the owner, Karl Folkens), I began to devote the heart of my practice over the next 18 years to Family Court actions and Domestic Law practice. My other practice areas expanded as well to include: probate actions, larger civil litigation and injury cases, copyright filings, interstate adoption domestication, and a Criminal practice when my Worker's Compensation work began to diminish. During this time, I completed 16 annual trainings and certification renewals as a Guardian Ad Litem (litigating and protecting the interests of minor children from South Carolina to Texas, Virginia, Alabama, New York and Ontario). I trained at the National Institute for Trial Advocacy (NITA) in their Southeastern Regional Office in Chapel Hill, NC to receive my diploma in Trial Advocacy Skills. I attended a week-long seminar with nightly immersion studies to become certified by The South Carolina Board of Arbitrator and Mediator Certification as a Family Court Mediator. I have renewed my training to remain licensed to this day- conducting over 429 mediations. I lead the firm's staff in the early adoption and teaching of many administrative, organizational programs like: TimeMatters, Many Moon, Trello, LawPay, and Harvest Billing software.

(c) The Atkinson Law Firm, LLC

Owner and Attorney from June 1, 2019 to present date.

In May 2019, the Folkens Law Firm's owner made the business decision to switch to a single member practice for mediation services only. I was invited by Mr. Folkens to stay in the same building, open my own firm, and become a tenant. Thirty days' notice was not long to prepare for such a gargantuan task and I am very proud of the efforts I undertook (along with a former intern I hired as my office manager) to grow a successful and thriving practice over the last three years. It has been nothing short of

amazing and professionally rewarding in my desire to serve the great people and families of the State of South Carolina.

After 19 years as the trusted associate attorney, I had an even greater respect for my former boss as I now became the one to order supplies, cut paychecks, plan advertising strategies, order software and furniture, and manage the Trust and General bank accounts.

My practice is now heavily devoted to Family Court cases with the occasional overlapping Probate, Civil, or General Sessions issue stemming from former clients that trust me to handle all of their legal needs. I have continued my streak of 19 yearly certification and training renewals as a Guardian Ad Litem to protect the interests of children. My mediation practice volume increased as well. In addition, I have developed valuable insight and experience as a contract attorney in all Dillon County DSS cases for the volunteer lay guardian program. This contract has added even more court experiences to my historical repertoire as I am now in a Family Court of some sort almost weekly while using other times to intake new clients, work on pleadings, perform Guardian home studies, and manage the firm finances through Quickbooks. I now have twenty two years of substantial experience in all areas of Family Law: from mediations to Guardian ad Litem work, divorces, custody, DJJ trials for children, DSS trials with complicated abuse issues, and adoptions.

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.

As mentioned, my current practice over the last twenty years has been primarily devoted to Family Court cases. My initial passion for all of the practice areas inquired of above was ignited in my first job when I was asked to serve as a guardian ad litem prior to any statutory training mandates. Since the mandatory training statute was passed, I have completed 19 straight yearly certification and training renewals as a guardian Ad Litem to protect the interests of children. This has required and resulted in substantial “boots on the ground” experience in interviewing every litigant and child in over 370 Guardian cases in the areas of abuse and neglect, child custody factors, relocation cases, and adoptions.

Of course, I also have served as an attorney for my own clients with 22 years of experience in filing complaints for divorce actions and the equitable division of marital property (now under our guiding statute of SC Code § 20-3-620 for Equitable

Apportionment factors). Between my own practice with over 392 cases in the last five years where I personally either filed or worked the cases to conclusion. Added to over 429 mediation sessions throughout my career, I have also had to counsel my own clients on difficult issues like child custody factors, grounds for divorce, and equitable apportionment of the marital assets. Admittedly, many of these cases in my area do not reach marital property sums higher than one million dollars though there have been some exceptions.

Early in my career, I was often appointed as counsel to parents facing abuse and neglect charges in DSS cases in Marion, Florence, Dillon and Darlington counties. However, in addition, I have added valuable insight and experience in this area over the last 2 years as the contract attorney in all Dillon County DSS cases for the volunteer lay guardian program. This contract has added even more court experiences to my historical repertoire as I am now in a Family Court in some county almost weekly while using other times to intake new clients, work on pleadings, perform Guardian home studies, and manage my firm's finances.

