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HEARING PROCEEDINGS

November 16, 2022

Judicial Merit Selection Commission

REPORTER: Patricia Bachand

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: SENATOR LUKE A. RANKIN, CHAIRMAN

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REPRESENTATIVE "MICAH" CASKEY, IV, VICE CHAIRMAN

10

SENATOR RONNIE A. SABB

11

SENATOR SCOTT TALLEY

12

REPRESENTATIVE J. TODD RUTHERFORD

13

REPRESENTATIVE WALLACE H. "JAY" JORDAN, JR.

14

HOPE BLACKLEY

15

LUCY GREY MCIVER

16

ANDREW N. SAFRAN

17

J.P. "PETE" STROM

18

ERIN B. CRAWFORD, CHIEF COUNSEL

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DATE: November 16, 2022

21

TIME: 9:30 a.m.

22

LOCATION: Gressette Building, Room 105

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1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE:

PHILIP B. ATKINSON..... 7

- Examination by Mr. Hinson..... 9

- Examination by Senator Talley..... 25

- Examination by Mr. Safran..... 32

- Examination by Ms. McIver..... 35

- Examination by Chairman Rankin..... 41

ALICIA A. RICHARDSON..... 44

- Examination by Ms. Hall..... 47

- Examination by Chairman Rankin..... 58

- Examination by Senator Talley..... 59

- Examination by Mr. Safran..... 62

- Examination by Senator Sabb..... 76

MANDY W. KIMMONS..... 81

- Examination by Ms. Benson..... 83

- Examination by Senator Talley..... 90

- Examination by Chairman Rankin..... 95

MARGIE A. PIZARRO..... 101

- Examination by Ms. Faulk..... 103

- Examination by Representative Rutherford..... 120

STEPHANIE N. LAWRENCE..... 125

- Examination by Ms. Faulk..... 127

THE HONORABLE CRYSTAL ROOKARD..... 139

- Examination by Ms. Baker..... 141

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX (CONTINUED):

PAGE:

RHONDA MEISNER..... 155

THE HONORABLE ROSALYN FRIERSON-SMITH..... 154

- Examination by Ms. Dean..... 180

- Examination by Chairman Rankin..... 183

- Examination by Mr. Strom..... 186

- Examination by Senator Talley..... 189

Commission vote..... 191

Certificate of Reporter..... 196

Word Index

* * * * *

EXHIBIT INDEX

PAGE:

EXHIBITS:

EXHIBIT NO. 1..... 8

- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA
QUESTIONNAIRE OF PHILIP BRYAN ATKINSON

EXHIBIT NO. 2..... 8

- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT
OF PHILIP BRYAN ATKINSON

EXHIBIT NO. 6..... 44

- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA
QUESTIONNAIRE OF ALICIA A. RICHARDSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX (CONTINUED):

EXHIBITS:	PAGE:
EXHIBIT NO. 7.....	44
- AMENDED PERSONAL DATA QUESTIONNAIRE OF ALICIA A. RICHARDSON	
EXHIBIT NO. 8.....	44
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF ALICIA A. RICHARDSON	
EXHIBIT NO. 11.....	81
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF MANDY W. KIMMONS	
EXHIBIT NO. 12.....	81
- AMENDED PERSONAL DATA QUESTIONNAIRE OF MANDY W. KIMMONS	
EXHIBIT NO. 13.....	81
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF MANDY W. KIMMONS	
EXHIBIT NO. 14.....	101
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF MARGIE A. PIZARRO	
EXHIBIT NO. 15.....	101
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF MARGIE A. PIZARRO	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX (CONTINUED):

EXHIBITS:	PAGE:
EXHIBIT NO. 18.....	125
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF STEPHANIE N. LAWRENCE	
EXHIBIT NO. 19.....	125
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF STEPHANIE N. LAWRENCE	
EXHIBIT NO. 20.....	140
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE CRYSTAL ROOKARD	
EXHIBIT NO. 21.....	140
- AMENDED PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE CRYSTAL ROOKARD	
EXHIBIT NO. 22.....	140
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF THE HONORABLE CRYSTAL ROOKARD	
EXHIBIT NO. 23.....	154
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE ROSALYN FRIERSON-SMITH	
EXHIBIT NO. 24.....	154
- AMENDED PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE ROSALYN FRIERSON-SMITH	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX (CONTINUED):

EXHIBITS:	PAGE:
EXHIBIT NO. 25.....	154
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF THE HONORABLE ROSALYN FRIERSON-SMITH	
EXHIBIT NO. 26.....	179
- JUDICIAL MERIT SELECTION COMMISSION WITNESS AFFIDAVIT OF RHONDA R. MEISNER	
EXHIBIT NO. 27.....	179
- JUDICIAL MERIT SELECTION COMMISSION RESPONSE TO THE COMPLAINT FILED BY RHONDA R. MEISNER	

* * * * *

REQUESTED INFORMATION INDEX

(No Information Requested.)

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Court Reporter's Legend:

- dashes [--] Intentional or purposeful interruption
- ... Indicates trailing off
- [sic] Written as said

1 CHAIRMAN RANKIN: On the motion of
2 Representative Jordan, seconded by Ms. Blackley, we're
3 going to go into executive session.

4 (Off the record.)

5 CHAIRMAN RANKIN: We are back on the record.
6 And for the record, during executive session no votes were
7 cast, no decisions were made. We will proceed to the next
8 candidate.

9 Mr. Philip B. Atkinson, welcome, sir. Mr.
10 Atkinson, if you will raise your right hand.

11 WHEREUPON,

12 PHILIP B. ATKINSON, being duly sworn and
13 cautioned to speak the truth, the whole truth and nothing
14 but the truth.

15 CHAIRMAN RANKIN: You have before you, the
16 two documents you've prepared, the PDQ and the sworn
17 statement. Are those ready to be entered into the record?

18 MR. ATKINSON: Mr. Chairman, I believe so.
19 On October 31st, I made some updates to the financial
20 report. And there will be an update to Question No. 44 in
21 the PDQ. But we'll get to that, it just involves some
22 incidental contact with members. And I'd be glad to
23 address that.

24 CHAIRMAN RANKIN: Very good. All right.
25 And no objection to those coming in, right?

1 MR. ATKINSON: No objection at all.

2 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION
3 COMMISSION PERSONAL DATA QUESTIONNAIRE OF PHILIP
4 BRYAN ATKINSON)

5 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION
6 COMMISSION SWORN STATEMENT OF PHILIP BRYAN
7 ATKINSON)

8 CHAIRMAN RANKIN: All right. You're
9 familiar with this process. In our investigation of your
10 qualifications to serve on the bench, we focus on nine
11 evaluative criteria which includes the ballot box survey, a
12 thorough study of your application materials, verification
13 of your compliance with the state ethics lawsuit, a search
14 of newspaper articles in which your name appears. You've
15 never screened before.

16 MR. ATKINSON: That's correct, sir.

17 CHAIRMAN RANKIN: And then last, a check for
18 economic conflicts of interest. No affidavits have been
19 filed in opposition to your election, no witnesses are here
20 to testify. You have the opportunity to make an ever-so-
21 brief opening statement, or if you prefer, to questions
22 right out of the shoot to Mr. Hinson.

23 MR. ATKINSON: I'll be glad to defer, in the
24 interest of time. And I thank you for that courtesy.

25 CHAIRMAN RANKIN: All right. Mr. Hinson?

1 MR. HINSON: Good morning, Mr. Atkinson.

2 MR. ATKINSON: Good morning, sir.

3 MR. HINSON: Please state for the record,
4 the city and circuit in which you reside.

5 MR. ATKINSON: I live in Marion County. And
6 I'm in the 12th Judicial Circuit.

7 MR. HINSON: Mr. Chairman, I note for the
8 record that based on the testimony contained in the
9 candidate's PDQ, which has been included in the record,
10 with the candidate's consent, Mr. Atkinson meets the
11 statutory requirements for this position regarding age,
12 residence, and years of practice.

13 EXAMINATION BY MR. HINSON:

14 **Q. Mr. Atkinson, why do you want to serve as a**
15 **family court judge? And why do you feel that your legal**
16 **and professional experience qualify and will assist you in**
17 **being an effective judge?**

18 A. Members of the committee, after 22 years of
19 serving primarily in the area of family law alone, and
20 honing my skills in that area, I feel I'm prepared to go
21 forward and take on that challenge. I see it as a logical
22 progression in my career.

23 But, you know, as I stood in that lobby a minute
24 ago, I watched two buggies full of children being pushed
25 right down the sidewalk, and I realized that's really why

1 we all do it in family court.

2 Most of the issues always center around children,
3 whether it's me bringing the cases for my last -- for the
4 last 22 years, whether I'm serving as a mediator -- which
5 is one of my favorite functions of serving -- trying to
6 help people settle their disputes before they get to the
7 courtroom, to save those dollars for their children's
8 education -- serving as a guardian ad litem.

9 I've probably been in and out of 800 homes in my
10 time, doing personal home interviews and being boots on the
11 ground for the court, to bring back information that's
12 needed for the judges to make those decisions.

13 And, finally, serving in the area, I began my
14 career on a contract for DJJ in defending juveniles that
15 were in some trouble. And I've now served for the last
16 three years on a DSS contract out of Dillon, helping
17 guardians get the information they need before the judges.

18 So I've served in all five of those areas, and
19 feel well prepared to go forward and assist the state in
20 this endeavor to protect the best interests of children.

21 **Q. Thank you, Mr. Atkinson. Are there any areas of**
22 **the law for which you would need additional preparation in**
23 **order to serve as a family court judge, and how would you**
24 **handle that additional preparation?**

25 **A. As I mentioned, I have served in all five realms.**

1 But it has been a while since I've had a DJJ appointment,
2 and that's something I've already taken the bull by the
3 horns on. I've been studying over the best practice manual
4 that has been put forward by the Children's Law Center,
5 just making sure to brush up on the latest law. But I
6 don't feel too far behind in that.

7 I've done some criminal work in my time, and
8 that's reflected in my PDQ, so that's an area I feel very
9 comfortable with. I just want to make sure I'm on the
10 cutting edge of the latest developments there, and ready to
11 go on day one. That would probably be the area.

12 **Q. Thank you. Mr. Atkinson, please briefly describe**
13 **your experience in handling complex contested family court**
14 **matters. And specifically, discuss your experience with**
15 **the financial aspects of family court work.**

16 A. Glad to do it. Thank you. Again, in the 22
17 years I've been serving -- in the last ten years of
18 mediating cases, I've encountered what I think to be three
19 of the most complex areas in family law today, and that is
20 custody cases with parental alienation overlays, equitable
21 division of assets, especially where quadros are involved
22 to take care of complex retirement accounts, and alimony
23 cases.

24 And so just briefly for our time today, in the
25 custody area I've served as a guardian ad litem. I believe

1 my PDQ reflects about 389 guardian cases over time. And in
2 those 22 years of working guardian cases, I've had the
3 opportunity to work with some experts in the field, like
4 Dr. Allison Foster, when it comes to these parental
5 alienation-type cases.

6 And I see what happens when -- and I've been on
7 the receiving end of this, too, as a guardian, early in my
8 time -- when you don't identify them, what could happen to
9 a child that stays involved in these high-conflict
10 situations. So I feel prepared in that area.

11 I've also mediated many cases, and had a few of
12 my own, in the area of division of business. You know, a
13 lot of times it's not necessarily a corporation in the
14 circuit court we're fighting over; a husband and a wife
15 could own a business together, and it's complex and we need
16 to divide those assets. And then dividing retirement
17 accounts and having experience with quadros.

18 I'm proud to say in the years I've been serving,
19 some people might farm out their quadro work or get a
20 specialist to do that. But I've dug in over time, and I've
21 prepared every quadro that I've ever had in a case. And it
22 takes some thoroughness and preparation, but I feel very
23 comfortable with those.

24 And I've also seen issues, even where I may have
25 been -- at the benefit of having a very good family court

1 judge and say let's leave that record open so if we need to
2 come back to it, just this quadro, we could do that.

3 Because mistakes can be made, simply as to what
4 date we begin counting when the benefits occurred, or what
5 percentage we're using going forward, or what the date of
6 filing of that application was.

7 So finally in the area of alimony, I'm going to
8 brag a little bit on a very good decision, obviously, you
9 guys have made in the past, and that is putting Judge Vance
10 Stricklin on the stand.

11 Judge Stricklin, as an attorney, worked hard and
12 long on a format, kind of a spreadsheet of sorts, of all
13 the cases that deal with alimony in our state, all the
14 amounts that were used and talked about in those cases by
15 the court.

16 And the purpose in that, and to continue with
17 that asset, is to make sure that we're making predictable
18 and fair outcomes for alimony. It's kind of voodoo when
19 you get involved in some these cases, trying to get them
20 settled, with husbands and wives saying, "I'm not quite
21 sure how much that will be. What will the judge do?"

22 And if we had more predictability, we might be
23 able to get even more cases settled, and reduce the burden
24 on the court. And I would be all about doing that and
25 sharing those resources and my knowledge in that area.

1 So I feel ready to begin my work in complex areas
2 of the law based on that experience.

3 **Q. Thank you. Mr. Atkinson, the committee received**
4 **138 ballot box surveys regarding you, with 19 additional**
5 **comments. The ballot box survey, for example, contained**
6 **the following positive comments:**

7 **One stated you would make an excellent judge.**
8 **Another stated you were a very good lawyer and would be a**
9 **fine -- a fine family court judge.**

10 A couple of the written comments expressed
11 concerns, stating you had very strong opinions. How would
12 you respond to that concern?

13 **A. As you mentioned, receiving 138 surveys and**
14 **having a few negative comments, one might be tempted to**
15 **take that lightly. I don't. I look at that as corporate**
16 **America does, you know, if you have four people that**
17 **complain at McDonald's, that's important. That tells you**
18 **there might some people that didn't answer, or didn't have**
19 **the courage to do so.**

20 And I know these are anonymous and -- I own that
21 as far as taking those comments very seriously. What I
22 will say is, in all the work that I do, I probably have
23 doubled the propensity to make enemies in those areas.

24 I do a lot of guardian ad litem work, and so
25 chances are you're going to have one parent with an

1 attorney that feels like somehow their client didn't get a
2 fair shake.

3 I do mediation, sometimes, where people can be
4 quite unreasonable. It's early in the process and -- I
5 don't ever mind switching to an early neutral evaluation
6 and telling them what I think a family court judge might do
7 in those situations. I feel like over time, it's going to
8 save them money, if they can hear it from a neutral party.

9 But again, I take that very seriously that people
10 had shared those concerns. I thank them for sharing those
11 concerns, because it's something I will take a hard look at
12 to ensure that, that is not a problem that prevents us from
13 having justice in a courtroom, if I'm sitting on that
14 bench.

15 **Q. Mr. Atkinson, your PDQ and SLED report indicate**
16 **you have been a party to multiple lawsuits. In 2021, two**
17 **cases were filed; one by Jeffrey Cheek, another by Janie**
18 **Howle. It appears you were named as a defendant because**
19 **you were acting as the personal representative for two**
20 **separate estates. Is that accurate, and can you tell us**
21 **the status of those cases?**

22 A. That's correct. And I believe the one for Cheek
23 has been resolved. One of my attorneys I met with, Kevin
24 Barth, was actually on that one and had me appointed. And
25 they got that case resolved.

1 I think the other for Mrs. McNeill was resolved
2 by a consent order. But I just received an e-mail,
3 yesterday, where they'd like me to also sign a quitclaim
4 deed just to be sure that, that's taken care of. That was
5 a lady, I do some guardian work, 233 days she spent in the
6 hospital, with her family taking money from her. She had
7 no control over that, and she was about to lose her house,
8 and so I was appointed to protect those assets.

9 **Q. That was my next question. But thank you for**
10 **telling me that.**

11 A. Oh, no problem.

12 **Q. It also appears you settled a lawsuit regarding a**
13 **motor vehicle accident in 2009, in which you were the**
14 **plaintiff. Is that accurate?**

15 A. I believe from -- I'm sorry.

16 **Q. That was on your SLED report.**

17 A. Oh, on my SLED report. And you said it was from
18 2009?

19 **Q. That's correct.**

20 A. Okay. And I was a --

21 **Q. It had you as a plaintiff.**

22 A. As the plaintiff? Oh, I am not familiar with
23 that at all. I don't recall being -- I had the pleasure of
24 having my lovely wife here today, Allison, she's a french
25 teacher at West Florence High School. Today is her

1 birthday. I'm honored that she chose to be with me today
2 on this, but -- you know, I know I can't look to her for
3 help on that. But I don't recall being in a -- in an
4 accident in 2009.

5 I have had some problems in the local area of
6 Marion, where I live in a very small town. I am Philip B.
7 Atkinson. There's a Philip A. Atkinson, and oftentimes
8 he'll get some of my calls. And he gets very frustrated
9 about that.

10 And I've had people say, you know, "I called you
11 and you were upset and angry with me," and I said, "That
12 wasn't me, but just please don't call that gentleman
13 again."

14 But I don't recall an accident of that nature.

15 **Q. And that's a fair answer. I think you'd know if**
16 **you'd been in a motor vehicle accident.**

17 **A. Right. Yeah.**

18 **Q. The citizens committee -- I would note that the**
19 **citizens committee found you -- Pee Dee Citizens Committee**
20 **found you qualified in the evaluative area of**
21 **constitutional qualifications -- I'm sorry -- qualified in**
22 **area of constitutional qualifications, physical health and**
23 **mental stability.**

24 **The committee found you well qualified in the**
25 **criteria of ethical fitness, professional and academic**

1 ability, character, reputation, experience and judicial
2 temperament.

3 The Bar committee found you qualified in the
4 constitutional qualifications, physical health and mental
5 stability, and ethical fitness. Found you well qualified
6 in character, professional and academic ability,
7 experience, reputation and judicial temperament.

8 Circling back to the ethical fitness finding, the
9 Bar noted that they have concerns about the candidate's
10 ability to perform the judicial -- perform judicial duties
11 impartially and to act objectively and without bias. How
12 would you respond to that comment?

13 A. Yes. Thank you, Mr. Hinson, for giving me the
14 opportunity to do that. That was something that when I
15 received it, I would have to tell this committee was very
16 shocking to me.

17 And if you don't mind, just to be sure I
18 accurately address that, that's one of the things I made
19 some detailed notes on. 'Cause I wanted to make sure to
20 let you know where my heart was on that.

21 As I reviewed that report, they reported they
22 have concerns, this is their quote, "About candidate's
23 ability to perform judicial duties impartially, and to act
24 objectively without bias."

25 And I want to begin by saying that I have the

1 utmost respect for that panel; they are a jury of my peers.
2 All four of those people in that room are family court
3 attorneys. And if they have concerns, that's something I
4 need to take seriously. I know that you do.

5 These are senior statesmen that know where I'm
6 about to tread, and they're looking to make sure that I
7 don't get into an area that might cause any concern. And
8 I'm glad they raised that. And I'm glad you're giving me a
9 chance to address that.

10 While my ballot box surveys don't reflect that
11 others who know me better in my community raised any of
12 those types of concerns, I take responsibility for not
13 communicating well in that screening that I had.

14 Some of the questions they asked me, which may
15 portray a little bit about where their concerns were
16 centered, I want to share with you, just briefly. Number
17 one, they asked about conflicts I may have being deeply
18 rooted in the small town life of Marion. And I'm sure
19 you've read over my materials and -- you know, born and
20 bred. That's where I am. That's where I planted my roots.

21 I sent my daughter to public school there. I
22 live in a wonderful small neighborhood, I go to a small
23 church there. They had some concerns about that: "How are
24 you going to handle that when these type folks come before
25 you?"

1 And I want to be honest with this committee, that
2 I may have answered one of those questions very flippantly,
3 and it might have caused them concern. I think what I
4 actually said was to the effect of, "Just because I know
5 somebody doesn't mean that would favor them."

6 I meant that to say I wouldn't be partial to
7 someone that I had a background with. But I can understand
8 their concerns, and I should not have answered flippantly
9 in that way.

10 They also asked about how would I handle big egos
11 and unprepared lawyers that may come before me. I can tell
12 you, those four lawyers I met with really pumped me up, to
13 let me know that people had said wonderful things about how
14 nice I was, and what a great guy I am, and what great
15 manners I have. But they were concerned that, you know, I
16 might not be able to deal with those big egos.

17 And I shared a side story about my leadership
18 during the days of COVID, where I was the head deacon at my
19 church and had a lot of people that would, one way or that
20 other, they wanted that issue resolved about were we coming
21 or not.

22 And that caused them some concern when I shared
23 that, because they asked me some additional questions about
24 my faith, and if I felt there was any conflict with
25 upholding the rule of law. And I certainly assured them

1 that, that would not be a problem at all.

2 I have taken an oath as an attorney, not just
3 this job I've applied for, but as an attorney to uphold the
4 Constitution of this United States of America, and the
5 Constitution of the State of South Carolina.

6 I am not a maverick. I will interpret the
7 lawsuit that's given to me by the judiciary, and I will
8 apply the case law that learned minds have come about. If
9 there was every any gray area, that's not for Philip
10 Atkinson to answer.

11 And I know I failed in trying to get those points
12 across to them. I know that's where their concerns lie.
13 And when I assured them there wouldn't be any problem at
14 all -- and concerns, of course, are not examples of
15 testimony or actual, factual information; they're just
16 expressing to you they have concerns. And they're right to
17 have concerns.

18 And so, ultimately, they found me to be qualified
19 in that area. They didn't say I was unqualified. But I
20 appreciate them sharing that. And so it's opened my eyes
21 to say, moving forward, I'll be aware of this concern and
22 I'll take every step I can to prove that I can be
23 impartial, objective and without bias.