My earliest experiences in the family court were also in fulfilling a contract for the criminal defense of juveniles on a bi-weekly basis in Greenwood, South Carolina while working at the Geoly Law Firm. I practiced against worthy prosecutors and attorneys like Libby Smithdeal, Adam Bacote, and William Townes Jones IV. I continued these types of cases when I moved back home to Marion for a brief time in support of counties like Marlboro and Darlington under the urging and appointment of Judges like the Honorable Roger E. Henderson, and Jamie Murdock, Jr.

In summary, I have now accumulated twenty two years of substantial experience in all these areas of Family Law. I appear in family court almost weekly in some capacity whether it is: a motion, a DSS hearing, an agreement approval, testifying as a guardian ad litem, trying a divorce action, or initiating such actions with a temporary hearing.

Satisfying the request for a brief history of some of these cases I offer the following sampler from 22 years of family practice. I have had the pleasure of defending a juvenile accused of breaking into a Circuit Judge's home and watched the tearful reconciliation in the hallway as victim and the accused talked about rehabilitation and forgiveness. I have tried a tense SCDSS case where a mother stood accused of shooting her own infant child because she was scared to death to testify against her violent boyfriend who had actually committed the crime. I have fought for an aging wife to keep her alimony benefits (both at trial and returning to solidify this issue after an appeal). The husband alleged he retired but not before taking on lucrative consulting contracts. I have traveled as far as Wheeler, Texas to ensure proper placement of a child after his mother murdered his father and flew to Mississauga, Ontario, Canada on a few days' notice to protect the interests of a child who was being improperly withheld from his father. I have represented several spouses against the evils of their own partner's drug addiction to secure emergency and restrictive custodies in their children's best interest.

I am so thankful my chosen profession has given me these and many other experiences that have rewarded me far beyond any fee I may have received. I thoroughly believe they have given me the needed insight, wisdom and training to serve as the next Family Court Judge of the Twelfth Judicial Circuit.

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
 - (a) federal: No appearances.
 - (b) state: I have appeared in the State's Family Courts almost weekly in some capacity over the last five years.

13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
 - (a) civil: 5%
 - (b) criminal: 5%
 - (c) domestic: 80% with trials, hearings, guardian work, and mediations.
 - (d) other: 10% comprised of Probate estate work, wills and powers of attorney.

14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
 - (a) jury: 5%
 - (b) non-jury: 95%

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel? Sole counsel.

15. List five of the most significant litigated matters 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 of South Carolina vs. James Johnson,
2001-GS-21-1394; Charge Code 0139 (Armed Robbery and Related Charges).

I discussed this case in Question One of my Judicial Merit Selection Sworn Statement. It was the first high stakes criminal case I had ever handled. All four co-conspirators testified against my client. Against overwhelming odds, I began to develop and elicit testimony that helped exonerate my client and even showed his complete innocence. I won the case and was offered a job by the Solicitor's office just a week later. This case had been passed along to me as a Junior Associate and it sent notice to my employer that I was a competent and dedicated litigator. This was a serious endeavor as my client was still a teenager facing the rest of his life in jail. Because of my dedication, his life improved drastically and my new local colleagues began to recognize my skill and reliability.

- (b) Rolfe v. Rolfe,
Op. No. 2008-UP-197 (S.C. App. filed March 20, 2008)

I likewise discussed this case in my Sworn Statement. I tried this case to a complete conclusion in the Darlington County Family Courts against a very worthy adversary in Attorney Rob Gardner. Mr. Gardener's client, the husband, alleged that his health conditions had changed and he was no longer able to pay alimony to my client, the wife. I was able to expose some discovery delays on the part of the husband alone. Mr. Gardner had difficulty with his client in that area and was not to blame. I still managed to introduce enough evidence regarding his higher rate of pay as a contractor doing the same job he had previously performed. I lost at the trial level and worked with Attorney Missy Nettles to appeal the matter to the Court of Appeals as referenced above. There, the justices found ample evidence in the record from my hard work to show the error of the lower court decision. The matter was returned to the lower court for reinstatement of alimony and to decide the issue of my attorney's fees and costs. Once again, the life of a South Carolina citizen was improved when justice was finally done even though it took three different arenas to make her whole again. I offer this as proof of my trial skills to prepare for unfavorable outcomes by laying a foundation for relief and also of my unrelenting spirit to find justice.