24 **Q. Thank you, Mr. Atkinson. I just have a few**
25 **housekeeping questions for you. Are you aware that as a**

1 judicial candidate you are bound by the code of judicial
2 conduct as found in Rule 501 of the South Carolina
3 Appellate Court rules?

4 A. I am.

5 Q. Mr. Atkinson, since submitting your letter of
6 intent have you contacted any members of the committee
7 about your candidacy?

8 A. Not directly. But for full disclosure, as I
9 mentioned earlier, we need to discuss two quick issues if
10 we could. So this summer, I attended the South Carolina
11 Association of Justice meeting. And one of the first
12 persons to warmly greet me in the hallway, as I was
13 standing alongside Judge Brogdon and Doug Jennings, was
14 Representative Rutherford.

15 I can't recall at the time, if I had a tag on,
16 marking who I was, but I don't think it occurs to everybody
17 that I had a positive experience with that weekend. And he
18 was certainly the first to make me feel very welcome.

19 So the day I was to mail those cards, Judge
20 Vinson actually stopped by office. His wife, Flo Vinson,
21 who's now a federal judge, worked in my office for years,
22 and she still receives pickup packages there. Judge Vinson
23 said, "Well, that's all well and fine. But you know you
24 can't have any contact with the committee whatsoever."

25 And at that juncture, wow, it had already been

1 mailed. So I ran to the post office as fast as I could.
2 Seven o'clock at night, I'm beating on the door, trying to
3 get someone to let me in. No one. No luck.

4 And I made a frenzied call to Erin Crawford. And
5 bless her heart for calling me back, immediately, and
6 saying, "Mr. Atkinson, that was dumb. But thank you for
7 your honesty. We'll take care of that and we'll remove
8 that card from the mail."

9 And that really -- it helped me have a better
10 weekend. So I apologize to Representative Rutherford for
11 any questions this may have raised.

12 And then I'd like to compliment the chairman as
13 well. At the same time, a well-meaning friend tried to
14 introduce me to Senator Rankin on a loud, crowded dance
15 floor. And I want to go -- I want to go ahead and assure
16 you, first off, Senator Rankin and I were not dancing. We
17 just happened to be on a loud, crowded dance floor. It was
18 pretty hot.

19 And Senator Rankin was so polite -- the air
20 conditioner was out at the place, I should add -- and he
21 was so polite, and indicated I should go to the other side
22 of the hall, just so there would be no questions about the
23 sanctity of this process.

24 And I appreciate him doing that. And I thank him.

25 CHAIRMAN RANKIN: I never forgot it.

1 A. Other than that, I've had no prior contact with
2 Representative Jordan, other than meeting him on the
3 sidewalk the other day, to make sure he knew the Carolina
4 game had been moved to Thursday, I recall when that
5 happened, for the weather. So I just wanted to give full
6 disclosure in that category.

7 CHAIRMAN RANKIN: Can you speak to my
8 ability to dance?

9 MR. ATKINSON: I just indicated we were not
10 dancing at the time, sir. That's for sure.

11 CHAIRMAN RANKIN: And even if I was, it
12 would not be described as dancing, certainly.

13 MR. ATKINSON: Same for me, sir. Same for
14 me.

15 BY MR. HINSON:

16 **Q. Are you familiar with Section 2-19-70, including**
17 **the limitations on contacting members of the General**
18 **Assembly regarding your screening?**

19 A. I am, sir.

20 **Q. Since submitting your letter of intent have you**
21 **sought or received the pledge of any legislator, either**
22 **prior to this date, or pending the outcome of your**
23 **screening?**

24 A. I have not, sir.

25 **Q. Have you asked any third parties to contact**

1 members of the General Assembly on your behalf, or are you
2 aware of anyone attempting to intervene in this process on
3 your behalf?

4 A. I have not, sir. And I'm not aware of anyone
5 attempting.

6 Q. And have you reviewed and do you understand the
7 commission's guidelines on pledging in South Carolina Code
8 2-19-70(e)?

9 A. Yes, sir. I have them here.

10 MR. HINSON: Mr. Chairman, I would note for
11 the record that any concerns raised during the
12 investigation regarding the candidate were incorporated
13 into the questioning today. And with that, I have no
14 further questions.

15 CHAIRMAN RANKIN: Okay. Senator Talley.

16 EXAMINATION BY SENATOR TALLEY:

17 Q. Good morning, Mr. Atkinson.

18 A. Good morning.

19 Q. Thank you for being with us. I enjoyed your
20 comments. You piqued my interest on a couple things, and
21 one was this possible uniformity -- my word, not yours --
22 of alimony.

23 A. Yes, sir.

24 Q. That's obviously something that the court
25 practitioners struggle with, as you stated and -- it has

1 become something that troubles a lot of otherwise good,
2 potential resolutions to family court cases.

3 So obviously, we're not here to talk about
4 specific facts that you may encounter down the road. But
5 expand on that, if you don't mind, a little bit.

6 What do you see in the -- and I use the word
7 "predictability" -- what do you see in that realm as far as
8 those type financial matters that you might hear?

9 A. Yes, sir. That's a great question, Senator
10 Talley. Thank you for asking that. My challenge has been
11 as a mediator, usually those processes discovery is not
12 quite complete as it should be, as contemplated by family
13 court judges when they first indicate that.

14 If I were to be so honored to take the bench, I
15 would work with my lawyers to make sure they had enough
16 time to develop all of those facts and circumstances before
17 we had the parties spending money at a mediation where they
18 can't seem to come to a resolution, or maybe one party
19 might feel like they're being forced or coerced, just in a
20 cost-saving analysis, when they don't have all the facts
21 before them.

22 The case law certainly is varied. And I
23 appreciate Judge Stricklin's attempts to get that together
24 for us to take a look. Some is outdated and you certainly
25 have to use some economic charts sometimes to update and

1 try to figure out, you know, what was \$60,000 in 1982
2 versus what that would be by today's standards. That's a
3 challenge that faces us when we're interpreting the case
4 law.

5 I've had former speaker Jay Lucas in my office
6 before, and Jay taught me the Two Pony Rule. He said, you
7 know, "Sometimes just because Daddy can afford two ponies
8 doesn't mean his daughter can ride two ponies." And that's
9 a challenge as well.

10 And so going forward, I think one of the things I
11 talked about is just enjoying being apart of CLEs,
12 information exchanges, working with lawyer groups for best
13 interest practices.

14 I love those best practice manuals. And I would
15 be committed to move forward, to try to find a way to get
16 more uniformity to help these couples get these cases
17 settled at mediation. I would pledge to that.

18 Thank you, Senator Talley, for your question.

19 **Q. And just one other followup. You mentioned about**
20 **the conversations with members of the local Bar and -- and**
21 **I know in Spartanburg County, we see it some -- but**
22 **Cherokee County is in our circuit, and when we have a new**
23 **family court judge come to that area -- I mean, there's**
24 **just a lot of inherent conflicts of interest from having**
25 **represented people in that town. There's not as many human**

1 resources; you're part of the DSS family court web as well.

2 So from the standpoint of where you are, and the
3 people that may come in that you've mediated, or been
4 guardian or represented, do you feel like there's
5 sufficient court resources to be able to address that? Is
6 it going to be a big issue? I mean, I know there's no way
7 to know what's going to walk into this courtroom next year,
8 but how do you plan to address that?

9 A. No, sir, I don't believe that will be a big
10 issue. And I've got a couple of helping factors in that
11 category. I've been honored to work, for more than 19
12 years, for Carl Folkens. As organized as he is with the
13 technology we have used throughout my time with him -- and
14 I've actually done this recently for Judge Holly Wall -- to
15 be able to put all of that onto a jump drive, and quickly
16 and easily search all the people that we have represented,
17 be it someone -- two parents in a guardian case, or a
18 former client you may have forgotten about, sadly, twenty
19 years ago. I have those resources before me and am able to
20 use those.

21 The other great resource is just the judges in
22 our area. I'm sure it's the same all around, but I just
23 could not more highly brag on the Marion and Florence
24 County bars for how those judges work together in the 12th
25 Judicial Circuit, to hand off cases.

1 I think one of the things that made the committee
2 a little bit nervous about my answers when it came to being
3 fair and impartial, is I was trying to explain emergency
4 provisions that happened whether sometimes you're the only
5 judge available on a Friday, and for the protection of a
6 child you may have to rule on that, and then quickly move
7 to get off of the case and have another judge appointed.

8 These are friends and colleagues that I could
9 call on their kitchen phones, and say, "Hey, I've got
10 something going on. Let's work on this and let's protect
11 this child."

12 So I'm blessed to not really see that as being
13 much of an issue at all. But I thank you for raising that,
14 because I think that's one of the things that committee was
15 concerned about.

16 **Q. Obviously, you're going through this process --**
17 **is this your first time?**

18 A. It is. Yes, it is.

19 **Q. So, you know, it's our job to vet thing that come**
20 **before us. Obviously, there are other groups that ask**
21 **questions and look at things and provide us information.**
22 **But we also try to give any candidate that comes, the**
23 **opportunity to address things that may have been presented**
24 **to us.**

25 So expand, if you will -- it seems -- it seems

1 that there were concerns about your -- and these are my
2 words.

3 A. Yes, sir.

4 Q. Your desire or willingness to handle certain type
5 of cases that may come before the family court. So what
6 would you say to that? Are there -- are there cases that
7 may be presented to a family court judge, that you would
8 recuse yourself, just based on the substance of the
9 allegations or the facts that a case may present?

10 A. Well, if I think I'm understanding your question
11 correctly, of course if any of the parties or the subject
12 matter ever bore any type of inference that there would be
13 some conflict of interest, or it wouldn't be proper for me
14 to partake of that, then I would certainly have to recuse
15 myself.

16 The canons also apply that, if I don't believe it
17 to be an overwhelming conflict, but I still have to
18 acknowledge that to the lawyers in the room, and allow them
19 to make an educated decision after talking with their
20 clients and if they make such a motion, I would recuse
21 myself.

22 I believe the only thing I was talking about in
23 the materials would be maybe an emergency placement motion
24 for a child. Maybe that committee's concern might be that
25 they happened to be, you know, church members, or their

1 kids are on the football team where I announce the football
2 games on a Friday night.

3 And I would just have to make that initial
4 decision as to what's done on an emergency basis, before
5 taking myself off of the case. And maybe that gave them
6 concern, not understanding that from the canon.

7 But that's what I was talking of. Did that
8 answer your question? I wanted to make sure I answered
9 your question.

10 Q. No, sir, it didn't.

11 A. Okay.

12 Q. With all due respect. And I understand what
13 you're saying. And, obviously, that goes back to what I
14 asked you before, you know, people that may present to your
15 courtroom, that obviously are going to have conflicts.

16 But are there any areas of family court that you
17 may be asked to rule upon, be it divorce, be it social
18 issues that are facing the country now, that you would
19 recuse yourself based on the facts of the case.

20 A. Oh, no, sir. No, sir. I would enforce the law
21 of the State of South Carolina. And if there was any gray
22 area that anyone wanted to argue there, I would look to our
23 case law to interpret that.

24 I am no maverick, but I would certainly do my
25 duty to take care of those issues, and to perform. So,

1 yes, sir. Thank you.

2 REPRESENTATIVE CASKEY: Mr. Safran.

3 EXAMINATION BY MR. SAFRAN:

4 Q. Thank you. Just a couple of quick questions.
5 How much of your -- just let's go back three years.

6 A. Yes, sir.

7 Q. How much of your practice is devoted towards the
8 GAL versus the actual representing somebody as an advocate
9 for one of the parties?

10 A. Oh, yes, sir. I would say it's about 50/50 over
11 the last three years. And it's interesting you ask about
12 the last three years, because that's when a change was made
13 from the Folkens Law, P.A., to Mr. Folkens going to more of
14 a mediation setup.

15 And so I was encouraged, "You're welcome to stay
16 here, but you're going to have to hang out your own
17 shingle, open your own law firm."

18 And so I was able to -- the guardian work helped
19 a lot, initially. Because that transition took place, May
20 1st, 2019, with an e-mail that, "This firm is now
21 dissolving, and your services will no longer be needed
22 here."

23 Everyone received one. But it was quite a
24 challenge, within thirty days, to get all of that done.
25 But that's a --

1 Q. And I could certainly understand that. And I
2 also recognize that you -- you practice still -- even if
3 you get into some of the other areas like Florence and all,
4 I mean, it's still a small and more -- I guess it's a small
5 town type of atmosphere --

6 A. Yes, sir.

7 Q. -- in that, you know, you take what comes in.
8 Now, I know you focus basically on family court. Are you
9 doing anything beyond that at this point?

10 A. I would say only about ten percent of what I now
11 do over the last three years, to keep it in that realm,
12 would be wills, maybe a criminal case or two, here or
13 there.

14 I really have devoted myself to that family law
15 area. It's just what I wanted to do, and feel that I'm not
16 only skilled in, but enjoy doing and enjoy helping people.

17 And you're right, it being a small town, a lot of
18 times -- the guardian work comes in because I might be even
19 one of the few of us that do guardian work, that didn't
20 have a conflict with that family.

21 Q. And I guess -- and, you know, I'm not asking
22 necessarily for details. But have you -- I guess when that
23 happened, have you had to basically kind of dig a little
24 bit deeper, I guess, to kind of get yourself a flow in
25 terms of work-wise, really since, you know, you're more or

1 less kind of put out there on your own?

2 A. Oh, yes, sir. By all means.

3 Q. Okay. All right. And I guess what I think was -
4 - Senator Talley was trying to ask you is this: We all come
5 into whatever situation we are, whether we're judges,
6 lawyers, whatever, with certain beliefs that we have.

7 And I don't think there's any question, you know,
8 that at least from what I'm gleaning, you're very active in
9 your church. You know, you're somebody that, you know,
10 believes his God. And I think that is not something that
11 anybody should be embarrassed about. That's something that
12 you should be proud of, okay?

13 A. Yes, sir.

14 Q. And I think the point is, is that -- you know,
15 sometimes there are things that happen, socially, that may
16 be different from what folks may believe in terms of just
17 their faith, okay? I'm hearing from you, that even though
18 that might occur, law is law --

19 A. That is correct, sir.

20 Q. -- and that whatever you may end up doing, you're
21 going to follow the law. And it may not be something that
22 is always in line with your personal belief. But if you're
23 going to take the bench, you're going to take the oath,
24 you're basically -- you're going to follow the law and
25 you're going to administer it based on what's in the books

1 and what's been decided.

2 A. I will do that, sir.

3 Q. All right.

4 A. And thank you for allowing me to clarify.

5 CHAIRMAN RANKIN: Lucy Grey.

6 MS. MCIVER: Thank you, Mr. Chairman.

7 EXAMINATION BY MS. MCIVER:

8 Q. Mr. Atkinson, you mentioned that you had worked
9 with Carl Folkens. And, certainly, many of us here have
10 experiences with him as a mediator, and have seen the
11 results that he's gotten.

12 He says in his letter, which is highly
13 complimentary of you, that you've gone to great lengths, in
14 cases where you're a guardian ad litem, to travel not only
15 to people's homes, locally, and in your county, but also he
16 mentions you going to Canada at one point, I think.

17 I think it's worth mentioning he said,
18 "As a mediator who focuses on resolution of family court
19 matters, Philip has handled over 400 mediations with an
20 impression resolution rate. Some call him the custody
21 whisperer, for his ability to connect with parents and help
22 them understand the greater importance of working matters
23 out with the other parent, rather than participating in
24 protracted, costly litigation."

25 So that is certainly high praise coming from

1 someone who I would consider to be not only a custody
2 whisperer, but a mediation and settlement whisper in Carl
3 Folkens.

4 I thought it was interesting that one thing he
5 pointed out was, that the only criticism he had heard from
6 litigators about you, was the thoroughness of your guardian
7 ad litem reports, because they took too long to read.

8 A. Right.

9 Q. And so, certainly, I don't -- I don't practice in
10 family law. I have in the past. I'm familiar with these
11 terms and with the reports, and how important they are to
12 the resolution of the case. But it did make me think about
13 what your obligations would be as a family court judge.

14 And so one of the issues that's come before us
15 with regard to family court judges, family court
16 practitioners, we hear that these temporary hearings are
17 very difficult to get. And that a lot of times lawyers may
18 sign up for the first one they can get, because the
19 children desperately need to know where to go, the husband
20 and wife need to know who's paying what bills and that kind
21 of thing.

22 A. Right.

23 Q. And so they say we're going to get a 15-minute
24 hearing in two weeks, rather than wait four months to get a
25 30-minute hearing. How would you handle, if you had a day

1 full of 15-minute hearings, and some of them were involved
2 in custody cases, some of them were involving use of the
3 home and that type of thing, when you just didn't have that
4 kind of time on your docket?

5 A. Excellent question. Thank you. The first thing
6 is the work goes in over the weekends, and the fine family
7 court judges that I've seen model that. And that's just
8 when it happens.

9 When Judge Pogue is up there on a Saturday, or
10 even Sunday before he departs and prints out his Sunday
11 school lesson, I've had text messages with him. That's
12 what I'm doing. I'm getting ready for Monday, 'cause I've
13 got eight cases. My wife's aware of that and she knows the
14 time that it's taken.

15 As Mr. Safran points out, just getting a law firm
16 up and running on a moment's notice, over the last three
17 years. We're in an excellent place in our marriage. We
18 take time once a year to get away for a marriage retreat so
19 that we, you know, kind of reaffirm that love for each
20 other. But we support each other in our careers and do
21 that.

22 So the work would go in on a weekend. I would
23 prepare toward that. It's just what's necessary for those
24 children, to read up on all the affidavits and be ready.
25 Now, certainly, a 60-page guardian report, like they pick

1 at me a little bit, wouldn't be at a temporary hearing.

2 There have been some longer ones that I do on
3 final hearings, but if asked I was going to address that,
4 that I feel like one of the strengths I have as a guardian,
5 to be thorough could be one of my weaknesses as a judge.
6 And I would have to work on that.

7 I need to marry my thoroughness with being a
8 little bit -- have some more brevity and some more
9 efficiency. And I hope if I was ever honored to achieve
10 that position, and was back before you for anything, that
11 would be a question we would be talking about: "How are you
12 doing on that, Mr. Atkinson? How do you feel that's
13 going?"

14 Because the one thing I sure don't want, no
15 matter who serves in that position, is to mess up the track
16 record we have in the 12th Judicial Circuit.

17 We almost don't even need an A and B docket, it's
18 so well managed. And Judge Pogue, he gets a lot of the
19 credit for that. These are big shoes I'm asking to step
20 into.

21 **Q. In addition to preparing on the weekends, if**
22 **you've got two lawyers in the courtroom that are there with**
23 **their clients, would you give them the opportunity to argue**
24 **with just a 15-minute hearing?**

25 A. I mean, I'll pause and answer that question to

1 say -- and I'll get back to that -- and just say one thing
2 that I would -- I've often seen employed, and I think it's
3 very effective, is to move past that hearing if someone
4 else is ready and available, and ask those lawyers to go
5 talk.

6 Nine times out of ten, they get to the courthouse
7 and they've not even talked about it. That is one of the
8 things that is just plaguing us the most is this lack of
9 collegiality amongst our colleagues that we don't, you
10 know, pick up the phone anymore and call each other and
11 just say, "Is there any way -- you know, we can maybe argue
12 about what the pickup point is, but is there any way we
13 could just agree that on Tuesdays, the child's going to go
14 to dance class?"

15 We need to do that. So that would be one
16 technique I would use.

17 And I have gone to other circuits, and Mr. Talley
18 pointed out, where that might be kind of more of their
19 local rule -- their lawyers are accustomed to doing that --
20 Judge, we've got, you know, 20-page affidavits for you,
21 with about forty attachments.

22 And that's the way it gets a little out of hand.
23 because we might say you're limited to eight pages, but you
24 can have as many pages of attachments as you want.

25 And I might allow those lawyers -- I'll say if

1 you want to make a brief argument, and I'll just have to
2 table this, but I assure each of you litigants, I will
3 review all of this before I leave this office today, and I
4 will fax a decision to your attorneys and ask them to help
5 me prepare an order.

6 That's an excellent question. I would allow that
7 in certain cases, especially where it seems to be more of
8 the local rules. I'm familiar with that in some places.

9 **Q. Thank you for your responses. And Happy Birthday**
10 **to your wife.**

11 MS. MCIVER: I hope you have a better party
12 planned later.

13 MS. ATKINSON: Thank you.

14 CHAIRMAN RANKIN: And for the record, I did
15 not allow you to introduce her, formally. So if you will,
16 please.

17 MR. ATKINSON: May it please the commission.
18 Al, if you'd stand just a moment. This is my wife, Allison
19 Atkinson. I am so proud of her. She is a graduate of
20 Columbia College. She is a french teacher at West Florence
21 High School. And today is her birthday. We've been
22 married for 24 years, and we're going to celebrate 25
23 really soon. We're excited about that. I think she's --
24 she surprised me, yesterday, with we're going on a cruise
25 in February. So I thank her for coming today.

1 CHAIRMAN RANKIN: All right. We need to
2 discuss something, and so we'll need to go into executive
3 session. On motion of Ms. Blackley, and seconded by
4 Senator Talley, we're going to go into executive session.

5 (Off the record.)

6 CHAIRMAN RANKIN: We are back on the record.
7 And for the record, during executive session no decisions
8 were made and no votes were cast. All right. Further
9 questions of Mr. Atkinson?