- (c) Chastain v. Chastain,
381 S.C. 295, 672 S.E.2d 108 (S.C. App. 2009)

I offer this next case as an example of my thorough service to the children of the state of South Carolina in my Guardian ad litem work. This was a matter wherein the judge made a decision based on flagrant promiscuity in removing custody of the children from the mother. She appealed the decision. While the court disagreed with the judge as to the application of that standard (since the children had not been directly exposed to the paramours), there was still ample evidence gathered by me as the guardian to sustain the overall ruling of the court that was in the best interests of the children. I was honored to attend the arguments before the court and specific questions were asked of me by Justice Konduras. The court then extended their thanks to me and compliments on the content and thoroughness of my report.

- (d) Randall W. Goodrich and Samantha Goodrich vs Texas Department of Family and Protective Services
Docket No. 2019-DR-21-944, Florence SC

Nothing can be more satisfying for a lawyer than to have a lifelong business relationship with a client because they trust you with all of the legal matters in their life. I don't believe this fine gentleman will mind me sharing that, when I first met him, it was under very negative circumstances. He had been accused of an abusive relationship and was going through a divorce. In his personal life, he had lost a very young child. That is reason enough for any of us to be angry with the world and begin experiencing problems in our other relationships. However, after assisting him with that divorce and becoming his friend, he underwent a major change in his life. He became a born again Christian and he married again. When his own brother failed to get off of the path he had been on, this gentleman decided to adopt his nephew. That took place over the course of many proceedings (both in Texas and here in South Carolina). I offer this case as an example of my skills applied in the

area of adoptions and in the rare area of domestication of foreign adoption decrees. Moreover, this client represents many others that came to me with simple initial problems and continue to trust me to this day with all of their legal needs. I am extremely blessed and honored by people like Randy.

- (e) Zachery A. Quick v. Angela M. Quick
Docket No. 2017-DR-16-0936

I offer this final example as indication of evidentiary and cost issues our modern courts are being faced with each day in the pursuit of justice. To begin with, the young man I represented did not believe that he could find a lawyer to fight against the perceived notion in our communities that there is a “tender years” doctrine for young children which favors mothers over fathers. I restored his faith in our judicial system and assured him that the Court would stand solid against this fallacy. I strongly believed in his claim for custody.

However, the mother in this case was ultimately caught by me in providing false information to the court. She was so savvy with technical advancements that she had even fabricated a website that looked like her Women's Care Center. She produced falsified records to the court and even convinced the father that she was again pregnant with his child. All of these tactics were being used to delay the cause of justice and to cripple my client financially in fighting against them. She had even taken out student loans in his name.

It was a sacrifice to work the painstaking hours needed to stay ahead of such a vicious litigant while trying to be cognizant of my client’s budget as well. I reduced my billing rate, worked even harder to protect him, and earned his trust throughout this process. He remains a good friend to this day. Of course, he ultimately received custody of the child and an Order was put in place to have her reimburse him for the economic damage caused. I'm informed and believe through local attorneys that her behavior has continued and that she fabricated an email from an attorney in an attempt to avoid contempt fines and punishment.

I offer this to say I will always be cognizant of the need for swift and economical justice for all that come before me. I now have substantial experience in this area to spot such problems and handle them efficiently from the bench. The record is clear that Judge Baker-Brigman did a fantastic job in this case of spotting the forgeries and I learned so much from her keen example.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
Not applicable

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

- 1) Johnell Richardson vs. State of South Carolina
South Carolina Supreme Court

Filed May 5th, 2022
Habeas Corpus relief denied
Appellate Case Number: 2021-000905 (not reported)
Florence County Docket No: 2020CP2101467

- 2) In the Matter of the Care and Treatment of Timothy Farmer, Op. No. 2005-UP-438
(S.C. Ct. App. filed July 14, 2005)
Sexually Violent Predator finding affirmed
Unpublished

18. Have you ever held judicial office? No.
19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Not applicable.
20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) South Carolina State Courts (General Sessions, Common Pleas, Family Court, Probate Court, Magistrate Courts, ALJ proceedings, etc.). Date of admission: November 15th 1999.
- (b) The United States District Court, South Carolina District. Date of admission: May 25th, 2004. Currently on Inactive status; merely lacking online filing certification.
- (c) Alternative Dispute Resolution proceedings with certification through South Carolina's Board of Arbitrator and Mediator Certification. Date of admission: October 1st, 2010.
21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

I have not lectured at bar association conferences nor continuing legal programs. However, I have enjoyed planning and teaching three seminars thus far (8-10 weeks each) through my church to help couples with communication and finance techniques to preserve marriages. A drawing point of each course was my experience as a divorce attorney to give sound counsel about unwanted future outcomes. I also enjoy teaching the statutory laws of safe gun ownership and concealed carry in South Carolina to nearly 10 classes a year as my father (a Sheriff's deputy and Family Court security officer) teaches the range certification portion of the course.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

Please see attached **Exhibit A**. These were submitted on July 21st, 2022 as well.

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

None.

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published.

Please see attached **Exhibit B**. 1) Final Order (Ending Action), Ruby Lane LaSane vs Carl Willis LaSane (2018-DR-22-369). 2) Report of Guardian Ad Litem, Leeann Singletary Gardner, et al. vs Jordan Christopher Rogers, et al (2019-DR-21-559).

25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.?

To my knowledge, I am not a member of any of these organizations. I have not been rated by any of them except for Martindale-Hubbell (with a 4.8 out of 5 rating with only peer reviews and no client reviews). I was awarded 5s in the categories of Legal Knowledge, Analytical Capability and Legal Experience.

26. 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
 - 1) Member of the House of Delegates, Twelfth Judicial Circuit 2010-2012
 - 2) The Office of Disciplinary Counsel, Attorney to Protect Client Interests, 2003 to present
 - 3) Mock Trial Program, Scoring Judge 2008 to present
- (b) Marion County Bar Association
- (c) Florence County Bar Association
- (d) National Institute for Trial Advocacy Graduate, May 14, 2003
- (e) South Carolina Board of Arbitrator and Mediator certified member, October 1, 2010
- (f) Commission on Alternative Dispute Resolution certified member
- (g) Rotary International (2002-2012) Paul Harris Fellowship participant
- (h) United Fund of Marion County (2007-2011) Board Member

27. Have you ever held public office other than judicial office?

Yes, but not an elected one as I currently serve as the Chair for the City Of Marion's Zoning Board. I was appointed by the City Council and would resign if elected to avoid conflicts.

28. For sitting or former judges, 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. Not applicable.
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
No
30. 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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

In the interest of full disclosure, I have solely devoted myself to the practice of law since graduating law school in 1999. However, I firmly believe all the jobs I have ever held have been preparing me for this endeavor and responsibility in some shape or form.

As far back as 1988 in my freshman year of high school, I began my own car detailing business earning money by cleaning the vehicles of Marion county doctors at the Berry, Askins and Suggs Family Practice and the Marion County Hospital. I opened my very first bank account then at South Carolina National Bank on Main Street in Marion and still have it today through their changes to Wachovia and then to Wells Fargo.

In 1990, I had the great privilege of working for Mr. Ken Robinson in his role as the Manager of Marion's Branch of the Pee Dee Electric Cooperative. I started out with a summer job on a tree trimming crew and worked my way up to service calls and, later, the selling of C-span satellite dish systems. I was in high school throughout this time. I was honored to also work under the Chief Operating Officer, Robert Williams, at that time and to meet the Chief Counsel, E. "Toy" Leroy Nettles. Attorney Nettles and Attorney David Watson (from Dillon County) were so kind in encouraging me to work toward applying to law school after answering all of my questions so patiently.