10 MR. STROM: Mr. Chairman, this is not a
11 question, just a comment. Having a letter of
12 recommendation from Carl Folkens, and a letter of
13 recommendation from Bryan Braddock, that tells me an awful
14 lot. Those are two great lawyers and great people, and all
15 of us know them. So I'm glad you had an opportunity, and
16 I'm looking forward to seeing you on the bench.

17 MR. ATKINSON: Thank you, sir.

18 EXAMINATION BY CHAIRMAN RANKIN:

19 **Q. All right. Carl Folkens has written --**
20 **obviously, Mr. Strom has just alluded to a great letter on**
21 **your behalf. You practiced with him?**

22 A. Yes, sir. All the way -- all the way back to the
23 days of Folkens and Jernigan.

24 **Q. And I remember seeing you in --**

25 A. Yes, sir.

1 CHAIRMAN RANKIN: Mr. Atkinson, that will
2 conclude this portion of your screening. And as you know,
3 as a student of this process now, we take very seriously
4 both the letter and the spirit of the ethics laws, and any
5 violation or appearance thereof by you would be considered
6 very serious and deserving of heavy weight in our
7 deliberations.

8 To that end, I need you to affirm that you
9 are aware that we could call you back for questions in that
10 unlikely event, correct?

11 MR. ATKINSON: Yes, sir. I affirm.

12 CHAIRMAN RANKIN: And as you know, further,
13 the record is not closed until the formal release of the
14 record of qualifications. And so, again, we could see you
15 again. And we pray we don't.

16 MR. ATKINSON: Yes, sir.

17 CHAIRMAN RANKIN: All right. Ma'am, thank
18 you. And nice meeting you, too, formally.

19 MR. ATKINSON: Thank you.

20 (Candidate excused.)

21 CHAIRMAN RANKIN: Under motion of
22 Representative Jordan, and seconded by Mr. Strom, we are in
23 executive session.

24 (Off the record.)

25 CHAIRMAN RANKIN: If you will raise your

1 right hand.

2 WHEREUPON,

3 ALICIA A. RICHARDSON, being duly sworn and
4 cautioned to speak the truth, the whole truth and nothing
5 but the truth.

6 CHAIRMAN RANKIN: You have prepared a
7 personal data questionnaire and a sworn statement. Are
8 those ready to be entered into the record?

9 MS. RICHARDSON: They are.

10 CHAIRMAN RANKIN: And hand those to Lindi,
11 if you will. They will be included without objection.

12 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION
13 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ALICIA
14 A. RICHARDSON)

15 (EXHIBIT NO. 7 - AMENDED PERSONAL DATA
16 QUESTIONNAIRE OF ALICIA A. RICHARDSON)

17 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION
18 COMMISSION SWORN STATEMENT OF ALICIA A.
19 RICHARDSON)

20 CHAIRMAN RANKIN: You have some folks with
21 you today.

22 MS. RICHARDSON: I do.

23 CHAIRMAN RANKIN: Tell us who they are.

24 MS. RICHARDSON: My husband, Charles. And
25 my three children: Walt, Grace, and Reagan.

1 CHAIRMAN RANKIN: All right. Do those again
2 into the mic. Look at us and tell us so I can hear it.

3 MS. RICHARDSON: Sorry. My husband,
4 Charles.

5 CHAIRMAN RANKIN: I got him.

6 MS. RICHARDSON: And my three children:
7 Reagan, Walt, and Grace.

8 CHAIRMAN RANKIN: Walt. I didn't get Walt's
9 name. All right. Good deal. Welcome, guys. Thank you
10 all for being here. You all can have a seat or leave, if
11 you'd like.

12 MS. RICHARDSON: I know. They have to stay.

13 CHAIRMAN RANKIN: All right. You have not
14 screened before --

15 MS. RICHARDSON: No.

16 CHAIRMAN RANKIN: -- is that correct?

17 MS. RICHARDSON: This is --

18 CHAIRMAN RANKIN: So this process includes
19 our investigation of your candidacy and qualifications for
20 this position. We focus on nine evaluative criteria, which
21 includes a ballot box survey, a thorough study of your
22 application materials, verification of your compliance with
23 the state ethics laws, a search of newspaper articles in
24 which your name appears, and a check for economic conflicts
25 of interest.

1 We've received no affidavits filed in
2 opposition to your election. No witnesses are present to
3 testify. You have the opportunity to make an ever-so-brief
4 opening statement. But you don't have to, and Ms. Hall can
5 start with questions.

6 But again if you'd like to say anything at
7 the outset, you will have the opportunity at the very end,
8 if you'd like to make a statement.

9 MS. RICHARDSON: Just briefly. Good
10 afternoon. I'm honored to be here and thankful to have my
11 family here with me. I want the commission to know that
12 this was not a decision that I took lightly to file for
13 family court. I actually struggled with it, initially.
14 But I'm confident that I possess the qualities necessary,
15 and will do my very best if chosen to be a family court
16 judge.

17 CHAIRMAN RANKIN: All right. Ms. Hall.

18 MS. HALL: Ms. Richardson, please state for
19 the record, the city and circuit where you reside.

20 MS. RICHARDSON: Britton's Neck, South
21 Carolina. And it's in the 12th Judicial Circuit, in Marion
22 County.

23 MS. HALL: Thank you. Mr. Chairman, I note
24 for the record that based on the testimony contained in the
25 candidate's PDQ, which has been included in the record,

1 with the candidate's consent, Alicia Richardson meets the
2 statutory requirements for this position regarding age,
3 residence, and years of practice.

4 EXAMINATION BY MS. HALL:

5 **Q. Ms. Richardson, why do you want to serve as a**
6 **family court judge? And why do you feel that your legal**
7 **and professional experience qualify and will assist you in**
8 **being an effective judge?**

9 A. Family court was my first love with the law. In
10 law school, I took family law practice where I actually
11 interned with a family court attorney. I did the juvenile
12 law clinic, where I was able in law school to represent a
13 juvenile in Richland County court, and took what family
14 court courses I could. I actually set a goal for myself,
15 to my the highest grade in my family court class. And I
16 did. And I pursued that when I got out of law school.

17 I spent the first 17 years of my career primarily
18 in family court, first of all, in private practice in
19 Marion County, where I handled domestic cases. I was also
20 the juvenile public defender. I was appointed regularly in
21 DSS matters.

22 And then after I had two children in two years,
23 running a business became a little difficult. And that's
24 when I went to the solicitor's office in Horry County, and
25 prosecuted juvenile cases there for 12 years, before going

1 into general sessions and then moving to Georgetown County
2 to be the deputy solicitor, once Jimmy Richardson was
3 elected solicitor. We are not related, but did go to high
4 school together. And I've been deputy solicitor since
5 then.

6 But I do feel that I've had a variety of
7 experiences, both life experiences and legal experiences,
8 that qualify me for this. First of all, my parents were
9 foster parents for years. And that gave me a unique
10 perspective into the DSS realm, and the importance of, you
11 know, accurate, quick decisions regarding children who are
12 in limbo in the foster system, and families that have
13 suffered those sorts of issues.

14 And that's always been a specific passion of
15 mine, just because we lived it and saw those children and
16 what they went through, and saw some successes in
17 reunification, and then, unfortunately, saw the cycle
18 continue with other families.

19 My younger brother was adopted -- he was adopted
20 out of the foster system as well, so I've had those
21 personal experiences.

22 And as far as legal experiences, I did domestic
23 work, like I said, for the first five years. I was
24 guardian ad litem in a lot of cases, and handled, I
25 estimate over 200, domestic actions in those -- in those

1 five years.

2 I have a specific passion, obviously, for
3 juvenile work, and did that for 12 years before going into
4 general sessions. I have been in general sessions for the
5 solicitor's office for the past ten years.

6 But I feel like the more -- a variety of
7 experiences come together to make you a better attorney,
8 and to help you understand more of the circumstances that
9 are before you in different cases.

10 I believe that all things work together for good.
11 And those experiences make me who I am and help me now. My
12 family court experience makes me a better general sessions
13 attorney.

14 I understand the juvenile court system, actually,
15 the family court system, and I believe that the experience
16 I've had in general sessions would only strengthen me on
17 the family court bench.

18 Obviously, a lot of situations -- domestic
19 situations, domestic violence is something that I'm very
20 familiar with. I've prosecuted, met with victims and --
21 obviously, that is a big issue that can be in family court.

22 The amount of drug abuse that we see, and the
23 increasing issues with drug abuse and addiction in our
24 community and the opioid crisis that we've had, effect all
25 areas. They particularly -- they lead to an increase in

1 crime, but they also affect families. And that is an
2 experience that I've gained in general sessions as well.

3 So I think all of that works together and gives
4 me just a different perspective and a variety of experience
5 that would strengthen me as a candidate for the family
6 court bench.

7 Additionally, with the recent change in the law
8 regarding termination of sex offender registry, we have
9 already had a filing in Georgetown County. I am familiar
10 with that statute.

11 And like I said, we already have one that is
12 being processed, and that is going to be a issue that's
13 going to be coming up with family court judges, that
14 they're going to have to address the issues of whether or
15 not an offender who was placed on the registry -- sex
16 offender registry as a juvenile, should be removed.

17 **Q. Ms. Richardson, are there any areas of the law**
18 **for which you would need additional preparation in order to**
19 **serve as a family court judge, and how would you handle**
20 **that additional preparation?**

21 A. I've already begun with that preparation. Like I
22 said, I did domestic work, divorces, contested, uncontested
23 guardian ad litem work. I even mediated some cases, but
24 that has been some time ago.

25 I've already attended two family court CLEs.

1 I've been observing some family court cases. And I have
2 recently taken on a juvenile prosecution in Georgetown
3 County, for a violent crime.

4 I've been reading law, reading the advance
5 sheets. I've read all of Title 20 and 63, and actually
6 learned a few things. And so I've been more academic as
7 far as that is concerned. But that is an area that I have
8 already begun brushing up on.

9 **Q. Thank you. And, Ms. Richardson, please briefly**
10 **describe your experience in handling complex contested**
11 **family court matters. And, specifically, discuss your**
12 **experience with the financial aspect of family court work.**

13 A. When I was in private practice for five years, I
14 did have some fairly complex issues. I prepared qualified
15 domestic relations orders and that sort of thing.
16 Obviously, any contested matter of a significant amount,
17 I'm sure the parties would rely, and I would rely, on
18 expert testimony in that regard.

19 **Q. The commission received 247 ballot box surveys**
20 **regarding you, with 43 additional comments. The ballot box**
21 **survey, for example, contained the following positive**
22 **comments:**

23 "Alicia possesses all the qualities that will
24 make a fantastic family court judge. She has a strong
25 understanding of the law and the court system. She is

1 intelligent and has a great temperament. She would be
2 open-minded, fair, and always professional. She is a
3 unicorn, so to speak, as an attorney. She has found her
4 balance, which is extremely rare, where she knows the law,
5 most of the time better than those she appears before, but
6 doesn't wield that knowledge without temperance. She is
7 well respected and well liked. She is honest and ethical.
8 She never walks a shady line, and she would be an amazing
9 judge."

10 Eight of the written comments expressed concerns.
11 Most of these comments indicated that you have been out of
12 family court for several years, and expressed concern with
13 your lack of recent experience. You kind of touched on
14 this before, but what response would you offer to this
15 concern?

16 A. And that was initially one of my -- one thing
17 that made me hesitate for file for family court, because I
18 have been primarily in general sessions for the past ten
19 years. But I spent the first 17 years of my career in
20 family court. And when I was with the solicitor's office,
21 I was in family court every week, twice a week, unless it
22 was vacation or chambers or maternity leave once, for 12
23 years.

24 I have been out of the domestic realm for a
25 while. I've already taken steps to address that and to

1 refresh myself on the law. But I'm a travel attorney, I
2 have tried complex cases in general sessions.

3 I have tried cases in family court. I'm a trial
4 attorney. I understand the rules of evidence and how a
5 case should proceed. And I think that is something that
6 would really benefit me on the bench, just having that
7 trial experience.

8 And I'll tell you this: When I went into general
9 sessions court, and became deputy solicitor in Georgetown
10 County, I had one year of experience in general sessions.
11 One year. I was hesitant to do that, but I did. And I've
12 learned.

13 And I put my all into everything I do. And, you
14 know, it was a learning process. But I feel like, you
15 know, when you've had a successful -- especially since
16 COVID, we have caught up. And I feel like, you know, the
17 way things are running in Georgetown County has been
18 successful. And I have learned a lot from that.

19 Also, I believe a lot of times people go into
20 things like this -- and particularly judges -- and don't
21 realize sometimes that you have to learn from others around
22 you. You can't -- I mean, obviously, you have to make the
23 decision, but sometimes you may not know things. You need
24 to research. You need to listen. The attorneys hand you
25 up case law, and you always need to follow the law.

1 I've always been very academic. I read the law,
2 research. And I think that's always your starting point.
3 And every time -- every time I re-read the rules of
4 evidence or I re-read the statute, I learn something or see
5 a nuance that I didn't see before.

6 Q. Thank you. Ms. Richardson, you indicated on your
7 application, that you've been named in about seven
8 lawsuits.

9 A. Yes.

10 Q. Two of those were because of your position as a
11 prosecutor: Jennings v. Richardson, and Cole v. White.

12 A. Right.

13 Q. Both of these were dismissed; is that correct?

14 A. That's correct. And, honestly, I didn't even
15 know about the Cole v. White. Those were federal court
16 cases. I didn't even know about that until I did a search
17 for myself. I was never served with those.

18 Q. Two additional suits were with Apex Bank, and
19 both of those were dismissed as well; is that correct?

20 A. That's correct. And that's been fully satisfied.

21 Q. In 2002, you were also named as a party in
22 Cendant Mortgage Corporation v. Marvenis Wilson. Can you
23 explain that one?

24 A. I don't have copies of any of that, but I believe
25 that was one of the parties maybe had an order to pay me

1 fees or something of that sort. And that's why I was named
2 as the defendant.

3 **Q. You were also involved in a suit with South**
4 **Carolina DHEC and Britton's Neck Community Association.**
5 **Can you explain that one?**

6 A. Yes. You know, our community -- we -- we had a
7 construction and demolition landfill, we already had one.
8 We had a second one that was being brought to our
9 community, and I led the fight in our community to try to
10 fight the landfill and keep it from being permitted.

11 I actually worked together with numerous members
12 of our community to do that. We were unsuccessful. We
13 filed an appeal and lost the appeal. But since then the
14 landfill actually never really came to fruition, and has
15 been closed.

16 **Q. And, lastly, in 2015 a suit was filed as a result**
17 **of a foreclosure action by Anderson Brothers Bank. Can you**
18 **please explain the nature and disposition of this lawsuit?**

19 A. That was in 2015. That was at the time my mother
20 was on hospice, and subsequently passed away. I just moved
21 in with my parents for a little while to help take care of
22 her. That was satisfied shortly and was all cleared up.
23 But, basically, it was just because I was -- I'm dealing
24 with a situation in the death of my mother.

25 **Q. Thank you. Ms. Richardson, in your application**

1 you also indicated matters of tax liens or collection
2 procedures. The first one was in regards to employment
3 taxes in 2001. Can you explain the nature of this
4 collection?

5 A. That was right after I closed my office and went
6 to the solicitor's office. I had an accountant. I didn't
7 know I owed anything until I got something from Horry
8 County payroll, saying that it had been garnished. But it
9 was a pretty small amount -- I can't remember. But that
10 was just something I was not aware of.

11 Q. Thank you. Lastly, the second was a tax setoff
12 against your income tax return for environmental service
13 fees. Can you explain the nature --

14 A. That is basically a trash bill that came. And it
15 was such a small amount, that it was not paid initially
16 until it became enough to pay. And, unfortunately, it was
17 put as a tax lien before it was paid.

18 Q. And you have provided documentation that, that
19 was --

20 A. Yes, they're all clear. That was just an
21 oversight.

22 MS. HALL: I would note that the Pee Dee
23 Citizens Committee found Ms. Richardson to be qualified in
24 the evaluative criteria of constitutional qualifications,
25 physical health and mental stability. The committee found

1 her well qualified in the remaining categories.

2 BY MS. HALL:

3 Q. And now just for some housekeeping issues.

4 A. Okay.

5 Q. So, Ms. Richardson, are you aware that as a
6 juvenile candidate you are bound by the code of juvenile
7 conduct as found in Rule 501 in the South Carolina
8 Appellate Court rules?

9 A. Yes.

10 Q. Since submitting your letter of intent have you
11 contacted any members of the commission about your
12 candidacy?

13 A. Not while they were a member of the commission.
14 We've had some substitutions.

15 Q. Are you familiar with Section 2-19-70, including
16 the limitations on contacting members of the General
17 Assembly regarding your screening?

18 A. Yes.

19 Q. Since submitting your letter of intent have you
20 sought or received the pledge of any legislator, either
21 prior to this date or pending the outcome of your
22 screening?

23 A. No, I haven't. I have introduced myself to some
24 members who are not on the commission, and sent letters of
25 introduction. But I have been very careful not to ask for

1 support or a pledge, and have advised anybody asking me
2 about my candidacy that they're not allowed to do so
3 either.

4 Q. Thank you. Have you asked any third parties to
5 contact members of the General Assembly on your behalf, or
6 are you aware of anyone attempting to intervene in this
7 process on your behalf?

8 A. Just I've had third parties introduce me to
9 legislators. But, again, I've been very careful to say
10 that you cannot ask for a pledge, commitment, or support.

11 Q. Have you received or do you -- have you reviewed
12 and do you understand the commission's guidelines on
13 pledging in the South Carolina Code 2-19-70(e)?

14 A. I do.

15 MS. HALL: I would just note for the record
16 that any concerns raised during the investigation regarding
17 the candidate were incorporated into the questioning of the
18 candidate today. Mr. Chairman, I have no further
19 questions.

20 EXAMINATION BY CHAIRMAN RANKIN:

21 Q. Alicia Allsbrook Richardson.

22 A. Right.

23 Q. You and I share the same middle name. I want ask
24 you to mess up the direct connection, but we are related by
25 my father's mother.

1 A. Right. And my great-grandfather, I believe.

2 Q. Other than that, we don't go to reunions
3 together, and you've not invited me for supper.

4 A. No. No.

5 Q. To your credit to one, particularly, who says you
6 had exemplary taste in the company you keep. Anyway, you
7 and I have not spoken about your candidacy at all.

8 A. No.

9 CHAIRMAN RANKIN: Okay. All right. Senator
10 Talley?

11 SENATOR TALLEY: Thank you, Mr. Chairman.

12 EXAMINATION BY SENATOR TALLEY:

13 Q. Ms. Richardson, good afternoon.

14 A. Good afternoon.

15 Q. I don't know that we've had the pleasure of
16 meeting, but I certainly appreciate your interest in this
17 position. And we've obviously taken time to review a lot
18 of the materials you've submitted.

19 You've got a wide variety of things in your legal
20 past. And I guess -- I guess my first question is: Why
21 back to family court in a sense now?

22 A. Well, the timing is perfect. I always wanted to
23 do this, but I knew that I was not going to run for judge
24 while my children were in school. They were very active in
25 sports. And I wanted to be available to be there and not,

1 you know, being assigned in Greenville, and there be a
2 baseball or a softball game.

3 So my youngest child graduated from high school
4 in May, and she's now a student here at the University of
5 South Carolina. So the timing is perfect.

6 Q. And you touched on this earlier, it's spelled out
7 in your PDQ as well, about the type of matters you handled
8 when you were in private practice outside of the DJJ realm
9 and some of the general sessions work that may bring you to
10 family court more recently.

11 Tell us, just in general terms, you know, how you
12 would conduct your courtroom. For instance, temporary
13 hearing matters a lot to parties and their attorneys in
14 family court cases, where they've got contested issues that
15 may involve child custody, you know, the division of real
16 property on a temporary basis as to who's going to live
17 where, alimony-type questions and things like that. So
18 we're not -- obviously not presenting a fact pattern --

19 A. Right.

20 Q. -- to you. But just in general terms, how would
21 you run your courtroom on those types of issues?

22 A. Well, what I would like to do is review the file
23 and the pleadings before I would come in for the day.
24 'Cause they usually schedule those, you know, pretty close
25 together and back-to-back. So I would be aware of the

1 issues before the case came in front of me.

2 But I would make sure that I read -- that I would
3 read all of the affidavits and listen to the attorneys, and
4 then make a decision based on the affidavits and the
5 information provided, as well as the law.

6 Q. And as far as financial matters are concerned,
7 you know, obviously, family court sees the alimony issue,
8 child support issue, the division of assets and debts,
9 quadros, business valuations, those kind of things.

10 I realize it's probably been a while since you've
11 directly handled some of that, but what about your comfort
12 level stepping right back into the, you know, financial
13 case that may or may not have some child issues?

14 A. I guess that I put my all into anything and
15 everything that I do. And I would just pour over the
16 information and listen to what is provided. And,
17 obviously, I don't have as much of that now in general
18 sessions.

19 Sometimes we do have white collar crime and
20 breach of trust and that sort of thing, where we do have to
21 pour over financial records and forensic accounting. So
22 I've had some experience with that.

23 But I feel like I would be comfortable going in
24 and looking at the information provided, and figuring out
25 the financial information.

1 Q. Thank you very much.

2 CHAIRMAN RANKIN: Mr. Safran.

3 EXAMINATION BY MR. SAFRAN:

4 Q. Good afternoon, Ms. Richardson.

5 A. Good afternoon.

6 Q. Just a few questions.

7 A. Okay.

8 Q. It looks like from just kind of tracking your
9 work history, that you started off working in a small firm
10 environment, that you ultimately kind of transitioned into
11 your own small firm environment, along with working part-
12 time for the public defender's office.