During my first semesters of college in 1992-1993, I worked at the Western Sizzlin' Steakhouse in Columbia, SC as a server to put myself through undergraduate courses. I also had a side job at New Clear Days (a record store). For the next two summers, my job (paid for by a grant) in Marion, SC was to enrich middle school children in science, math and entertainment skills at a day camp so they would not be home alone while their parents worked.

In 1993-1994, I had the opportunity of a lifetime to work with the University of South Carolina Gamecocks as a student manager. Coach Sparky Woods had just departed and everyone was excited for our future under Florida State Assistant Coach Brad Scott. I was responsible for servicing the safety equipment for the players, striping and decaling the helmets, and packing the players gear for away games. I also had the important task of keeping practice time-logs each day to comply with NCAA requirements for the fair treatment of all our players. The Gamecocks won their first ever bowl trophy that year and

Coach Scott awarded me with a championship ring and a varsity letter jacket- something that had never been done for managers to that point.

By the Spring of 1994, I had to begin studying for the LSAT and gaining some experience in the legal world. I was blessed to be hired by McAngus Goudelock & Courie as they were soon to open a branch in Columbia, SC after their own former employment with Turner, Padgett, Graham and Laney. As the runner for three years, I was privileged to see how lawyers build a first class organization from the very first day of simply loading the files on the shelf to ordering phones and a postage machine. I would make many mistakes with daily errands in the beginning, but the lawyers there (Hugh, Rusty, Jay, and Scott) were so patient and encouraging. I learned how to treat everyone in an office environment (from a prized client to the night custodian) because of the gracious example they set. In 1996, the firm hosted a party to celebrate my acceptance to USC Law School and I still use the Black's Law Dictionary they gifted me that day.

Once I began law school in 1996, I was initially urged not to work but to focus solely on academics. However, I had been working since ninth grade and I needed money to fund the dream of law school. My cousin and I started our own process serving business we called Palmetto Process Serving and we received calls on "pagers" while we studied in the library to serve our clients. I then participated in on-campus interviews in March of 1997 and I was hired by Attorney Preston McDaniel to assist him as a law clerk with his burgeoning Worker's Compensation practice. Learning from an expert like Mr. McDaniel was amazing as he had trained under North Carolina legislators and brought many of their state's interpretative concepts to South Carolina that molded our statute and the case law we still use today. I stayed with Mr. McDaniel and his associates (R. Michael Johnson, Jr., and Ernie Peagler) until departing for Greenwood, SC after my marriage. My first job as a full-fledged attorney would be in Greenwood at the Geoly Law Firm.

31. 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. I am solely practicing law now in the single owner LLC firm of the Atkinson Law Firm.

32. 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.

33. Provide, as a **separate attachment**, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and

- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

Please See Attached **Exhibit C**- the net worth statement form provided with this questionnaire.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? No. Have you ever defaulted on a student loan? No. Have you ever filed for bankruptcy? No.

35. 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.

36. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

The sole expenditures so far are the purchases of organizational binders and a magnetic name tag equaling less than \$47.00. For full disclosure, I anticipate some mail-out brochures may be ordered for introduction purposes that will surpass this figure and require an update to the Commission and/or the House and Senate Ethics Committee at that time.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years. If you are a sitting judge, please include such contributions since your last screening.

Not applicable. I do not have access to the checking records of the Folkens Law Firm for the short amount of time I was with them under the time span of this question. I am aware my former boss was a political contributor to several parties and candidates. None of his contributions would have been on my behalf in any way shape or form if made during this time frame inquired of.

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No.

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

I know of none that would be any direct or improper conflict of interest in having me fill the office for which I seek.

Regarding those relationships that may constitute a real or actual conflict of interest on a case by case basis, they would stem from the possibility that a friend or former attorney in my practice may appear before the Court at some future date. This would be governed by the analysis required in Judicial Canon 3 (E) (1) and the commentary related to it. As a starting point, the Canon is clear that I must “disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.” The lawyers may then discuss the matters with their client and make a motion for recusal.

In some very limited and extreme matters, my decision on the request for recusal may be governed by “the rule of necessity”. For example, the superior right of the child’s best interests may prevent an immediate recusal in an Emergency Removal petition wherein I may find myself as the only judge available to hear a matter with a statutory time limit.

However, this question would implicate a proper request for recusal due to potential bias and would not be made as a means for delay or obstruction. If at all possible in such emergency, I would disclose on the record the basis for any possible disqualification and use all reasonable efforts to transfer the matter to another judge as soon as practicable before proceeding.

Absent any emergency situation, this issue clearly falls into the purview of Canon 3 (E) (1) (a-d) which holds: A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

(c) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding;

(d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

- (i) is a party to the proceeding, or an officer, director or trustee of a party;
- (ii) is acting as a lawyer in the proceeding;
- (iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding;
- (iv) is to the judge's knowledge likely to be a material witness in the proceeding.

Once disclosed, I would entertain a motion being made for my recusal. This would likely include only Karl Folkens and Louis Nettles (as the only remaining practicing attorneys from my former firm), my current staff member Kolby Atkinson, my immediate family, and members of my place of worship. Once made, for the preservation of the impartiality and sanctity of the judiciary, I would grant that motion and work to efficiently have the matter rescheduled with another Judge at the Court's earliest convenience.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

Not applicable.

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

Not applicable.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

Not applicable.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

Not applicable.

45. 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? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

None other than traffic offenses (the last of which is likely not since 2004).

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No.

47. Have you ever been sued by a client? No.

Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I am unaware of any suit wherein I had an actual pecuniary interest. However, in the nature of full disclosure, I have two current cases (and a similar older one) where I am named as either an executor of an estate or a conservator for a disabled person so the proper decision makers were before the court.

The first is the case of 21-CP-21-00236 Jeffrey Cheek vs. Philip B. Atkinson, as Personal Representative of the Estate of Rachel Marie Faile. I was appointed Personal Representative solely for the purpose of filing suit against an insurance company in the event the company did not negotiate a fair settlement of a claim filed on behalf of Rachel Marie Faile for fatal injuries she suffered in a motor vehicle accident. I was informed the insurance company did pay out the policy limits and, therefore, the suit was dismissed. There is no reason for me to remain as Personal Representative but the Probate Judge recently advised he still wants me to file an official inventory and request to be discharged as Personal Representative. I had a similar case in 21-CP-16-00162 Janie Howle vs The Estate of Lakisha Graham Martin which is now settled and closed.

The later is the case of 2022-CP-26-02695 Carol S. Montgomery, et al vs Leona M. McNeill and Philip B. Atkinson as Guardian ad Litem and Conservator, et al (June 6th, 2022). This matter is simply to allow me to sign for my ward and reform a scrivener's error on deeds for two neighboring properties. It should be resolved by a Consent Order.

Finally, I cannot recall ever being actually sued under a filed court pleading for the following example. I recall working with my insurance company on an accident I caused traveling into Greenwood, SC one weekend to visit my now wife. I crossed the line on a curve such that another driver (and his wife) ran off the road and damaged their car. They had minor muscle aches and no cuts or abrasions. I helped to be sure authorities arrived on the scene and urged them to contact my insurance company to cover the damages. I do not recall their names and the date would have been before 1999. I was likely charged with a moving violation in Greenwood County but it does not appear in the public index and I don't recall the fine.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance?

Yes. I have carried it since July 1st, 2001.

If applicable, have you ever been covered by a tail policy?

No.

Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

- (a) PROSOURCE Insurance Brokers
- (b) Carrier: Swiss Re Corporate Solutions
- (c) Coverage: \$1M/\$2M (\$2 million total policy coverage limits; \$1 million per claim)
- (d) Deductible \$5,000.00

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct?

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services?

No.

51. 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, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening?

No.

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? If so, give details.

No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released?

No.

Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

I have done nothing more at this time than to seek these application materials, gathered needed information, filled out the forms, and cooperated with the staff of the Commission's lawyer for timely delivery. I have stopped by twice to my local delegation office to introduce myself in person and left a resume' for review on my second visit.

No one has been asked to campaign on my behalf nor commit to me. I know of no individual "campaigning" for me. I have only been honored and humbled by many of my peers telling me to seek this opportunity to serve the citizens of our state using the skills I have accumulated in my practice devoted primarily to family law.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes. Materials explaining it were included in the application download.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No. To be absolutely clear, I have not done so and I know of no other who has. The recommendation letters we candidates were asked to provide to the Commission do reference the members in the "salutation" but they have not been personally delivered to the members (only to the Commission lawyer's assistant). I assume the Commission lawyer's staff will release those letters to the members at the appropriate time.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with original letters of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of**

recommendation in your packet when you submit it will render your packet incomplete. Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

- (a) Attorney Karl A. Folkens (Lawyer, Mediator, Employer for 18 years, 2019 Platinum Complete Lawyer Award Winner from the University of South Carolina School of Law and the 2020 Matthew J. Perry Public Service Award Winner)
(Redacted)
- (b) Rev. Denley C. Caughman, (Retired South Carolina Baptist Director of Missions, Former South Carolina Bed & Breakfast Association Director, business owner, and my accountability partner)
(Redacted)
- (c) Ms. Judy Wesley (Retired English teacher, Marion County Small Business Award Winner, Community Organizer)
(Redacted)
- (d) Attorney Brian Braddock (Attorney, law firm owner, and former South Carolina Association for Justice Family Law Division Chair)
(Redacted)
- (e) Attorney Richard L. Hinson (Attorney, Former Operating Partner for Turner Padgett's Florence division, National Academy of Distinguished Neutrals [2012 to present])
(Redacted)

These letters were delivered to the Commission on July 21st, 2022.

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

Yes. FaceBook only.

If so, please list the account names for each account and the relevant platform.

Facebook: listings under
(Redacted)

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I would likely close all the accounts. They are mainly used for updating my hours and contact information for my law firm, investigating Guardian ad litem cases and litigants, and then communicating about fundraisers and events for Marion High School athletics and Junior Legion Baseball.

57. 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, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) Marion High School Booster Club (Since 2001. President, Vice President, Treasurer)
- (b) Marion Baptist Church (Since 1986. Deacon, Vice Chairman, and Chairman of Deacons)
- (c) American Legion Baseball (Since 2005. Junior Legion Finance Officer)
- (d) United Service Organizations [USO] (Since 2016. Funding for morale, welfare and recreation-type services to US uniformed military personnel)
- (e) The Gamecock Club (Since 1999. Athletic Booster and Contributor)
- (f) The Ridgecrest Foundation (Since 2021. Funding conference centers and camps for youth leadership, pastor renewal events, and marriage retreats in Black Mountain, North Carolina).
- (g) The Grand Old Post Office Concert Venue, Darlington, SC. (Member since inception. Providing funding to restore and preserve the historic Post Office now used for community arts events).

I am also a regular yearly contributor to the following charities because I strongly believe in their missions: St Jude's Hospital, The Disabled American Veterans, Boys Town, Veterans' of Foreign Wars, and The Cooperative Program through the Baptist Convention with gifts to the Annie Armstrong Easter Offering, The Connie Maxwell Children's Home, and The Lottie Moon Christmas Offering.

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

In the interest of brevity, I believe the questions above and my responses to the JMSC Sworn Statement have thoroughly allowed me to share my life experiences and studies that have culminated in my aspiration to become a Family Court Judge based on the devotion of my daily practice and continuing education requirements to these areas exclusively over the past 18 years. I would ask to incorporate the Sworn Statement mentioned herein by reference and would call attention to my specific answers for questions 1 (my desire to serve), 11 (my charitable pursuits) and 17 (my desire for service to the Bar). I thank the Committee and affiliated decision makers for taking time to explore my candidacy.

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.

Signature: _____

Sworn to before me this ____ day of _____, 2022.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____