13 At some point, as you've described, I guess,
14 circumstances got to where you could go back and start
15 working regularly. You chose to go work for the
16 solicitor's office, I guess, in the adjoining county.

17 A. Right.

18 Q. And you've been there a good, long time.

19 A. I have.

20 Q. Was there something that particularly attracted
21 you to staying there for this length of time, as opposed to
22 going -- segueing back into private practice or, you know,
23 going back to be a public defender again? I mean, is there
24 something that attracted you and has kept you there?

25 A. Well, I've always enjoyed what I did. I was

1 promoted when I went to the solicitor's office. Usually,
2 people have to work in the solicitor's office a while
3 before they are promoted to senior solicitor.

4 I was there three months and I was promoted by
5 now-Senator Hembree to senior solicitor, and supervised the
6 division from early in 2001, and have been supervising the
7 whole time.

8 I love what I did. I enjoyed the juvenile work.
9 I've enjoyed -- and it was a challenge to learn the general
10 sessions side of it, but I did enjoy what I did -- what I
11 did for a living. And I really enjoyed being in family
12 court and working in the juvenile side of things.

13 Q. And I can see, obviously, he gave you a very
14 good, lucrative, and fast track to advancement.

15 A. He did.

16 Q. And so you've basically kind of built off of
17 that. And I know you're the -- basically, the deputy over
18 there in Georgetown.

19 A. I am.

20 Q. So I mean, look, I can't question that. I mean,
21 when something works for you that way -- and I'm sure
22 you've earned the opportunity, it does become something
23 that you probably latch onto.

24 Is most of the work that you've done, since you
25 became more, I guess, a deputy, is it more supervising than

1 **it is maybe actual time in the courtroom?**

2 A. Oh, no. Not in Georgetown. Because it's a
3 smaller county, there are only four attorneys who prosecute
4 cases in general sessions. My caseload is the same as my
5 other attorneys.

6 So I'm -- I was in court yesterday, and I'll be
7 in court tomorrow. I am there -- right now we have court
8 twice a month, two weeks a month, a non-jury term and a
9 jury term.

10 Our court time's going to be cut a little,
11 beginning in January. But I am there every court term.
12 And I have active cases on the roster -- a motion's roster
13 every time.

14 **Q. And, again, I apologize if maybe I didn't pick up**
15 **as well on this. But how are you -- how's your time again**
16 **split between general sessions and any kind of family court**
17 **as far as the solicitor work at this point?**

18 A. So since I went -- prior to 2013 -- so from 2001
19 to 2011, I was in family court almost --

20 **Q. Regularly?**

21 A. Yeah. Weekly. All the time. And in 2011 or
22 2012, I went to general sessions' sexual assault and child
23 abuse team, and did that for a year before being promoted
24 to deputy solicitor in Georgetown. And in Georgetown, I am
25 in general sessions.

1 I supervise the family court attorney and the
2 magistrate's court, but I am -- I am in general sessions.
3 I go to family court when I'm needed. And I have --
4 because of a conflict of interest with our juvenile
5 solicitor, I am now handling a juvenile case right now.

6 Q. And I guess -- look, obviously, the criminal
7 system, like so many other aspects of practicing law, is
8 adversarial to some degree. And I guess the question
9 becomes -- you've done well at what you do. I think you do
10 it, obviously from what I'm hearing, with a passion.

11 And so what do you say to the people who may be
12 concerned that, as a family court judge, we all basically -
13 - we can't help but be somehow shaped, and to some extent
14 formed and educated, by the environment that we have more
15 or less been raised in.

16 For the last 20 years, roughly, you've been
17 raised as a solicitor. There are people at times that feel
18 like when they go to court, if you've got somebody who's
19 been effectively a solicitor for a long time, despite every
20 moment that they'll tell you how fair they're going to be,
21 that, you know, you default back to what you know.

22 And, you know, I'm not accusing you of this. But
23 there are times where they feel like -- you know, people
24 are in a courtroom and you've got, basically, the defense
25 attorney and two solicitors, you know, and one of them

1 happens to be the judge.

2 And I'm sure you've heard that before. I'm sure
3 people have made that complaint -- not about you,
4 necessarily, but -- you know that there's a true and valid
5 concern out there, that people have, that effectively
6 they're -- they're fighting city hall in a situation like
7 that. What do you say to those kind of concerns?

8 A. Well, sometimes we have it the other way, where
9 people will complain that the judge may be more defense-
10 oriented. But I think at the end of the day, everybody
11 does their -- does their job and, you know, try to do
12 what's right.

13 More of my cases are resolved, probably outside
14 of the courtroom. And I particularly look at -- I almost
15 see it like a funnel: some people start at the top, with
16 the most serious crime that there is.

17 And then you have to -- there are certain cases
18 where you can't offer any mercy or any plea deals. And
19 those are the cases that everybody recognizes that are too
20 serious.

21 But as a solicitor, and just as a human -- and
22 you recognize that people make mistakes, and that's why we
23 have the pretrial intervention program. We have treatment
24 -- what's usually referred to as drug court, now we refer
25 to as treatment court. We have that.

1 We also have defendants, right off the bat, we
2 realize have mental health issues. I was in probate court
3 last week, and we were pursuing involuntarily commitments
4 in those cases.

5 So as a solicitor -- I know sometimes that's the
6 public perception. But we can't, and we don't, always seek
7 the maximum on everybody. You have to use common sense,
8 you have to be fair, and you have to try to do what is
9 right based on everything that's presented to you.

10 So like I said, if it's a -- if it's a young
11 offender, you know, the first thing we look at, if they
12 have no record, is this appropriate for PTI, can we put
13 them in this program.

14 We have alcohol education program, traffic
15 education programs, a lot of diversion opportunities in
16 adult court. Are they appropriate for that? You know, and
17 of course if it's a real serious crime, the answer is
18 probably "no."

19 Is it -- is treatment court appropriate? If not,
20 if they're young enough, what the Youthful Offender
21 Program? I'm a big proponent of the Youthful Offender Act
22 and the Youthful Offender Program with the Department of
23 Corrections.

24 Regularly, we -- they have an evaluation process
25 that a lot of people don't know about, that's similar to

1 the juvenile evaluation process. And I regularly recommend
2 that to see what is going on with this young person who
3 has, you know, committed and at this point has pled guilty
4 to a crime, so that they can have a thorough evaluation for
5 recommendations as to what would make them successful.

6 I don't want to see a revolving door. You know,
7 I love it when people finish PTI, or I sign an expungement
8 after completion of PTI or a Youthful Offender Act. The
9 goal and that reason that we do what we do -- we can't
10 eliminate crime, but we want to do what we can to make sure
11 it's addressed.

12 And if there is another solution that gets
13 somebody on the right track, then that's what we all want.
14 But again, there are those cases where there's no middle
15 ground.

16 Q. Well, and I think in any area of the law, we find
17 that. There are just some you've got to try. They just --
18 that's just the way --

19 A. That's it.

20 Q. -- it is. Let me switch gears with you. You
21 know, we had a situation now, and in other sessions when
22 we've done this in the years that I've been privileged to
23 do it, where we see so many problems arising in family
24 court from DSS situations.

25 And I think we, unfortunately, start out, you

1 know, with at least a -- almost a presumption that there's
2 some funky things that go on through DSS.

3 And in your experience -- I assume when you were
4 in private practice, you probably dealt with that to some
5 extent, as far as dealing with DSS cases or not?

6 A. Yes.

7 Q. Okay. And, you know, things have come up at
8 times that particularly concern me, in the sense that --
9 you know, if you get a case that's oftentimes going to
10 involve something of substance from custody standpoints or
11 alimony, you're going to have two lawyers out there kind of
12 trying to each feed you what they think is the best spin on
13 the case.

14 A. Right.

15 Q. As I'm surgery you did back in those days, you
16 know. And a lot of times, you get these DSS cases that
17 have these time triggers, that you get them in here within
18 a certain period of time. And have you handled some DSS at
19 all in the past?

20 A. Yes. And when I was in private practice -- when
21 I first got out and I was in private practice in Marion,
22 that's before the new rule 608, we -- each county handled
23 their own appointments. We had a very small Bar.

24 So DSS day and juvenile day and general sessions
25 were basically a meeting of the Bar. Every attorney in the

1 county, who didn't have some reason not to be appointed.
2 So I was routinely and regularly appointed in DSS cases.

3 Q. And so you understand --

4 A. I know.

5 Q. -- what I'm saying.

6 A. I do. And even now with general sessions, a lot
7 of cases have a DSS component. And that's one of the --
8 and if there's -- if it's a domestic violence case and
9 there's a child there, I look to see has this been reported
10 to DSS, because they may could come in and do some things
11 that would assist the family.

12 And also, obviously, child sexual abuse and those
13 sorts of cases, DSS -- DSS is involved. And we contact the
14 Department of Social Services and see what's going on
15 there, because a lot of times that case will go to court
16 before the general sessions case does.

17 Q. And I guess my particular concern, and I wanted
18 you maybe to speak to is -- obviously, as a judge you're
19 going to have to kind of make these determinations. And
20 oftentimes, DSS is coming in and pushing a point pretty
21 hard.

22 And, you know, let me say from the outset, the
23 philosophy from the behind DSS and child protection, is in
24 and of itself -- it's unassailable in terms of its need and
25 in terms of its value. Okay. We can't -- but the

1 practical application of it sometimes can go a little
2 different.

3 I mean, we've heard our share of horror stories,
4 where some things are jumping the gun, some things are
5 overzealously pursued, and it creates havoc for people who
6 ultimately are proven to be, you know, not in any way at
7 fault and not in any way endangering anybody.

8 And I'm assuming you recognize that the judge's
9 role is heightened in a situation like that, 'cause
10 oftentimes you don't have an attorney there for the person
11 who's potentially losing the child at that point, correct?

12 A. Correct.

13 Q. And so I mean where I'm running into -- and this
14 is something that may or may not have been as much of
15 something you've experienced. We've sat here for years,
16 where the family court judges come in and tell us, "We're
17 on a clock. We got 15 minutes."

18 And pretty much some, to their credit, they
19 recognize if it's something that needs the time, "I'm going
20 to do it. You know, it may back them up in the hall, but I
21 got to do it."

22 And I'm asking you, particularly in a situation
23 like this where you're effectively having to kind of stand
24 in there, not just as the judge but also somebody to kind
25 of maintain some fairness.

1 Is the clock going to really become an
2 encumbrance to you in terms of being able to kind of ferret
3 through things where -- at least we've seen in our
4 experiences -- a mistake is certainly seen very often?

5 A. Well, obviously, it's a balancing act. You want
6 to try to keep things on schedule, but that's not always
7 possible. But if there's a situation that requires more
8 time, and especially if a child -- his safety or parental
9 rights are at stake, you have to find the time or make the
10 time, even if it's how about if we come back tomorrow when
11 my docket's a little lighter.

12 But I don't think when it comes to those sorts of
13 things, and it's that type of decision, you can rush
14 through. And I recognize some of the issues that the
15 Department of Social Services has. My sister-in-law was a
16 longtime employee at DSS for over 30 years, and a regional
17 supervisor, and so we've had these discussions before.

18 And I recognize that, you know, a lot of these --
19 you know, a lot of social workers are fresh out of school
20 and they have a different view. I've seen issues like
21 you've talked about, where you look at the personal opinion
22 of a other person, or issues such as what is reasonable
23 corporal punishment.

24 Because some people don't believe in it at all,
25 but it's the law in the state that it's allowed. So I know

1 what you mean there, that sometimes you may have someone
2 who's overzealous because of a personal opinion on an issue
3 such as corporal punishment, or at what age a child is
4 capable of being home alone.

5 And I think you have to kind of use common sense
6 and draw on your experience. And there will be more people
7 who can attest to that. Maybe not at that initial hearing,
8 you would have an officer who should be involved.

9 But there should be more information that you can
10 garner, to make sure it's not just a situation that is
11 someone that is overzealous. And maybe it is not the right
12 thing to do, but I think that's where juvenile discretion
13 and experience and life experience, and just seeing
14 different types of cases comes into play.

15 And, obviously, just because DSS say it's so,
16 doesn't mean it's so. It may, but it doesn't necessarily
17 mean it. And you can't always side -- you have to go in
18 and look at each case on the merits, and make sure you're
19 doing the right thing.

20 I will tell you this from my person experience
21 with watching children come into our home, I saw one family
22 that I felt like should have never been removed, and they
23 went back, they completed -- and they those children went
24 back very quickly.

25 But I personally witnessed one, you know, set of

1 children who came into our home, who it did seem like an
2 overreach. But they went back very quickly. So I -- you
3 know, from a personal -- you know, a personal standpoint,
4 I've seen it.

5 But I've also seen the other side of it, where
6 there are things that don't come to light and, you know,
7 there are situations that are not reported and not
8 appropriately addressed. And sometimes, you know,
9 hindsight is 20/20.

10 But we all have to make the best decision that we
11 can, based on the information that's there. And if I were
12 handling the case and I wasn't sure, and I had a
13 reservation and time was a factor, I would -- this child's
14 life and this child's safety and security is the most
15 important thing.

16 And they're the only person who's not sitting in
17 there with a voice, yet, you know, the parents are there,
18 you have the grandparent, you have DSS workers. But
19 usually that child's not there.

20 And we need to make sure that when we handle
21 these cases, that we make sure that child has a voice. And
22 that's where the guardian ad litem program comes in as
23 well, you could have a lay-person who could go in and
24 explore.

25 And when I got out of law school at 25 years old,

1 I got appointed as a guardian ad litem in a DSS case, and I
2 bee-popped myself into sort of a rough area of Marion
3 County and went and looked in that house.

4 And I was guardian and I didn't know that
5 attorneys didn't usually do that, but I did -- and I opened
6 the refrigerator and I looked in the cabinets and I saw
7 that child had nothing to eat that day. Nothing. So those
8 are the kind of things, seeing things with your own eyes,
9 and having somebody who goes in there, that makes a
10 difference.

11 And I've been in front of a judge -- in front of
12 judges in family court and in general sessions, who said,
13 "Wait, I need some more information on this." And just on
14 a variety of things, "I need to know this."

15 Just yesterday on a probation case, "Tell me have
16 they reported? I want to know any date they've missed."

17 So sometimes a judge has to kind of step back and
18 say, you know, "I need a little bit more information on
19 this." And that's being a judge, and that's making sure
20 that you do the right thing. I hesitate to do that, if I
21 felt like that's what needed to be done, especially to
22 protect a child.

23 **Q. Well, and public -- what the public's promised is**
24 **not perfection.**

25 **A. Right.**

1 Q. It's somebody's trying to get it right. And it
2 sounds like that's what you're committed to doing.

3 A. Yes. And all we can do is make -- you have to
4 make the best decision with what you have. And like you
5 said, you know, you may be wrong. But if you -- if you do
6 and you listen and you take into account what everybody
7 says, that's all you can do is make sure that you do the
8 best you can, with the information that's provided, and
9 that you follow the law.

10 Q. All right. Well, thank you.

11 CHAIRMAN RANKIN: Senator Sabb.

12 SENATOR SABB: Thank you, Mr. Chairman.

13 EXAMINATION BY SENATOR SABB:

14 Q. I know we've talked on the phone, and I know
15 we've had cases together, but I don't know if I ever met
16 you in person. Have we met in person?

17 A. Just briefly in the courtroom.

18 Q. Okay.

19 A. We've not had a lot of cases, personally, with
20 each other.

21 Q. Yeah. Well, since I was solicitor for --
22 assistant solicitor for 20 years, I'm not really
23 interesting in diving back into anything. But I enjoyed
24 that, and I appreciate the issues not only to me, but other
25 members of the Bar.

1 And I read your ballot boxes with great interest.
2 And there were certain things, quite frankly, that I was
3 looking for. And one of the things that I was looking for
4 is -- as prosecutors, some of us get wrapped into the idea
5 of winning. Others of us understand that the most
6 important thing is to do the right thing.

7 And I saw a number of comments about how you seek
8 justice as opposed to trying to win. I think that's the
9 kind of quality that I've always appreciated as
10 prosecutors.

11 The other thing I was impressed with, how active
12 you were when you were in law school and managing to
13 achieve Law Review status, while being involved in all of
14 that other stuff, I think is also a credit to you.

15 But I'm curious about one of the cases that you
16 handled as a -- as a solicitor, when you prosecuted Damonte
17 Rivera, I actually represented his estate when he
18 unfortunately lost his life in the prison riot.

19 But I was curious about the trial of the case.
20 And, you know, what I looked at is his record and why he
21 was there, and all of those things, it did not mention the
22 fact that he was involved in a home invasion, burglary and
23 all of that, and then there were five of them involved.
24 And, apparently, somebody killed one of the co-defendants.

25 A. Right.

1 Q. I think he was convicted of that. I'm curious --
2 and I don't want you to necessarily go into great depth
3 about it, but did he testify in the case? Do you recall?

4 A. He did not. He did not testify. And, honestly,
5 it was one of the most interesting cases that I tried. And
6 I think it goes -- and one thing that struck me about Mr.
7 Rivera, is looking at his juvenile evaluations -- I pulled
8 and read all of those -- is the potential that he had in
9 how he went down the wrong path, and also some family
10 issues as well.

11 But he was a born leader; he just used it in the
12 wrong way. But the trial was very interesting. He just
13 almost didn't seem to take it very seriously. And he
14 literally looked at the judge -- he was advised not to
15 speak -- and Judge McMahon, and he said -- his attorney
16 said, "I'm advising him not to speak, not to speak during
17 sentencing."

18 And I believe the verdict came in on Halloween,
19 and Ms. Alma White, the clerk, always had her Halloween
20 carnival, so we had hundreds of children outside. And this
21 verdict comes in, in this murder case and we have what
22 appeared to be gang members that were also present in the
23 courtroom, but he looked at Jug McMahon and he said, "How
24 about giving me the max, and make it consecutive."

25 Q. I saw that.

1 A. And Judge McMahon did.

2 Q. Yeah.

3 A. But he did. And then he wrote me a letter --
4 right after he went to prison, he wrote me a letter back.
5 And I remember he started it with, "Hello, Miss Lady. How
6 are things with you?" Or something -- just a real cordial
7 beginning.

8 But it was a real tragic case, all the way
9 around, and it was just hard to see somebody who had such
10 potential use it in this way.

11 Q. Yeah. And that's what I learned about his early
12 years before he starts going down the pathway of crime. I
13 represented his estate.

14 A. Very intelligent. It was very intelligent.

15 Q. Yeah.

16 A. And other followed him.

17 Q. I was telling those very things. But, anyway, I
18 appreciate your offering.

19 A. Thank you.

20 CHAIRMAN RANKIN: All right. Unless there
21 are any others?

22 (Hearing none.)

23 CHAIRMAN RANKIN: Ms. Richardson, this will
24 conclude this portion of the screening process. Thank you
25 for offering. And you're to be reminded, and you'll have

1 to give me two verbal acknowledgments of this, one, that we
2 -- the commission adhere to both the letter and the spirit
3 of the ethics laws. Any violation or appearance of
4 impropriety of that law will be deemed very serious and
5 potentially requiring us to bring you back. In the
6 unlikely event that, that occurs, you do understand that we
7 can do that, correct?

8 MS. RICHARDSON: I do.

9 CHAIRMAN RANKIN: And then finally, this
10 record will remain open until the formal release of the
11 report of qualifications. And, again, if the need were to
12 arise, we would have the opportunity to see you before that
13 record was closed.

14 MS. RICHARDSON: Okay. I understand.

15 CHAIRMAN RANKIN: Very good. All right.
16 Richardsons, you all have a lovely day. Nice meeting all
17 of you, particularly the younguns. You all take care.

18 MS. RICHARDSON: Thank you.

19 (Candidate excused.)

20 REPRESENTATIVE CASKEY: Representative
21 Jordan moves that we go into executive session. Seconded
22 by Senator Sabb. We're in executive session.

23 (Off the record.)

24 CHAIRMAN RANKIN: All right. We are back on
25 the record. And if you will, please raise your right hand.

1 WHEREUPON,

2 MANDY W. KIMMONS, being duly sworn and
3 cautioned to speak the truth, the whole truth and nothing
4 but the truth.

5 CHAIRMAN RANKIN: And for the record, tell
6 us your name.

7 MS. KIMMONS: Mandy Kimmons.

8 CHAIRMAN RANKIN: Mandy Kimmons.

9 MS. KIMMONS: Yes.

10 CHAIRMAN RANKIN: Very well. You have
11 before you, a PDQ and a sworn statement that you have
12 dutifully prepared. Are those ready to go into the record
13 now?

14 MS. KIMMONS: Yes, Your Honor.

15 CHAIRMAN RANKIN: And you just hand those to
16 Lindi, and they will be included in the record. And thank
17 you so much.

18 (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION
19 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MANDY
20 M. KIMMONS)

21 (EXHIBIT NO. 12 - AMENDED PERSONAL DATA
22 QUESTIONNAIRE OF MANDY M. KIMMONS)

23 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION
24 COMMISSION SWORN STATEMENT OF MANDY M. KIMMONS)

25 CHAIRMAN RANKIN: You have never

1 participated in a screening before, so this is slightly new
2 to you. I'm not Your Honor.

3 MS. KIMMONS: I realized that as soon as it
4 got out of my mouth.

5 CHAIRMAN RANKIN: Well, mighty kind but not
6 really necessary. Our efforts in our investigation of your
7 qualifications to serve focus on nine evaluative criteria,
8 which include the ballot box survey, the check of newspaper
9 articles in which your name appears, a check of compliance
10 with the -- or conflicts of interest with the economic
11 disclosures. Obviously, no prior screenings for you. And
12 then we look to see whether you've complied with the state
13 ethics laws.

14 There have been no affidavits filed in
15 opposition to your candidacy, and no witnesses are here to
16 testify. Therefore, you have the opportunity to make an
17 over-so-brief opening statement. But given our delayed
18 hour, of which we apologize, you can waive that and go
19 straight to questions by Ms. Benson.

20 MS. KIMMONS: I will waive that in the
21 interest of time. And, also, I'm sure everyone has
22 reviewed the PDQ, so I don't think that will be
23 necessarily. But thank you.

24 CHAIRMAN RANKIN: And if you need to make
25 some statement at the very end, that you feel necessary,

1 you're welcome to do that.

2 MS. KIMMONS: Thank you.

3 CHAIRMAN RANKIN: Ms. Benson.

4 MR. BENSON: Mr. Chairman. Ms. Kimmons,
5 could you please state for the record, the city and the
6 circuit in which you reside.

7 MS. KIMMONS: I reside in Ridgeville, South
8 Carolina, which is in Dorchester County in the 1st Judicial
9 Circuit.

10 MR. BENSON: Thank you. Mr. Chairman, I
11 note for the record, that based on the testimony contained
12 in the candidate's PDQ, which has been included in the
13 record, with the candidate's consent, Ms. Kimmons meets the
14 statutory requirements for this position regarding age,
15 residence, and years of practice.

16 EXAMINATION BY MR. BENSON:

17 **Q. Ms. Kimmons, why do you want to serve as a family**
18 **court judge?**

19 A. I believe that the family is really the
20 foundation of our society. And I think that if you can
21 make a difference in the lives of children, you're making
22 life better for generations to come.

23 And I think that if you can bring peace to
24 situations that often lack peace, and very much need peace,
25 then you're making a difference not only for -- in the

1 lives of the people who would be before you, but in the
2 community as well.

3 **Q. And why do you feel that your legal and**
4 **professional experience qualify you and will assist you to**
5 **be an effective judge?**

6 A. I think that I have not only the family court
7 experience necessary, but also other experience that will
8 be beneficial as well.

9 For the first five and a half years of my career,
10 I was a prosecutor. And then for the next two years, I was
11 a juvenile prosecutor in Orangeburg and Calhoun counties,
12 and ran the family court division for the 1st Juvenile
13 Circuit.

14 One of the things -- I'm sorry -- well, I'm going
15 to finish with that. After that, I went into private
16 practice, doing mostly family court work. I still do some
17 criminal defense, but it's mostly family law.

18 And when I was a prosecutor, I was assigned
19 mostly to the drug docket. I did mostly drug cases, some
20 cases involving other things, child victims and things of
21 that nature. But one of the things I did while I was a
22 prosecutor is, I was on the team that built our drug court
23 in Dorchester County.

24 And then when I moved to Orangeburg and Calhoun
25 counties, there was already a drug court there for

1 juveniles. We currently don't have a drug court in
2 Dorchester County, so that's something that I would like to
3 work on as well.

4 I have done -- as far as family court goes, I've
5 done DSS cases, adoption cases, custody cases, divorce,
6 equitable distribution. I can't think of a type of case
7 that I have not done. And I think that, that would give me
8 the necessary experience.

9 **Q. If there was an area of the law that you felt**
10 **that you needed additional experience for, how would you do**
11 **that?**

12 A. I would read the complaint and the clerk's file
13 and see what the issues are, and if there are issues that
14 I'm rusty on or unfamiliar with, then I would research
15 those issues in advance.

16 **Q. Could you briefly describe the experience that**
17 **you've had in handling complex contested matters, and**
18 **particularly financial matters.**

19 A. Yes. I have -- as far as financial matters go,
20 I've had cases where, you know, we've had to value
21 business, look at personal goodwill. Of course, determine
22 marital, non-marital property, divide railroad retirement -
23 - which is very different from other types of retirement --
24 and, you know, military retirement, state retirement, and,
25 you know, the standard division of houses and bank accounts

1 and things like that.

2 As far as complex litigation, I think equitable
3 division is complex when it's a larger marital estate, just
4 because you -- you have more numbers going on, and there
5 are different ways to value a business, different ways to
6 value retirements accounts and things of that nature.

7 But I also think custody cases can be somewhat
8 complex as well, in that you have to really think about
9 what's best for the child. And so I think that, that --
10 not I think -- that is always paramount.

11 And so that can be a little more complex as to
12 who has been the primary caretaker, who has gone to doctors
13 appointments, who's care for this child, who's more bonded
14 with the child, and generally what's in the child's best
15 interest.

16 **Q. Thank you. Ms. Kimmons, the commission received**
17 **252 ballot box surveys about you, with 35 of them**
18 **containing additional comments. And many of the comments**
19 **were very laudatory, praising your intellect, your**
20 **industry, your compassion and your fairness.**

21 **Six of the written comments expressed some**
22 **concerns, and these fell into two different categories.**
23 **Some questioned whether you had sufficient experience in**
24 **the family court. Would you like to address that?**

25 **A. Yes. And so I think one of the things that the**

1 family court does is -- that's often overlooked, but is so
2 important, is the juvenile docket.

3 And so when I transitioned out of the solicitor's
4 office into private practice -- doing divorces, adoption,
5 separate support and maintenance, those types of cases -- I
6 think people think that, that's where my family law career
7 started. That is not where it started.

8 For two years before that, I was doing juvenile -
9 - juvenile cases. So in addition, I think my experience at
10 the solicitor's office gave me a lot of trial experience,
11 which is not something that you always get a lot of in
12 family court.

13 And so I think that is beneficial in really
14 knowing the rules of evidence, and how they play out in
15 court, and the exercise of that.

16 **Q. Speaking of your solicitor's experience, some of**
17 **the concerns raised were about your showing aggression in**
18 **the courtroom, perhaps more like a prosecutor-type of**
19 **aggression, and perhaps not an ability to see all sides of**
20 **an issue. Would you like to address that concern?**

21 A. Yes. So I have zealously represented my clients
22 and I am all about settling a case. I think it's great to
23 settle a case. I think that when people settle cases, they
24 are more likely to follow the order, they're more likely to
25 have less strife between the parties, be a little less

1 contentious. And so I am all for settling a case.

2 There are some cases that cannot be settled. And
3 some cases are more contentious than others. I have
4 definitely, zealously represented my clients. It saddens
5 me that I made somebody feel that way. But I think your
6 job -- not I think -- your job as a lawyer is much
7 different than your job as a judge.

8 My job as a lawyer is not to be neutral and
9 detached, it's to zealously represent my client. And no
10 one's paying their lawyer to be neutral and detached.
11 They're paying their lawyer to advocate for them. And so
12 that is what I have done.

13 As far as overly aggressive or anything like
14 that, I don't believe that's true. But I do always
15 appreciate constructive criticism, because it just makes
16 you pay attention more to your own behavior and be
17 cognizant that, whether I think I did it or not, someone
18 felt that way. And so that's something that I should
19 definitely be mindful of.

20 I just don't think there's a place for aggression
21 from the bench or -- you know, zealous representation from
22 the bench. I think the jobs are so different.

23 MR. BENSON: I would note the Lowcountry
24 Citizens Committee found Ms. Kimmons to be well qualified
25 as to the evaluative criteria of ethical fitness,

1 professional and academic ability, character, reputation,
2 experience and judicial temperament. And they found her
3 qualified in the evaluative criteria of constitutional
4 qualifications, physical health and mental stability.

5 The committee also stated in summary, "Good
6 experience. Bright, personable, dedicated. Good ideas.
7 Well qualified."

8 BY MS. BENSON:

9 Q. Ms. Kimmons, I have just a few more housekeeping
10 questions. Are you aware that as a judicial candidate
11 you're bound by the code of judicial conduct as found in
12 Rule 501 of the South Carolina Appellate Court rules?

13 A. I am aware.

14 Q. Since submitting your letter of intent have you
15 contacted any members of the commission about your
16 candidacy?

17 A. I have not.

18 Q. Are you also familiar with Section 2-19-70,
19 including the limitations on contacting members of the
20 General Assembly regarding your screening?

21 A. Yes.

22 Q. And since submitting your letter of intent have
23 you sought or received the pledge of any legislator, either
24 prior to this date or pending the outcome of your
25 screening?

1 A. No.

2 Q. Have you asked any third parties to contact
3 members of the General Assembly on your behalf, or are you
4 aware of anyone attempting to intervene in the process on
5 your behalf?

6 A. I have not done that, and I am not aware of
7 anyone having done that.

8 Q. And have you reviewed and do you understand the
9 commission's guidelines on pledging in the South Carolina
10 Code Section 2-19-70(e)?

11 A. Yes, I do.

12 MR. BENSON: I would just like to note for
13 the record, that any concerns raised during the
14 investigation regarding this candidate were incorporated
15 into the questioning of the candidate today. Mr. Chairman,
16 I have no further questions.

17 CHAIRMAN RANKIN: Okay. Thank you, Ms.
18 Benson. Senator Talley, any questions?

19 EXAMINATION BY SENATOR TALLEY:

20 Q. Thank you, Ms. Kimmons. It's nice to see you.

21 A. Good to see you.

22 Q. I think we may have met once before.

23 A. I believe so.

24 Q. Tell us, if you will, a little bit -- a lot of
25 family court candidates through this process. Obviously,

1 time constraints are a big concern in family court. DSS
2 seems to consume more and more docket time.

3 You talked a little bit about DJJ, private cases
4 at times get pushed farther and farther out, that involve
5 important issues of child custody and things like that.

6 Give us -- give us essentially what you think
7 might be an attribute that you would bring to the bench as
8 far as managing a docket, and how you would -- how you
9 would try to run a docket and conduct your courtroom.

10 A. I think that I am flexible. And what I mean by
11 that is, you know, if there's a hearing at 10:30 and
12 they're not quite ready, but there's hearing at 10:45 and
13 those people are ready, well, then you go ahead and take
14 the 10:45 hearing and then, you know, try to make the
15 docket move smoothly that way.

16 I also think there's time wasted on Friday
17 afternoon, that we could probably be holding court. And so
18 that would kind of help get rid of the backlog of cases as
19 well.

20 I think that a lot of times, if you cannot make a
21 decision -- for example, in a temporary hearing -- if you
22 can't make the decision within the 15 minutes, and
23 sometimes it takes longer, then that -- then take the
24 matter under advisement.

25 Because you have to keep the docket moving. And

1 that's not to say just make a decision and, you know, hope
2 everything's going to be okay with it. You need to be
3 thinking about it and making good decisions.

4 But I think that -- as far as managing a docket,
5 that's something I definitely have experience with. I
6 managed the juvenile docket. I managed the drug docket for
7 the solicitor's office. And so I do have experience doing
8 that.

9 Q. And we looked through -- it looks like you've
10 been in private practice since 2015. Is that --

11 A. That is right.

12 Q. And your PDQ indicates that you appear on a
13 fairly regular basis, weekly, in family court. Does that
14 factor as well?

15 A. Yes.

16 Q. You were asked earlier by Ms. Benson, if there's
17 a particular area that you think you may need to brush up,
18 or may not be as well verse in the family court arena as
19 some others. Expand on that a little bit. What do you
20 think your strengths are as far as what your practice lends
21 itself to?

22 It sounds like you've done a little bit of
23 everything. You've got a traditional family court case
24 that we have child custody and financial issues and things
25 of that nature as well.

1 A. Right. Right. So, you know, as you practice
2 family law, longer and longer, there are things that you no
3 longer have to look up; you just know that this is how it
4 happens and this is what you do.

5 One thing that I think I could brush on is
6 probably the time line on a TPR adoption case. There are
7 specific time constraints in there, and the notice
8 requiring that. I do those cases. I have to look in the
9 book every single time. Partially, because that's
10 definitely not something that you want to mess up. I mean,
11 those are very important cases. And so I think brushing up
12 on that a little bit wouldn't hurt.

13 **Q. And you mentioned, too, UCCJEA cases --**

14 A. Yes.

15 **Q. -- if I read this right. What did you do in that**
16 **regard?**

17 A. I've done several cases regarding the UCCJEA.
18 Three that I can think of, off the top of my head.
19 Actually, three very different -- different types of cases.
20 One where, over Christmas, this family who lived in South
21 Carolina went to visit relatives in Georgia, and one party
22 decided they didn't want to be married anymore. So they
23 just stayed in Georgia and filed for a divorce there.

24 And, well, not filed for a divorce. Filed for an
25 order of protection there. And so it's kind of a race to

1 the courthouse as to who has jurisdiction in that case.
2 And then you have to have a status conference, once I had
3 filed for a divorce here -- or separate support and
4 maintenance here. And so you have to do that status
5 conference.

6 In another case, grandparents were seeking
7 custody of their daughter's child, their grandchild, and
8 did not include father as a party to that. And so before
9 she was served with a copy of the order, she sent the child
10 to another state to live with Father.

11 So then you have to look at what's the home state
12 of the child. Well, it clearly would have been South
13 Carolina, except after Mom sent the child, Mom also moved
14 to California. And so you would look at the section of the
15 UCCJEA that says once the parents are no longer living
16 here, then we don't have any more jurisdiction.

17 **Q. A lot of home state analysis.**

18 A. Home state analysis, yes. And it gets really --
19 it gets a little more confusing when the child has lived
20 here for six months, but now no one's living here.

21 And so -- and there's a section that applies
22 where if no other section applies, then this is what
23 happens. And that's kind of the section that you have to
24 go to, to say none of these sections apply to make South
25 Carolina the home state. So it's not the home state.

1 Q. And we ask this from time to time, too, having
2 practiced in family court for a little while here: Is there
3 a judge, or a judges you've been front of, that you would
4 hope your service on the bench models?

5 A. I really like Judge Martin, Danny Martin, from
6 Charleston. He is hard to read. But he -- he seems to
7 really understand people and the law. And I think that's
8 important.

9 As far as other judges that I like, Diane
10 Goodstein -- she's not a family court judge. But I love
11 her demeanor and how she makes people feel when they come
12 in her courtroom. She's not always going to agree with
13 you, but she always treats everyone with dignity and
14 respect. And I think that, that's how a courtroom should
15 be run.

16 Q. Thank you very much.

17 A. You're welcome.

18 CHAIRMAN RANKIN: Other questions?

19 (Hearing none.)

20 EXAMINATION BY CHAIRMAN RANKIN:

21 Q. Reading your sworn statement and the -- and your
22 PDQ, I noted your prior association with the Francis
23 Willis, formerly the SPCA now PAWS.

24 A. Yes, Your Honor. I'm sorry, not Your Honor.

25 Q. Yeah.

1 A. Mr. Chairman.

2 Q. Yeah, how about Luke?

3 A. Yeah.

4 Q. It works just fine. But you were involved with
5 that in a fundraising capacity?

6 A. Yes. Yes. It was more of a planning event, like
7 an oyster roast and selling tickets and raising money for
8 the animal shelter that way.

9 Q. Are you involved with it still or --

10 A. I am not.

11 Q. Are you a rescue pet-owner, or have you ever
12 been?

13 A. I have been.

14 Q. My wife would love to speak with you; that would
15 be an attribute for you in her book.

16 This quest to become a judge, you've obviously
17 served in the House two terms, I believe. Is that correct?

18 A. One and a half.

19 Q. Or one and a half. And so your successor is
20 Robbie Robbins; is that correct?

21 A. That is correct.

22 Q. Who I know well, was in law school with, and then
23 watched him, as a longsuffering Gamecock like myself,
24 suffer a long time.

25 But your transition from elective office and

1 serving people in the House of Representative, to
2 potentially the family court, is there a natural segue,
3 philosophically and/or from a public service standpoint,
4 that you see as relevant, that you will bring into the
5 position, if successful?

6 A. Right. Yes. I've always put public service at
7 the forefront of my career, being a prosecutor, wanting to
8 run for the House, and now wanting to be a family court
9 judge.

10 I think it's important to try and make a
11 difference in your community. That's not to say that
12 anything from my legislative days would carry over to the
13 bench. I do not believe judges should legislate from the
14 bench; that's not the job.

15 And so but I -- a genuine desire to help people
16 and better the community, I think is the underlying desire
17 of all of it.

18 Q. Litigants are neither Republican nor Democrat,
19 correct?

20 A. I mean, they --

21 Q. To you as a judge.

22 A. To me as a judge? No.

23 Q. Correct.

24 A. No.

25 Q. Whether they vote or -- an affinity may be --

1 A. Right.

2 Q. -- with you as a judge.

3 A. Absolutely not.

4 Q. And politics shouldn't be a part of any decision,
5 correct?

6 A. Absolutely not. I don't think it's even
7 relevant.

8 Q. So that is good.

9 CHAIRMAN RANKIN: Any questions? Any
10 followup?

11 (Hearing none.)

12 BY CHAIRMAN RANKIN:

13 Q. Now, have you mentioned -- and I could not hear,
14 so forgive me. You speak very subdued-like, or quietly.
15 Who was the mark of your judicial service that you want to
16 be held up to, or that you would in any way --

17 A. I like Judge Martin. I feel like he really
18 relates well to people. And, also, he knows the law.

19 As far as demeanor and warmth, Judge Diane
20 Goodstein. She's a circuit court judge, she's not a family
21 court judge, but any time you go into her courtroom, you
22 feel welcome, you're treated with respect and dignity.

23 And at the end of the day, the court is open to -
24 - for people to come in and have their issues resolved.
25 And they should be treated with respect and dignity.

1 Always. And so those are -- those are the two.

2 Q. Well, and that leaves me to my last point. And,
3 again, if successful, you will serve a six-year term; is
4 that correct?

5 A. Yes.

6 Q. Okay. So another commission will view your first
7 term again, if you are successfully elected. And you know
8 as we talk about these evaluative criteria, we touch on all
9 these areas that your peers have commented about in this
10 ballot box survey, the Bar, the PD -- or the citizens
11 committee. You are aware of our focus on temperament, and
12 you have named two people, and the attributes of those who
13 exemplify a good judicial temperament.

14 And so as we look on you, not through the person
15 but to the group, as we look on your service, six years
16 hence, if successful, how do you want to be considered?
17 And what would you like the ballot box surveys to say about
18 you as a judge?

19 A. I would like for people to say that I was fair,
20 that I treated everyone with dignity and respect, that I
21 was on time, that I was diligent, and that I made decisions
22 even when the decision was hard.

23 I feel like sometimes the can gets kicked down
24 the road, if a decision is hard. And I don't think that's
25 particularly helpful to anyone. And I think if you're

1 appointed to be a family court judge, you should make the
2 decisions and not kick the can down the road. And so I
3 hope that people will feel that I don't do that.

4 **Q. Very good.**

5 CHAIRMAN RANKIN: All right. Anything else?

6 (Hearing none.)

7 CHAIRMAN RANKIN: All right. Ms. Kimmons,
8 that will conclude this portion of the screening process.
9 Let me just tell you that the commission deems and views
10 very strictly, both the letter and the spirit of the South
11 Carolina ethics laws. Any violation or appearance of
12 impropriety of that law would be considered very serious by
13 us.

14 You know that this record is not closed
15 until the final release of the report of qualifications.
16 In the unlikely event there would be a violation or
17 appearance of impropriety with the ethics laws, you know
18 that we would have the right to call you back, correct?

19 MS. KIMMONS: Absolutely.

20 CHAIRMAN RANKIN: All right. Thank you.
21 You are free to leave us. And, again, I appreciate your
22 patience in getting you up at this very early hour.

23 MS. KIMMONS: Thank you so much.

24 (Candidate excused.)

25 CHAIRMAN RANKIN: Ma'am, if you will raise

1 your right hand.

2 WHEREUPON,

3 MARGIE A. PIZZARO, being duly sworn and
4 cautioned to speak the truth, the whole truth and nothing
5 but the truth.

6 CHAIRMAN RANKIN: You have a PDQ and a sworn
7 statement. Are those ready to be entered into the record,
8 without any change?

9 MS. PIZARRO: That's correct.

10 CHAIRMAN RANKIN: And no objection by you,
11 correct?

12 MS. PIZARRO: No. No objection.

13 (EXHIBIT NO. 14 - JUDICIAL MERIT SELECTION
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MARGIE
15 A. PIZARRO)

16 (EXHIBIT NO. 15 - JUDICIAL MERIT SELECTION
17 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MARGIE
18 A. PIZARRO)

19 CHAIRMAN RANKIN: You have been with us
20 before.

21 MS. PIZARRO: I have.

22 CHAIRMAN RANKIN: And so you're familiar
23 with our process. That investigation of your
24 qualifications, we look at the nine evaluative criteria,
25 focusing and including the ballot box survey, a study of

1 your application materials, verification of your compliance
2 with the state ethics laws, a search of newspaper articles
3 in which your name appears, a study of previous screenings,
4 and a check for economic conflicts of interest.

5 No affidavits have been filed in opposition
6 to your campaign and election, and no witnesses are present
7 to testify. You have the opportunity to be a very brief
8 opening statement, if you'd like. But given the hour,
9 certainly if you were to waive that, that would probably be
10 deemed a smart move.

11 MS. PIZARRO: Okay. I will waive that. I
12 take that advice and waive it.

13 CHAIRMAN RANKIN: Well, some need a little
14 more prompting -- or prodding. You, I know, don't. But
15 again, our apologies for the late hour here. And with
16 that, you will have the right to make any statements and
17 closing remarks, if you like.

18 MS. PIZARRO: Thank you.

19 CHAIRMAN RANKIN: At this point, though,
20 we'll turn it over to Ms. Faulk for questions.

21 MS. PIZARRO: Thank you.

22 MS. FAULK: Thank you very much, Mr.
23 Chairman. Ms. Pizarro, good afternoon. It's nice to see
24 you again. Would you mind please stating for the record,
25 the city and circuit in which you reside.

1 MS. PIZARRO: I live in Summerville, South
2 Carolina. That's in Dorchester County and it is in the 1st
3 Judicial Circuit.

4 MS. FAULK: Mr. Chairman, I note for the
5 record that based on the testimony contained in the
6 candidate's PDQ, which has been included in the record,
7 with the candidate's consent, Ms. Pizarro meets the
8 statutory requirements for this position regarding age,
9 residence, and years of practice.

10 EXAMINATION BY MS. FAULK:

11 **Q. Ms. Pizarro, why do you want to serve as a family**
12 **court judge, and why do you feel that your legal and**
13 **professional qualify and will assist you to be an effective**
14 **judge?**

15 A. Well, to me serving as a family court judge in
16 this point in my life is really a return to public service.
17 Prior to enrolling in law school, I spent 12 years as a
18 classroom teacher in the public schools of Greenville
19 County. It gave me an opportunity to interact in the lives
20 of children and families.

21 My last teaching stint was in middle school, in
22 which I became intimately involved in the lives of my
23 students and also their parents. I enjoy the public
24 service that I provided as an educator.

25 I feel that my experience as an educator, as

1 well as the experiences that I have gained since I have
2 been practicing law, would serve the judiciary well. Quite
3 honestly, I have such a non-traditional background, I feel
4 at this point that I could benefit the judiciary because of
5 my life experiences and because of my non-traditional path.

6 Even to stand before you today, I think it gives
7 me a unique perspective. It broadens the number of tools I
8 have in my toolkit. And even though some people may say --
9 some of the challenges that I face and disadvantages, I'm
10 hoping that I can turn them into advantages and help others
11 going forward.

12 **Q. Thank you, ma'am. Are there any areas of the law**
13 **for which you feel you need additional preparation in order**
14 **to service as a family court judge, and if so how would you**
15 **handle that additional preparation?**

16 A. Well, quite honestly, the only type of case that
17 I have not handled has been a Hague case. I have a really
18 good friend that I love, Jonathan Lounsberry, who is in
19 Spartanburg, he handles those cases all the time.

20 Certainly, going through the practice of law,
21 when there have been issues that I've had or questions that
22 I've had, I have had a wonderful relationship with
23 colleagues that I could always reach out and get a question
24 answered.

25 I actively participate in CLEs, not just as a

1 participant but also as a presenter. So I certainly
2 believe that I would utilize that route to learn any
3 additional skills that I might need.

4 **Q. Would you please briefly describe your experience**
5 **in handling complex, contested family court matters, and,**
6 **specifically, please discuss your experience with financial**
7 **aspect of family court work.**

8 A. Well, one of the cases that I actually mentioned
9 in my PDQ, was a high asset case. It involved issues of
10 alimony. It involved issues of equitable distribution.

11 I think my client -- the marital estate was well
12 over a million dollars. It was a very interesting case,
13 because the parties began their relationship in Spain.

14 My client was actually a native of Spain. Her
15 husband was American, and he was working in Spain when they
16 started their courtship and subsequently got married.
17 Bought properties in Spain, moved to the Tri-county area
18 where they also bought other properties, as well as
19 properties in Texas and properties in Virginia.

20 So we dealt with alimony issues related to a
21 woman who was -- spoke English as a second language. She
22 really did not work a lot outside of the home.

23 We dealt with custody issues; they had two
24 children. Of course we dealt with the marital estate from
25 the perspective of the -- the property they had gained from

1 husband's employment, but then husband also had a business
2 on the side. So we also looked at marital apportionment
3 for my client, based on that.

4 Q. Thank you very much, ma'am. The commission
5 received 371 ballot box surveys regarding you, with 49
6 additional comments. The ballot box survey, for example,
7 contained the following positive comments:

8 "Margie would be a tremendous addition to the
9 family court bench." The next quote: "I have known Ms.
10 Pizarro for more than a decade, and consider her to be an
11 exemplary candidate for this judicial seat."

12 And finally, "She is a seasoned family law
13 practitioner that I have worked with numerous times. She
14 would be an excellent judge. She is always prepared, fair,
15 and knowledgeable. She would be a great asset."

16 Fifteen of the written comments expressed
17 concerns. Several comments indicated that your temperament
18 might not be suitable for a judgeship. What response would
19 you offer to this concern?

20 A. Well, I would begin by saying that perspective is
21 reality. And I -- while it is certainly not ever my intent
22 to have the temperament that would be less than pleasing, a
23 temperament that my mother would not be proud that I
24 displayed, this litigation can be somewhat contentious.

25 Certainly, we are all zealous advocates as we try

1 to get the best outcome for our clients. If there was
2 situations where my temperament may have come across and
3 one that was not pleasing, or one that was, you know,
4 overly aggressive or overzealous, I would ask that -- I
5 would certainly offer some apologies to that person.

6 I am hopeful that it was just in the heat of the
7 moment, in the heat of litigation, simply because that's
8 not a way in which I live my life. And I feel proud to say
9 that.

10 **Q. The second concern indicated that you may lack**
11 **sufficient qualifications to be a family court judge. What**
12 **response would you offer to these concerns?**

13 A. Well, I have practiced family law almost
14 exclusively since I started my practice in 2008. I am
15 proud of the fact that I have taught at Hot Tips, which to
16 me is one of the premier family court CLEs. And I was
17 selected to teach at Hot Tips. I do it almost every year.

18 I teach family law fundamentals, I proud to say
19 that. I taught at the South Carolina Black Lawyers this
20 past conference session. So I certainly feel that being
21 able to do that is certainly a testament to my skill and
22 knowledge of the law.

23 I think that I am a lifelong learner. There are
24 always ways in which we can improve. That's why you go to
25 Hot Tips, 'cause you get hot tips from the best family

1 court practitioners. And so where there are areas that I
2 may have an actual or perceived weakness, I am fully
3 prepared to address those areas.

4 Again, I am -- I'm not afraid to ask for help.
5 I'm not afraid to call a colleague or -- you know, in the
6 event that I would be so blessed to call another judge if
7 there was an issues.

8 So I would just say, I do believe that my
9 qualifications speak for themselves. And any areas, I
10 would certainly look into that.

11 **Q. Yes, ma'am. The final concern indicated that**
12 **your level of financial preparedness might not be suitable**
13 **to your being an effective judge. How would you respond to**
14 **this concern?**

15 A. Well, I will start -- this was probably going to
16 be my opening statement, but I guess I can use it now. So
17 my husband was here with me last year. A lot of you might
18 have seen him. And he didn't get to come this time,
19 because he works a shift.

20 So he was on -- he's on day shift. And so when
21 he hugged me this morning at about six o'clock before he
22 went off to work, he said, "Now, don't go in there crying.
23 No tears this time."

24 He said, "Be confident, be strong, be honest, be
25 open, be transparent." And he said, "The past is in the

1 past." That's what he said.

2 And I thought about that, and I was like -- you
3 know, some people would say that the past is prologue. And
4 I said, well, you know, let me look up the definition of
5 that. I know sometimes when I say "past is prologue," I
6 think about the fact that, you know, what about goes around
7 comes around. But this is what I -- what I found when I
8 read it:

9 The interpretation is that everything that has
10 taken place in the past is a preparation for opportunities
11 to come. What's already happened merely sets the stage for
12 the really important stuff that will lead to greatness.

13 So when I was in here last year, I was in the
14 same space. Meaning, it was about this time in November,
15 it was about this time of day, most of you all were here.
16 My hair was different, but, you know, you -- for the most
17 part, everything else was the same. So even though I am
18 now in the same space, I'm not in the same place.

19 Over the past year since I left here, I have been
20 working to ensure that my candidacy was one that I could be
21 proud of. I have taken the necessarily steps as it relates
22 to my finances, and I am so proud of what about my packet
23 looks like.

24 You know, this is a hard room to handle. And I
25 came in here and I stood up and I cried and I gnashed

1 teeth. But I listened to what I was told. And I left here
2 and I decided I was going to come back a better person.

3 So that person that said that, maybe they knew
4 Margie last year in that place. It's a new day here today.

5 **Q. Ms. Pizarro, you've been involved in 13 lawsuits.**
6 **First, four eviction actions were filed in 1993, in**
7 **Windmill Apartments v. Grant Margie. The court found for**
8 **plaintiff in all these cases. Would you mind telling us**
9 **about those, please?**

10 A. Well, I -- let's see. That was in 1993. I was
11 married, had just finished Clemson. If that was in '93, I
12 had two children. My husband at the time worked in the
13 hospital as an orderly, I worked as an educator, and we had
14 two children in daycare. And it was just hard. It's --
15 you know, it was hard to pay the rent.

16 And those things were filed when you pay your
17 rent late. If you pay your rent late, they go down and
18 they file for the eviction. You go and pay, and then it
19 just kind of goes away. So those were instances in which
20 we just weren't able to pay our rent on time.

21 **Q. An additional two suits were filed by Southern**
22 **Finance Company in 1997 and 1996. These are Southern**
23 **Finance Company v. Magie Grant Pizarro, and Southern**
24 **Finance v. Pizarro Margie, respectively. Both were claim**
25 **and delivery actions.**

1 The 1996 action appears to have been settled, and
2 the '97 action was disposed of by finding for the
3 plaintiff.

4 A. Right.

5 Q. Would you mind telling us a little bit more about
6 those, please?

7 A. By 1996, I have four children and I was still
8 teaching. And my husband at the time was still an orderly
9 and -- you know, I was a victim of predatory loans, like a
10 lot of people are. When you go and get a loan and the
11 interest rate is really high, and you can't pay it and you
12 miss payments.

13 And a claim and delivery for anybody who doesn't
14 know, is when, you know, you put up stuff to secure the
15 loan and they want to come and take a TV. And so you just
16 figure out a way to get that -- get those paid.

17 So even though those were filed, we kept all of
18 our TVs and we just got them -- I just got them settled. I
19 just paid them.

20 Q. Yes, ma'am. There's an additional 1996 action,
21 it's a claim and delivery action, it was Incorporated Loan
22 Service v. Pizarro Margie. It appears to have been
23 settled. Do you mind telling us about that one as well?

24 A. I'm certain that was the same type thing.

25 Q. There was a 2004 case, it's Elite Financial

1 Services v. Margie A. Pizarro. That matter was disposed
2 of. Can you tell us about that?

3 A. And that one was probably -- I went to law school
4 as a single parent. I got divorced in 2001. I decided I
5 wanted to go to law school in 2004. And that was the -- me
6 leaving the classroom and starting my life over in
7 Summerville, I'm certain, during that time. But again it
8 was -- again some type of loan that I have a problem with.

9 Q. Yes, ma'am. And you just hit on this a little
10 bit, but another case was Ford Motor Credit Company v.
11 Margie Pizarro. It was a debt collection action in 2004,
12 in which you were found being in default, and judgment was
13 entered against you in the amount of \$11,845. The judgment
14 was satisfied --

15 A. Right.

16 Q. -- in 2006.

17 A. Right.

18 Q. Can you tell us about that?

19 A. Right. That was a car that I have right before I
20 came to law school. And I fell behind on it and was not
21 able to keep it. But I did pay that off.

22 Q. Yes, ma'am. In 2007, three eviction cases.
23 Those are Westbury Mews v. Margie Pizarro were filed and
24 settled. An additional case by the same name, was filed in
25 2007, and was settled in favor of you. Two 2006 cases of

1 the same name were also settled. Would you tell us about
2 all of those, please.

3 A. Right. That was again late rent. I was in law
4 school. I think the last time I was late, we ended up
5 moving.

6 Q. A claim and delivery action was filed in 2009.
7 This one was Dixie Furniture Company v. Margie Pizarro. It
8 was dismissed without prejudice. Could you discuss this
9 final matter with us?

10 A. Yes. Late payments on something. Of course, in
11 2009 is -- I guess when I first started my practice. And
12 it was pretty difficult in the very beginning, so...

13 Q. A tax lien was also placed on you, for failure to
14 pay income taxes between 2010 and 2015. The total amount
15 owed was \$64,523.42. The lien was satisfied in 2020, and
16 it was released in 2021.

17 Another lien was filed in 2016, in the amount of
18 \$8,320.84. It was satisfied in 2020. A similar lien was
19 filed for the years of 2018 and 2019, in the amount of
20 approximately \$58,000. Would you mind telling us about
21 those and the circumstances surrounding those, please,
22 ma'am?

23 A. Well, I -- in 2008, when I found I didn't have a
24 job, I really had to start my own practice. And it was
25 really just me figuring out a way to make money, to be able

1 to afford to live and to be able to afford to take care of
2 my children.

3 I didn't have an accountant. I was just try to,
4 you know, kind of figure these things out. As I went and -
5 - you know, I didn't -- I didn't have the best advice,
6 because the only person giving me advice was me. And
7 that's how I fell into those situations.

8 I actually satisfied all of those liens. I filed
9 appeals with the IRS for those liens. Those appeal -- my
10 appeals were successfully granted. All of those liens were
11 withdrawn.

12 And I have no issues with -- that last issue I
13 have was in 2019, which was three years ago -- almost four
14 years ago. All of my taxes are paid and filed. Quarterly
15 taxes have been submitted. My accountant tells me that,
16 you know, what we've paid in quarterly taxes, if there's
17 any difference, we'll get it paid by January 15th, pursuant
18 to the deadline.

19 So again that is a part of my past, which is
20 extremely important. But it's something that I have worked
21 hard to overcome. And it's just -- you know, it's just
22 something that I hope doesn't continue to -- you know, that
23 would prevent me from doing some other things.

24 **Q. Yes, ma'am. Thank you for patiently answering**
25 **all those questions. You published a memoir in 2017, and**

1 it was titled "How I Got From There to Here." Can you
2 please tell us what that book is about?

3 A. So I started writing that book in 2015, when I
4 thought I was going to be licensed to practice law in
5 California. But, you know, that didn't quite work out. To
6 take the California Bar two times, you can't do it. It's
7 too much.

8 And, plus, I had gotten married and decided, you
9 know, I've got to figure out -- my life is in South
10 Carolina. So I started writing in 2015, and by 2017, I
11 published it. And really it's just stories about my life,
12 stories about people that kind of helped me along the way.

13 I feel that -- I felt that it was important for
14 me to memorialize that, because there are just a lot of
15 people out there that struggle. There are a lot of people
16 out there that have a lot of non-traditional starts, but
17 they still end up doing something really wonderful.

18 So I wanted to be able to inspire whoever read
19 that, that it doesn't matter if you're born into poverty.
20 It doesn't matter if, you know, your daddy's not in the
21 house. It doesn't matter if you become pregnant as a
22 teenager. It doesn't matter if you've experienced
23 homelessness.

24 What matters is that every time you fall off that
25 bicycle, you get back on it and you keep pushing. And what

1 also matters is, if you are a good enough person, there are
2 just people out there that are waiting to bless you, and
3 people that are waiting to help you get to the next level.

4 So me, it was a testament to hard work and
5 perseverance and just never really -- never giving up, no
6 matter what happens.

7 **Q. Now, is this book available on the retail market?**
8 **And if so, would you let us know what your retail price of**
9 **that book is?**

10 A. So it's on Amazon. I think it's 19.95 on Amazon.
11 But obviously, some have bought them and they're trying to
12 sell them back. So you could probably buy one for ten
13 dollars.

14 But since I'm a -- I'm self-published, I usually
15 buy -- I buy them and I just keep them. Because I really
16 do kind of like to hand them out, if I see somebody that --
17 you know, somebody's interested, you know.

18 And when I buy them, I think I paid like eight
19 dollars a copy.

20 **Q. Did you distribute this book to members of the**
21 **General Assembly during your 2021 judicial candidacy?**

22 A. I did. What I did before the race actually
23 started, you know -- and again, I kind of have a non-
24 traditional past, because I really didn't know how to do
25 this. But I figured -- you know, I know you call people

1 and I know you ask them to meet with you.

2 So I sent out several copies of the book, before
3 the race kind of started, just as a way of saying if I --
4 if I called somebody, they would say, "Oh, yeah, that girl
5 that's -- the lady that sent the book."

6 So I sent out some copies in 2021, and then I
7 kind of handed out some as I met people. And then of
8 course, you know, I got out of the race in November of '21.

9 **Q. Have you distributed the book to any members**
10 **during this year's candidacy?**

11 A. During -- well, and I will also say that last
12 year -- well, when I was no longer a judicial candidate,
13 and I sent thank you notes to members of the JMSC, a lot of
14 people in this room, I did send a copy of the book as well.

15 For this year, I didn't send any out until after
16 I had met with someone. For example, when I went to the
17 Greenwood delegation meeting and I met with -- was able to
18 shake hands with those members.

19 And I sent a thank you note so nice -- "Thank you
20 so much for meeting me and talking to me." And then I sent
21 a copy of the book: "This is a little bit more about my
22 story. I would love to talk to you about my qualifications
23 and my desire to serve."

24 **Q. If you had to guess, approximately how many books**
25 **do you think you've given out during this 2022 candidacy?**

1 A. I think probably about -- between eighteen and
2 twenty. I think I -- I know I've mailed about eighteen,
3 after I met with different people. And if I had -- if I
4 had a subsequent meeting with someone and I had a -- had a
5 meeting with someone, I guess, for the first time, I would
6 give them a copy of the book. So no more than about
7 twenty.

8 **Q. And finally, you've touched on this just slightly**
9 **a little bit before, but what was your purpose in**
10 **distributing your memoir to members?**

11 A. Well, again, I think it's -- it's bio -- it's
12 biographical. I think it's kind of an interesting story.
13 And of course, I know there are only two things that we can
14 talk about, which is our qualifications and our desire to
15 serve.

16 So I really thought in hand -- you know, your
17 book is your calling card now. And it's a very easy read,
18 if I had to say so myself. But I felt that it was a way
19 for them to know me, know my story, again know who I am as
20 a person, know my qualifications and know about my desire
21 to serve.

22 **Q. Thank you very much, ma'am.**

23 MS. FAULK: I would note that the Lowcountry
24 Citizens Committee found Ms. Pizarro to be qualified in the
25 evaluative criteria of constitutional qualifications,

1 physical health and mental stability, and well qualified in
2 the evaluative criteria of ethical fitness, professional
3 and academic ability, character, reputation, experience,
4 and judicial temperament.

5 The Citizens Committee further commented,
6 "Well spoken, good experience, caring, energetic,
7 hardworking, vibrant, and smart."

8 BY MS. FAULK:

9 Q. And now, please, ma'am, if you'll just bear with
10 me for a moment longer, I've got some housekeeping
11 questions for you. Are you aware that as a judicial
12 candidate you are bound by the Code of Judicial Conduct as
13 found in Rule 501 of the South Carolina Appellate Court
14 rules?

15 A. Yes.

16 Q. Since submitting your letter of intent have you
17 contacted any members of the commission about your
18 candidacy?

19 A. No.

20 Q. Are you familiar with Section 2-19-70, including
21 the limitations on contacting members of the General
22 Assembly regarding your screening?

23 A. Yes.

24 Q. Since submitting your letter of intent have you
25 sought or received a pledge of any legislator, either prior

1 to this date or pending the outcome of your screening?

2 A. No.

3 Q. Have you asked any third parties to contact
4 members of the General Assembly on your behalf, or are you
5 aware of anyone attempting to intervene in this process on
6 your behalf?

7 A. No.

8 Q. Have you reviewed and do you understand the
9 commission's guidelines on pledging in South Carolina Code
10 2-19-70(e)?

11 A. Yes.

12 MS. FAULK: I would just note for the record
13 that any concerns raised during the investigation regarding
14 the candidate were incorporated into the questioning of the
15 candidate today. Mr. Chairman, I have no further
16 questions.

17 REPRESENTATIVE CASKEY: Thank you very much.
18 Are there any members of the commission that have any
19 questions?

20 REPRESENTATIVE RUTHERFORD: Mr. Chairman.

21 REPRESENTATIVE CASKEY: Mr. Rutherford.

22 EXAMINATION BY REPRESENTATIVE RUTHERFORD:

23 Q. Tell me again -- and I'm sorry, I was looking and
24 kind of reading stuff at the same time -- your experience
25 dealing with juveniles.

1 A. Yes.

2 **Q. Tell me about that.**

3 A. Well, again, I taught school for 12 years. My
4 last four years were in a middle school setting. And, in
5 fact, one of the reasons I went to law school was because a
6 student that I taught in sixth grade had gotten in a lot of
7 trouble in the eighth grade, and I remember the resource
8 officers taking him off with his hands behind his back, and
9 handcuffs on. And there was nothing I could do. There was
10 nothing I could do to help Jarvis.

11 And it was a -- it was a year later that I
12 decided I think I've done everything I needed to do in the
13 classroom, I want to move to something different. And
14 that's when I initially applied to law school.

15 So my work with juveniles includes, you know,
16 representing juvenile defendants, of course, in family
17 court. It includes mitigation on behalf of juveniles,
18 because mitigation is the key.

19 Mitigation is the thing that says look at -- this
20 is this child's life, this is -- these are some of the
21 reasons why they are in this predicament, and what can we
22 do moving forward to help get this child out of the system
23 and out of the -- end this cycle.

24 So that in a nutshell, is what I've done as it
25 relates to juveniles. I volunteer -- when my children were

1 in school and I was in law school, I volunteered at
2 schools. I was a band parent because it is so important.

3 If I, as a single parent, raising my children in
4 law school, did not have the proper village around my
5 children, they would -- they could have been juvenile
6 delinquents.

7 I think it is so important for family court to
8 take even a more proactive approach as it relates to
9 judicial justice in terms of, you know, getting off the
10 bench, going into the schools and talking to these kids,
11 talking to these parents.

12 I'm going to tell this story really quickly. I'm
13 53, but there was a movie called Scared Straight. And I
14 don't know if anybody here remembers that movie, but it was
15 inner city kids that went to a jail and they were actually
16 in the cell with the criminals. And it was like, "Dude,
17 you don't want to come in here. You have to do right.
18 You've got to do the right thing."

19 And one of the -- one of the -- one of the
20 inmates said, "Hey, how many of you in here have a pet?"

21 And, you know, they were like, "Yeah, I got a
22 cat. I got a dog."

23 And he pulls up a dead rat and says, "This is my
24 pet. I killed him last night because he did X, Y, Z."

25 And what it was supposed to do was tell these

1 kids: You have a better opportunity of making it out there
2 than you do in here.

3 And I feel that there's a part of the family
4 court system that just deals with these children when they
5 are in front of the court, and when in some instances all
6 hope is gone.

7 And there just has to be a way to be more
8 proactive when -- you know, when we see situations in
9 which, you know, children are going down a right path. And
10 that -- and I guess that harkens back to, you know, my
11 years in education.

12 **Q. You're primary county of practice is where?**

13 A. Dorchester County. But I kind of take cases
14 anywhere. For the most part, it's the tri-county area of
15 Dorchester, Charleston, and Berkeley. I have a case in
16 Greenville County and Richland County and Beaufort Can you
17 think. But for the most part, I'm in the tri-county are in
18 the 1st Circuit -- 1st Circuit and 9th Circuit.

19 **Q. Got you.**

20 REPRESENTATIVE RUTHERFORD: No further
21 questions.

22 REPRESENTATIVE CASKEY: Anybody else?

23 (Hearing none.)

24 REPRESENTATIVE CASKEY: Well, Ms. Pizarro,
25 thank you so much for being here today. I appreciate your

1 patience. To state the obvious, we're quite a bit behind
2 in time. But it's our responsibility to be thorough and
3 diligent in these discussions. So thank you.

4 That does conclude this portion of the
5 screening process. I want to take this opportunity to
6 remind you that pursuant to the commission's evaluative
7 criteria, the commission expects candidates to follow the
8 letter as well as the spirit of the law, and would view any
9 violations, were those to arise, as a serious infraction
10 that we would likely need to investigate and discuss
11 further. Do you understand that?

12 MS. PIZARRO: I do.

13 REPRESENTATIVE CASKEY: And on that note,
14 and as you know, the record will remain open until the
15 formal release of the report of the qualifications, and you
16 may be called back at such time if the need arises. You
17 understand that as well?

18 MS. PIZARRO: I do.

19 REPRESENTATIVE CASKEY: All right. Thank
20 you so much for offering. And I appreciate you being here
21 today.

22 MS. PIZARRO: Thank you. I appreciate it.

23 (Candidate excused.)

24 REPRESENTATIVE CASKEY: Ms. Lawrence,
25 welcome. Glad to have you. I apologize for the delays.

1 We had some unanticipated matters earlier today. And thank
2 you for your patience. If you would please raise your
3 right hand.

4 WHEREUPON,

5 STEPHANIE N. LAWRENCE, being duly sworn and
6 cautioned to speak the truth, the whole truth and nothing
7 but the truth.

8 REPRESENTATIVE CASKEY: Are the PDQ and the
9 sworn statement before you, documents that you've submitted
10 to the commission? And are they correct?

11 MS. LAWRENCE: Yes, they are.

12 REPRESENTATIVE CASKEY: Does anything need
13 to be changed or updated?

14 MS. LAWRENCE: No.

15 REPRESENTATIVE CASKEY: All right. Do you
16 object to our making these documents part of the record of
17 your sworn testimony?

18 MS. LAWRENCE: I do not object.

19 REPRESENTATIVE CASKEY: Thank you, ma'am.
20 We'll do that now.

21 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF STEPHAN
23 N. LAWRENCE)

24 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION
25 COMMISSION SWORN STATEMENT OF STEPHANIE N.

1 LAWRENCE)

2 REPRESENTATIVE CASKEY: The Judicial Merit
3 Selection Commission has thoroughly investigated your
4 qualifications for the bench. Our inquiry is focused on
5 nine evaluative criteria, and has included a ballot box
6 survey, a thorough study of your application materials,
7 verification of your compliance with state ethics laws, a
8 search of newspaper articles in which your name appears, a
9 study of previous screenings, a check for economic
10 conflicts of interest.

11 We have received no affidavits filed in
12 opposition to your election, and no witnesses are present
13 to testify. If you would like, we would be happy to hear
14 an opening statement. Or, if you'd like to waive that --
15 waive that, you would be welcome to do that. And you can
16 offer whatever comments you may have to offer in the course
17 of your testimony in response to questions.

18 MS. LAWRENCE: It's pretty late. Thank you
19 for having me. And thank you for your service to our
20 state.

21 REPRESENTATIVE CASKEY: Thank you, ma'am.
22 You have a guest with you?

23 MS. LAWRENCE: I do.

24 REPRESENTATIVE CASKEY: Would you mind
25 introducing her to everyone?

1 MS. LAWRENCE: Sure. This is Kristian
2 Cross. She's a friend of mine -- a long time friend, way
3 back from law school. And we used to work together at
4 Dickie McCamey Law Firm.

5 REPRESENTATIVE CASKEY: Well, welcome. It's
6 a pleasure to have you here. I understand you were a part
7 of JMSC in the past?

8 MS. CROSS: I was.

9 REPRESENTATIVE CASKEY: Is that right?

10 MS. CROSS: Yes.

11 REPRESENTATIVE CASKEY: All right. Please
12 don't judge me too harshly. Thank you. All right. That
13 all be done, I'd ask you to please answer any questions
14 from counsel.

15 MS. FAULK: Thank you very much, Mr.
16 Chairman. I note for the record that based on the
17 testimony contained in the candidate's PDQ, which has been
18 included in the record, with the candidate's consent, Ms.
19 Lawrence meets the qualifications and/or statutory
20 requirements for this position, regarding age, residence,
21 and years of practice.

22 EXAMINATION BY MS. FAULK:

23 Q. Good evening, ma'am. It's nice to see you again.

24 A. You as well.

25 Q. Why do you now want to service as an

1 administrative law court judge, and how do you feel your
2 legal and professional experience thus far will assist you
3 in being an effective judge?

4 A. Well, I want to be a judge because of the high
5 regard I have for the judiciary and the role it plays in
6 our society. It's how I want to be of service to the
7 community and to the state.

8 I specifically want to be an administrative law
9 court judge because my entire practice has been in
10 administrative law. It's what I like to do. It's a good
11 fit for me.

12 Our administrative law court has vast
13 jurisdiction, dealing with many issues for most of the
14 agencies in our state. And so I feel like it would
15 probably an opportunity for a very long and rewarding
16 career. That appeals to me.

17 The second part of your question. In my
18 experience, I feel that my entire experience so far has
19 prepared me for this at different levels. I started out as
20 an attorney, working with Boykin & Davis Law Firm,
21 representing school districts, technical closing, high ed
22 institutions, small municipalities across the state.

23 In that capacity, I handled their defense -- the
24 litigation as well as some of their day-to-day matters. A
25 lot of those issues start out at an administrative level,

1 either before school boards, hearing officers, small
2 tribunals, EEOC complaints and things like that.

3 I also prosecuted cases -- OSHA cases with LLR
4 and citations against administrators for long-term
5 healthcare facilities. So my experience starting out with
6 Boykin & Davis gave me a vast range of administrative law
7 practice experience.

8 And then from there, I transitioned to workers'
9 compensation defense. And for anyone who knows about
10 workers' compensation in our state, it's before the South
11 Carolina Workers' Compensation Commission, which is very
12 similar to our administrative law court.

13 These are bench trials and three-judge appellate
14 panels, they are -- those hearings are guided by the
15 Administrative Procedures Act, just like the administrative
16 law court, and some of the rules of evidence and South
17 Carolina Rules of Procedure.

18 So I handled workers' compensation cases at all
19 levels for my clients. I was before the commission a ton.
20 So a lot of experience actually practicing before the
21 commission on a weekly basis.

22 And then in 2020, I stopped private practice to
23 become an administrative hearing officer with the
24 Department of -- with the South Carolina Department of
25 Education. I contracted out to preside over their teacher

1 unprofessional conduct cases.

2 And I did that specifically because I knew I
3 wanted to run for a judicial seat. I know that's where I
4 wanted to go next in my career, but I wanted to make sure
5 it was a good fit, and not that the grass looked greener.
6 And so I started hearing cases for the department, and am
7 happy to confirm it was a great fit.

8 So I think that, that experience also leads to me
9 being able to be an effective judge in the administrative
10 law court. Those were full evidentiary hearings, also
11 guided by the Administrative Procedures Act, the South
12 Carolina Rules of Evidence, and the South Carolina Rules of
13 Civil Procedure.

14 Those cases -- I provided a report of
15 recommendations to the school board, and then those were
16 appealable to the administrative law court. So all of
17 these issues that I've dealt with over the course of my
18 career, I think, make me well suited to sit on the
19 administrative law court.

20 **Q. Thank you, ma'am. Are there any additional areas**
21 **of the law for which you would need additional preparation**
22 **in order to service as an administrative law court judge,**
23 **and if so, how would you handle that additional**
24 **preparation?**

25 A. Oh, I think there would definitely be some

1 learning curve. The jurisdiction of the administrative law
2 court is vast, and I don't think there's any judge there
3 that practiced in every single are of this jurisdiction
4 before they got to that bench. The same would be true for
5 me.

6 So I plan to handle it like I handle any other
7 transition, when I went from education to workers' comp
8 back to education. I will study the law diligently. I
9 will make sure that I'm doing the proper research.

10 I will seek counsel from other more-senior
11 members of the bench and, basically, put my head down and
12 get to work. I'm committed to doing a good job.

13 **Q. You kind of touched on this a moment before, but**
14 **would you tell us again, please, the types of cases that**
15 **you've handled before the administrative law court, and**
16 **what experiences specifically qualify you for being on the**
17 **administrative law court.**

18 A. So the cases I handled before the administrative
19 law court were when I was with Boykin & Davis. These were
20 cases brought from LLR -- they originated at LLR disputes,
21 OSHA citations for serious and other than serious
22 excavation site violations, those cases.

23 And I'm specifically situated to sit on the
24 administrative law court because of the vast amount of
25 administrative law experience I've had. I mentioned before

1 that I represented school districts, higher ed
2 institutions, and small municipalities. Those matters --
3 when you're handling day-to-day operations, you're dealing
4 with many of our administrative agencies in the state: the
5 Department of Employment and Workforce cases, the LLR
6 cases, DSS matters.

7 It goes on and on when you're -- when you're
8 representing those educational institutions. Those matters
9 from those agencies, those are all decisions that get
10 appealed directly to our administrative law court, as well
11 as the teacher unprofessional conduct cases that I presided
12 over. Once I issued a report of recommendation, whatever
13 the final decision is by the state board of education, that
14 decision gets appealed to the administrative law court.

15 **Q. What is your vision for the administrative law**
16 **court, and for what changes would you advocate and why?**

17 A. I guess currently my vision for the court would
18 just be to continue its current issues -- mission which is
19 to provide a neutral forum for fair, impartial, and prompt
20 hearings. I think they do a great job with that.

21 I wouldn't presume any changes before being on
22 the court. At least talking to senior members of the court
23 on the bench, and the staff.

24 **Q. In what instances is it appropriate for the**
25 **judiciary to work in cooperation with other branches of**

1 government, and in what areas must the judiciary stand
2 apart from other branches?

3 A. I think there is, and I definitely respect, the
4 separation of powers. I don't think it's the role of the
5 judiciary to set policy. I think that's for our
6 legislature. I will respect that.

7 I definitely think in matters of court efficiency
8 are great times when the branches can work together. I
9 think the administrative law court is a perfect example of
10 that happening. It is an executive branch agency created
11 by our legislature, as the court of record, but it's an
12 executive agency. I think that's a great example of a
13 collaboration between the branches.

14 Q. Ms. Lawrence, the commission received 181 ballot
15 box surveys regarding you, with 11 additional comments.
16 The ballot box survey contained, for example, the following
17 positive comments:

18 "Professional, friendly, able to relate to a
19 variety of different people. Level-headed and intelligent
20 and would be an asset to the bench."

21 The next comment is: "First rate lawyer and
22 person."

23 And the final comment: "Is an excellent attorney
24 who pays attention to detail. She has always been
25 professional, kind, courteous, and extremely sound in her

1 legal opinions. I believe she is an excellent candidate
2 for the bench in South Carolina, especially administrative
3 law court, where details matter."

4 And none of the written comments expressed any
5 concerns at all.

6 Ms. Lawrence, your SLED report shows that you
7 have been a defendant in four suits. The first is World
8 Finance Company v. Lawrence, as a claim and delivery
9 action, filed and settled in January of 2015. Can you tell
10 us about that, please?

11 A. That's not me. I know nothing about that case.

12 Q. An additional two claim and delivery actions,
13 both entitled People's Finance Company v. Stephanie
14 Lawrence, those were filed in 2015, one was dismissed and
15 one was settled. Would you please tell us about those as
16 well.

17 A. I cannot. Those are not me.

18 Q. Finally, another claim and delivery action which
19 was Regional Finance v. Lawrence was dismissed without
20 prejudice in January of 2015. Can you tell us anything
21 about this?

22 A. No, ma'am, I cannot. Again, that is not me in
23 that matter.

24 Q. Yes, ma'am. Thank you.

25 MS. FAULK: The Midlands Citizens Committee

1 reported Ms. Lawrence to be qualified in the evaluative
2 criteria of constitutional qualifications, physical health
3 and mental stability. The committee further reported her
4 to be well qualified in the evaluative criteria of ethical
5 fitness, professional and academic ability, character,
6 reputation, experience, and judicial temperament.

7 The Citizens Committee further reported that
8 Ms. Lawrence is very well versed in admin law, and that she
9 would make a great asset to the bench.

10 BY MS. FAULK:

11 Q. And now, ma'am, if you'll hang with me for just a
12 couple more moments, I just have some housekeeping
13 questions, and then that's it for me.

14 A. Okay.

15 Q. Since submitting your letter of intent have you
16 sought or received the pledge of any legislator, either
17 prior to this date or pending the outcome of your
18 screening?

19 A. I have not.

20 Q. Have you asked any third parties to contact
21 members of the General Assembly on your behalf, or are you
22 aware of anyone attempting to intervene in this process on
23 your behalf?

24 A. I have not and I'm not aware.

25 Q. Since submitting your letter of intent to run for

1 this seat, have you contacted any members of the commission
2 about your candidacy?

3 A. No, I have not.

4 Q. Do you understand that you are prohibited from
5 seeking a pledge or commitment, directly or indirectly,
6 until 48 hours after the formal release of the commission's
7 report, and are you aware of the penalties for violating
8 the pledging rules?

9 A. Yes, I'm aware of both.

10 MS. FAULK: I would just note for the record
11 that any concerns raised during the investigation regarding
12 the candidate were incorporated into the questioning of the
13 candidate today. Mr. Chairman, I have no further
14 questions.

15 REPRESENTATIVE CASKEY: Thank you, ma'am.
16 Do any members of the commission have questions?

17 REPRESENTATIVE RUTHERFORD: I have.

18 REPRESENTATIVE CASKEY: Representative
19 Rutherford.

20 REPRESENTATIVE RUTHERFORD: This Stephanie
21 Lawrence person, are you looking for her, actively, to try
22 and find out who she is?

23 MS. LAWRENCE: I am not. I do know that
24 there are three Stephanie Lawrence's in Columbia.

25 REPRESENTATIVE RUTHERFORD: I see.

1 MS. LAWRENCE: I'm presuming she's one of
2 those, one of the other two.

3 REPRESENTATIVE RUTHERFORD: Just checking.

4 REPRESENTATIVE CASKEY: All right. Yes,
5 ma'am.

6 MS. BLACKLEY: I just want to commend you on
7 the wonderful ballot box comments and not -- a rarity of
8 not having any negative ones. I just want to congratulate
9 you on that and what you've done in the past.

10 MS. LAWRENCE: Thank you.

11 CHAIRMAN RANKIN: Real quick. The letters
12 of reference, one which includes your former partner -- or
13 Kenya.

14 MS. LAWRENCE: Yes.

15 CHAIRMAN RANKIN: A solid, solid crowd you
16 worked with there.

17 MS. LAWRENCE: I enjoyed working with Kenya.
18 She's a great attorney and a great person.

19 CHAIRMAN RANKIN: Yeah.

20 REPRESENTATIVE CASKEY: Anyone else unable
21 to resist the temptation to talk?

22 (Hearing none.)

23 REPRESENTATIVE CASKEY: All right. Given
24 this later hour, Ms. Lawrence, I do appreciate your time
25 and your patience with us today. Thank you for making the

1 effort to be here.

2 I do want to take the opportunity to remind
3 you that pursuant to the commission's evaluative criteria,
4 the commission expects candidates to follow the spirit as
5 well as the letter of the ethics laws, and we will view
6 violations or appearance of impropriety as serious and
7 potentially deserving of heavy weight in the screening
8 deliberations. Do you understand that?

9 MS. LAWRENCE: I understand.

10 REPRESENTATIVE CASKEY: And on that note, as
11 you know, the record will remain open until the formal
12 release of the report of qualifications, and you may be
13 called back at such time if the need arises. Do you
14 understand that?

15 MS. LAWRENCE: I understand.

16 REPRESENTATIVE CASKEY: Thank you again so
17 much. I appreciate you offering for service here in South
18 Carolina.

19 MS. LAWRENCE: Thank you for your time.

20 (Candidate excused.)

21 REPRESENTATIVE CASKEY: Good evening, Ms.
22 Rookard.

23 JUDGE ROOKARD: Good evening.

24 REPRESENTATIVE CASKEY: Am I pronouncing
25 that correctly?

1 JUDGE ROOKARD: You are.

2 REPRESENTATIVE CASKEY: Well, thank you so
3 much for being here. We appreciate your patience. We know
4 it's been a long day. Of course, we got held up with some
5 legal issues that took a little bit more -- a little bit
6 more time than we expected. So thank you for your
7 understanding, and as I say, your patience with us.

8 If you would please raise your right hand.

9 WHEREUPON,

10 THE HONORABLE CRYSTAL ROOKARD, being duly
11 sworn and cautioned to speak the truth, the whole truth and
12 nothing but the truth.

13 REPRESENTATIVE CASKEY: Are the PDQ and the
14 sworn statement before you, documents that you submitted to
15 the commission?

16 JUDGE ROOKARD: It is.

17 REPRESENTATIVE CASKEY: And they're both
18 correct?

19 JUDGE ROOKARD: Yes.

20 REPRESENTATIVE CASKEY: Is there anything
21 that needs to be changed or updated?

22 JUDGE ROOKARD: I did submit amendments, and
23 it looks like you did receive them.

24 REPRESENTATIVE CASKEY: Okay. Is there any
25 objection to us entering those into the record, along with

1 your sworn statement?

2 JUDGE ROOKARD: No, sir.

3 REPRESENTATIVE CASKEY: All right. Thank
4 you very much. We'll do that now.

5 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION
6 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
7 HONORABLE CRYSTAL ROOKARD)

8 (EXHIBIT NO. 21 - AMENDMENT TO THE PERSONAL
9 DATA QUESTIONNAIRE OF THE HONORABLE CRYSTAL
10 ROOKARD)

11 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION
12 COMMISSION SWORN STATEMENT OF THE HONORABLE
13 CRYSTAL ROOKARD)

14 REPRESENTATIVE CASKEY: The Judicial Merit
15 Selection Commission has thoroughly investigated your
16 qualifications for the bench. Our inquiry has focused on
17 nine evaluative criteria, and has included a ballot box
18 survey, a thorough study of your application materials,
19 verification of compliance with state ethics laws, a search
20 of newspaper articles in which your name appears, a study
21 of previous screening, and a check for economic conflicts
22 of interest.

23 We have received no affidavits filed in
24 opportunity to your election, and no witnesses are present
25 to testify. And if you would like, or not, you may offer a

1 brief statement. Or, you may waive that so we can move
2 along. And you can offer any comments you may have in the
3 course of your testimony, responsive to questions from
4 either counsel or the commissioners.

5 JUDGE ROOKARD: That's funny. Sounds like
6 talking to my nieces and nephews when I tell them, "Hint,
7 hint, it's time to go."

8 REPRESENTATIVE CASKEY: Right.

9 JUDGE ROOKARD: So very briefly, no long
10 statement. I just want to say thank you. I'm honored to
11 be here. I appreciate your time and your sacrifice,
12 obviously at this late hour. And I especially thank the
13 staff; they're always so helpful, so responsive. So I
14 really want to say that for the record.

15 REPRESENTATIVE CASKEY: Thank you. That's
16 nice to hear. Please answer questions from Ms. Baker.

17 MS. BAKER: Thank you, Mr. Chairman. I
18 note for the record that based on the testimony contained
19 in the candidate's PDQ, which has been included in the
20 record, with the candidate's consent, Judge Crystal Rookard
21 meets the constitutional and statutory requirements for
22 this position, regarding age, residence, and years of
23 practice.

24 EXAMINATION BY MS. BAKER:

25 Q. Judge Rookard, how do you feel your legal and

1 professional experience thus far renders you qualified and
2 will assist you to be an effective administrative law court
3 judge?

4 A. Well, I'll try to be as brief as I can. But I
5 have over 22 years of experience as legal counsel for three
6 state government agencies. I started off my career at the
7 Department of Corrections -- this may be somewhat familiar
8 with -- with you, because you've probably seen me here
9 before.

10 And I actually started off my career, strictly
11 dealing with the ALC, the administrative law court. So I
12 handled inmate litigation, which was appealed to the
13 administrative law court. I prepared documents to be
14 submitted into the record, drafted and filed an estimated
15 one thousand briefs to the ALC.

16 During that time period, it was an avalanche of
17 inmate appeals, as you can imagine. That hadn't occurred
18 before. So I was one of, I think, three or four attorneys
19 that was hired during that time period. So that is why I
20 had so many cases. And so I had spent a lot of work with
21 the -- before the administrative law court, interacting
22 with the staff.

23 And I handled inmate cases involving prison
24 disciplinary appeals, sentence calculations, custody and
25 liberty issues, and the appeals were handled pursuant to

1 the Administrative Procedures Act and the Administrative
2 Law Court rules.

3 I also represented SCDC against inmate litigation
4 filed in circuit court in Richland County. The other area
5 of responsibilities when I was at the Department of
6 Corrections was employment grievances. So I handled a
7 number of employment grievances, and that included the
8 mediations, the arbitrations, and the hearings.

9 And for those hearings, that meant appearing
10 before them. Oral arguments, legal document prep, witness
11 prep, cross-examination, direct examination. So I did
12 quite a bit of that, especially the last couple of years I
13 was at SCDC.

14 And during my career throughout state government,
15 I've handled a number of issues. Everything you can
16 imagine. I always said that being general counsel is
17 almost like being in private practice, whatever happens
18 that day or comes in the door.

19 As a matter of fact, I had two calls while I was
20 waiting, so I guess I got a good bit of work done while I
21 was waiting. That's just a part of what I do. My job
22 sometimes is 24/7.

23 For the past few years, I've served as a part-
24 time municipal judge. From about 2015 to about 2020, just
25 before COVID, I conducted bench trials and adjudicated

1 cases in criminal, traffic court, domestic violence court,
2 homeless court, quality of life court, preliminary hearings
3 and bond court.

4 I've ruled on numerous motions in court, and
5 drafted orders as needed. Some of those issues I dealt
6 with involved the Department of Motor Vehicles, such as
7 driving -- DUS cases, driving under suspension, and failure
8 to provide proof of insurance.

9 So quite a bit of experience, I believe, that
10 would make me a qualified candidate for the ALC.

11 **Q. Thank you, Judge Rookard. And why do you want to**
12 **serve as an administrative law court judge?**

13 A. Well, like I said earlier, I've dedicated my
14 career to state government. And I firmly believe in state
15 government. I enjoy it. Obviously, I've stuck with it. I
16 really had no intention of staying this long. After the
17 first five years, I kept telling myself, "This is it. I'm
18 leaving. This is it."

19 But I enjoy it. I deal with a variety of issues
20 and I love public service. It sort of -- it sort of bit
21 me. And I sort of stuck with it and -- it's really been
22 hard to walk away from.

23 And then I've been very blessed to have a
24 successful career. And so I -- as I've elevated in my
25 career, I have just stayed committed to public service.

1 Q. Thank you. Are there any areas of the law for
2 which you would need additional preparation in order to
3 serve as an administrative law court judge, and how would
4 you handle that additional preparation?

5 A. Well, the first thing that comes to mind, and I
6 think I may have said this in the past, but I would like to
7 spend some time on tax cases for the Department of Revenue.
8 I would spend some time researching those type of cases,
9 the state and county tax cases. And then I would approach
10 it no different than how I've done my entire career.

11 When I -- from the Department of Corrections to
12 Midlands Tech to Lander, I've always had to teach myself
13 the law. So I research the law, I review the rules, and
14 prepare myself no different than any other attorney. We
15 all do that when you have to learn something new.

16 And I pride myself on being hardworking and
17 making sure I'm prepared, so sometimes I can be a little
18 bit intense about that. But even when I go to court --
19 municipal court, I will go back and reread the same laws
20 I've read every single time, just to make sure I'm
21 prepared.

22 I don't like to do things off the cuff, and I
23 don't do -- I don't like to do things off the top of my
24 head. So I will research it over and over and over, even
25 I've read it again and again, just to make sure that I am

1 not making a decision based on my poor memory.

2 Q. During the course of our research, we found
3 newspaper articles and social media posts that identified
4 you as the judge who set bond on the initial charge
5 relating to a shooting at the Columbiana Mall in April of
6 2022. Judge Rookard, what was the charge that you heard in
7 the bond hearing, and were there any additional charges
8 before you?

9 A. Okay. I'm glad you asked me that question. I
10 have not followed a lot of the social media, because I
11 don't participate on social media. And my family of course
12 shields me from a lot of things, and they'll say, "Don't
13 Google your name right now."

14 So I'm not aware of everything. I mean, you and
15 I have discussed it.

16 The charge that was before me on that particular
17 day, there was one charge, it was a weapons charge. And I
18 was aware that there were pending charges. I'm not sure
19 what the time frame for those charges were at that time. I
20 was just told at the time, there were pending charges.

21 I am required by the canons, specifically Canon
22 3(b)(2), to be faithful to the law and not be swayed by
23 public demeanor or fear of criticism. And in the context,
24 I determine bail based on the factors that I was required
25 to consider, statutorily.

1 And based on the sole charge before me in a way
2 that was consistent with those factors. So that particular
3 day, I had one charge. That was a weapons charge.

4 **Q. Thank you, Judge. Judge Rookard, the commission**
5 **received 169 ballot box surveys regarding you, with 7**
6 **additional comments. The ballot box survey, for example,**
7 **contained the following -- some of the following positive**
8 **comments:**

9 **"Ms. Rookard is well respected in the legal**
10 **community. Her experience is wide ranging and gives her**
11 **the necessary credentials to be an outstanding judge.**
12 **Judge Rookard brings a diversity of experience to this**
13 **position, and is known to be a person of high integrity.**
14 **She is thorough and deliberate in her legal strategy, and**
15 **would be an asset to the administrative law court. Her**
16 **work ethic, reputation, and legal acumen is stellar."**

17 MS. BAKER: For the commission's further
18 information, I would note the Midlands Citizens Committee
19 reported that Judge Rookard is well qualified as to the
20 evaluative criteria of ethical fitness, character,
21 reputation, and judicial temperament, and qualified in the
22 evaluative criteria of professional and academic ability,
23 experience, constitution qualifications, physical health
24 and mental stability.

25 BY MS. BAKER:

1 Q. Judge, I have a few housekeeping questions.

2 A. Okay.

3 Q. Judge Rookard, are you aware that as a judicial
4 candidate, you are bound by the code of judicial conduct as
5 found in Rule 501 of the South Carolina Appellate Court
6 rules?

7 A. Yes. I am, yes.

8 Q. Judge Rookard, since submitting your letter of
9 intent have you contacted any members of the commission
10 about your candidacy?

11 A. No, I have not.

12 Q. Since submitting your letter of intent have you
13 sought or received a pledge of any legislator, either prior
14 to this date or pending the outcome of your screening?

15 A. No, I have not.

16 Q. Are you familiar with Section 2-19-70, including
17 the limitations on contacting members of the General
18 Assembly regarding your screening?

19 A. Yes, I am.

20 Q. Have you asked any third parties to contact
21 members of the General Assembly on your behalf, or are you
22 aware of anyone attempting to intervene in the process on
23 your behalf?

24 A. No, not to my knowledge.

25 Q. Have you reviewed and do you understand the

1 commission's guidelines on pledging in Code Section 2-19-
2 70(e)?

3 A. Yes.

4 MS. BAKER: Mr. Chairman, I would note for
5 the record that any concerns raised during the
6 investigation by staff regarding the candidate were
7 incorporated into the questioning of the candidate today.
8 Mr. Chairman, I have no further questions.

9 REPRESENTATIVE CASKEY: Thank you. I
10 appreciate that. Judge Rookard, let me apologize to you.
11 When we -- when I initially addressed -- addressed you, I
12 didn't use the term "judge." That is on the account of the
13 fact that 'cause I'm new at this, staff has to prepare a
14 script for me. I was freaking out over whether or not I
15 was going to pronounce your name correctly, and I missed
16 the "honorable" part.

17 JUDGE ROOKARD: No problems. No problems.

18 REPRESENTATIVE CASKEY: So forgive me for
19 that. Do any members of the commission have questions?

20 REPRESENTATIVE RUTHERFORD: Yes.

21 REPRESENTATIVE CASKEY: Representative
22 Rutherford.

23 REPRESENTATIVE RUTHERFORD: Not necessarily
24 questions, but just a comment. I hate that -- and I tried
25 to find the question that your attorney asked you about,

1 that bond hearing which, as you know, I participated in.

2 JUDGE ROOKARD: Yes, sir.

3 REPRESENTATIVE RUTHERFORD: I hate that
4 there are idiots that don't understand criminal law, and
5 that haven't bothered to read the transcript, if they're
6 that interested in knowing what happened.

7 JUDGE ROOKARD: Yes, sir.

8 REPRESENTATIVE RUTHERFORD: I was talking to
9 one of my colleagues earlier, and the City of Columbia --
10 and I hope they're listening -- made you look bad. They
11 could have done a better job.

12 I spoke to the Chief, "Please don't just
13 charge him with that. If you have to, just wait. You
14 don't have to charge him right now. You can hold him. And
15 if you do, and that's all you've got, then his bond can't
16 be denied on a simple unlawful carrying of a pistol
17 charge." Which was all he was charged with at the time.

18 The City of Columbia Police Department was
19 present; they did not ask that his bond be denied. In
20 fact, I requested conditions on that bond, that you then
21 set, about staying away from the victims.

22 And we acknowledged at that time, that there
23 are no real victims under unlawful carrying of a pistol,
24 that you still demanded that he stay away from those
25 victims.

1 JUDGE ROOKARD: Yes, sir.

2 REPRESENTATIVE RUTHERFORD: The City of
3 Columbia added charges later. And rather than at least
4 allowing you to step in and be the judge, to then deny the
5 bond -- which is what later happened -- they sent it to
6 another judge, making it look like you didn't do your job.

7 And I apologize for their incompetence, for
8 their inability to follow the law and to stand behind a
9 judge that does. But you did exactly what you were
10 supposed to do. And in fact, you did the only thing that
11 you could have done when someone is charged with carrying a
12 pistol unlawfully. And that's all that he was charged with
13 at the time.

14 So I apologize. I hope that this makes it
15 into the record. I hope that they read it and I hope that
16 at some point they step up and acknowledge that they left
17 you out there hanging for no good reason, other than to
18 protect the story that they wanted to perpetrate at the
19 time, which was that they had other people in custody that
20 they did not, that they made statements to the press,
21 saying that they did, when they did not.

22 And so as this case moves forward, and it
23 will, hopefully, that comes out and eliminates any pressure
24 on you for doing exactly what you were supposed to do,
25 which was your job. So I just wanted you to know that.

1 JUDGE ROOKARD: Well, I appreciate that. I
2 would not disrespect my employer. I'm not that type --

3 REPRESENTATIVE RUTHERFORD: That's my job.

4 JUDGE ROOKARD: I'm not that type of person.
5 I'm a big girl. I took the job. And I am willing to take
6 the heat. My only concern was about my family and -- so
7 just making sure they were safe, because of some of the
8 things that had been said. The e-mails I received and the
9 calls, it's a little bit unsettling. But all is well. So
10 I appreciate your comments.

11 REPRESENTATIVE RUTHERFORD: Absolutely.

12 REPRESENTATIVE CASKEY: Any other questions
13 or short speeches?

14 (Hearing none.)

15 REPRESENTATIVE CASKEY: Seeing no more
16 questions, Judge Rookard, we appreciate you being here.
17 Again, our apologies for the delay --

18 JUDGE ROOKARD: No problem.

19 REPRESENTATIVE CASKEY: -- in hearing your
20 testimony. Thank you for your service to the state thus
21 far. This concludes this portion of the screening process.

22 I want to take this opportunity, though, to
23 remind you that pursuant to the commission's evaluative
24 criteria, the commission expects candidates to follow the
25 spirit as well as the letter of the ethics laws, and we

1 will view violations or the appearance of impropriety as
2 serious and potentially deserving of heavy weight and
3 screening deliberations. You understand that?

4 JUDGE ROOKARD: Yes, sir, I do.

5 REPRESENTATIVE CASKEY: On that note, and as
6 you know, the record will remain open until the formal
7 release of the report of qualifications, and you may be
8 called back at such time if the need arises.

9 JUDGE ROOKARD: Not a problem.

10 REPRESENTATIVE CASKEY: All right. Thank
11 you very much. I hope you have a great rest of your
12 evening.

13 (Candidate excused.)

14 CHAIRMAN RANKIN: On motion of
15 Representative Rutherford, seconded by Representative
16 Caskey, we're going into executive session.

17 (Off the record.)

18 CHAIRMAN RANKIN: We're on the record. And
19 while in executive session, no votes were taken and no
20 decisions were made. We are now going to proceed to Judge
21 Frierson-Smith.

22 We are ready to proceed, Judge Frierson-
23 Smith. Come on up, if you will.

24 JUDGE FRIERSON-SMITH: Yes.

25 CHAIRMAN RANKIN: First, let me ask you to

1 raise your right hand.

2 WHEREUPON,

3 THE HONORABLE ROSALYN FRIERSON-SMITH, being
4 duly sworn and cautioned to speak the truth, the whole
5 truth and nothing but the truth.

6 CHAIRMAN RANKIN: You have with you, a
7 couple of documents, a sworn statement and a PDQ. Are
8 those ready to be admitted into the record?

9 JUDGE FRIERSON-SMITH: Yes, they are.

10 CHAIRMAN RANKIN: Okay. If you'll hand
11 those to Lindi, they will be marked as exhibits.

12 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION
13 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
14 HONORABLE ROSALYN FRIERSON-SMITH)

15 (EXHIBIT NO. 24 - AMENDMENT TO THE PERSONAL
16 DATA QUESTIONNAIRE OF THE HONORABLE ROSALYN
17 FRIERSON-SMITH)

18 (EXHIBIT NO. 25 - JUDICIAL MERIT SELECTION
19 COMMISSION SWORN STATEMENT OF THE HONORABLE
20 ROSALYN FRIERSON-SMITH)

21 CHAIRMAN RANKIN: You have with you, a few
22 folks. And you're welcome to introduce them, if you would
23 like.

24 JUDGE FRIERSON-SMITH: Certainly. I have my
25 sister, Veronica Ramseur, and my husband, Roy Smith.

1 CHAIRMAN RANKIN: Welcome, Ms. Ramseur, and
2 husband. It's nice to meet you two.

3 Judge, are you familiar with this process in
4 our investigation of your qualifications to be reelected to
5 the bench. So bear with me. But we look at nine
6 evaluative criteria, including the ballot box survey, a
7 study of your application materials, verification of your
8 compliance with state ethics laws, a search of newspaper
9 articles in which your name appears, a study of previous
10 screenings, and a check for economic conflicts of interest.

11 As you know, there has been one affidavit
12 that has been filed in opposition to your election. And
13 the affiant is here to testify regarding her complaint.

14 At this point, if you will, we're going to
15 have you sit down. And I'm going to invite Ms. Meisner.
16 Am I pronouncing that correctly?

17 MS. MEISNER: Yes, sir. That's correct.

18 CHAIRMAN RANKIN: Come up, if you will,
19 please. Come to the podium. And let me ask you, likewise,
20 to raise your right hand.

21 WHEREUPON,

22 RHONDA MEISNER, being duly sworn and
23 cautioned to speak the truth, the whole truth and nothing
24 but the truth.

25 CHAIRMAN RANKIN: You have filed, timely, a

1 complaint and served us with that affidavit, pursuant to
2 our rules, correct?

3 MS. MEISNER: Yes, Your Honor.

4 CHAIRMAN RANKIN: All right. And so we
5 wrote you, on November the 8th, specifically acknowledging
6 you of receipt of that, and that you were to be here today.
7 I apologize for the nearly three-hour delay that we have
8 researched this hearing, and likewise to the judge, for our
9 delay in getting to this.

10 But what I wanted to make sure you
11 understand that we are here to do is to have you address
12 the nine evaluative criteria. And you have read this, and
13 you know what they are, I've said them over and over, but
14 what I would ask you to do is to limit your remarks
15 specifically to these nine. And if I need to list them for
16 you, I can do that.

17 We have your complaint. We have your
18 supporting documents. And, likewise, as you know, we are
19 not an appellate panel. And so we are not going to hear
20 things that are pending before other courts, okay? And so
21 to the -- I need a verbal acknowledgment of that.

22 MS. MEISNER: Yes, Your Honor. And if you
23 could -- if you would give me the nine criteria again.

24 CHAIRMAN RANKIN: And if this helps --
25 again, not to dispense with what you have to say, but again

1 we have your complaint. And so as I list these, if they do
2 not apply, then we'll pass and we'll go on to whichever
3 does apply. But I'm reminding you -- lovingly, tenderly,
4 and respectfully -- if you venture into the area of that
5 appellate panel, we're going to remind you --

6 MS. MEISNER: "Don't do that."

7 CHAIRMAN RANKIN: -- you're not at the right
8 place, okay?

9 MS. MEISNER: Yes, Your Honor.

10 CHAIRMAN RANKIN: All right. So first
11 evaluative criteria is constitutional qualifications.

12 MS. MEISNER: And with regard to
13 constitutional qualifications --

14 CHAIRMAN RANKIN: Citizenship and residence,
15 age. Do you have a complaint about Judge Frierson-Smith's
16 constitutional qualifications to service?

17 MS. MEISNER: No, I don't think that, that's
18 relevant.

19 CHAIRMAN RANKIN: Okay. The second is
20 ethical fitness.

21 MS. MEISNER: I believe that's relevant.

22 CHAIRMAN RANKIN: All right. Professional
23 and academic ability.

24 MS. MEISNER: I believe that's relevant.

25 CHAIRMAN RANKIN: Okay. Character.

1 MS. MEISNER: I believe that's relevant.

2 CHAIRMAN RANKIN: Reputation.

3 MS. MEISNER: I don't know the relevancy of
4 that.

5 CHAIRMAN RANKIN: Okay. Physical health.

6 MS. MEISNER: I don't know the relevance of
7 that.

8 CHAIRMAN RANKIN: Mental stability.

9 MS. MEISNER: I don't know the relevance of
10 that.

11 CHAIRMAN RANKIN: Experience.

12 MS. MEISNER: I don't know the relevance of
13 that.

14 CHAIRMAN RANKIN: And judicial temperament.

15 MS. MEISNER: I believe that's relevant.

16 CHAIRMAN RANKIN: All right. So for our
17 purposes, we are looking only at ethical fitness -- so 2,
18 3, 4, 5, and 9. And those are my order. Again, if you
19 want me to restate those --

20 MS. MEISNER: Please.

21 CHAIRMAN RANKIN: And, again, we -- the
22 record contains these again: ethical fitness, professional
23 and academic ability, character, judicial experience, I
24 think you said, and judicial temperament. Correct?

25 MS. MEISNER: Temperament for sure. You

1 said judicial experience. I don't think that I --

2 CHAIRMAN RANKIN: I apologize. Okay. So
3 with that, again, that's our -- those are our areas of
4 concern. I'm going to now turn it over to Ms. Dean, to
5 proceed with questions. And then if there are any
6 questions that the commission has, we will likewise pose
7 them to you.

8 MS. MEISNER: Okay. Thank you, Your Honor.

9 MS. DEAN: Thank you, Mr. Chairman. Ms.
10 Meisner, before you --

11 CHAIRMAN RANKIN: A real quick interruption.
12 Your complaint will be admitted into the record. You
13 understand that, correct?

14 MS. MEISNER: That is fine.

15 CHAIRMAN RANKIN: To the degree that there's
16 any redaction needed of names, we will do that. You
17 understand that?

18 MS. MEISNER: Thank you.

19 CHAIRMAN RANKIN: All right. And likewise
20 for the record, we do not want you to list names. You have
21 someone filming back here -- I don't know, again, to what
22 purpose of that filming is. But again, do not utter the
23 names of any child that --

24 MS. MEISNER: Thank you. Thank you for that
25 admonition. I appreciate that.

1 MS. DEAN: Thank you, Mr. Chairman.

2 Ms. Meisner, before you, you have a copy of
3 your witness affidavit form. Do you object to this being
4 made a part of the public record?

5 MS. MEISNER: I have not been given the form
6 that I submitted.

7 (Ms. Meisner reviews a copy of the affidavit.)

8 MS. MEISNER: Yes, this appears to be my
9 form, and I do not have objections to it being admitted.

10 MS. DEAN: With the possible redactions that
11 we've discussed.

12 MS. MEISNER: Yes.

13 MS. DEAN: And as a reminder, Mr. Chairman
14 just mentioned this, this is being transcribed for public
15 record, so please do not use children's names. The
16 commission --

17 CHAIRMAN RANKIN: Real quick. Real quick.
18 And I apologize, but the person with the camera, is she
19 with you?

20 MS. GLEN: No, sir.

21 MS. MEISNER: No, she is not with me.

22 CHAIRMAN RANKIN: What is your name, ma'am?

23 MS. GLEN: I am Ms. Sandy Glen.

24 CHAIRMAN RANKIN: Sandy Glen.

25 MS. GLEN: Yes, sir.

1 CHAIRMAN RANKIN: And you are filming this
2 for what purpose?

3 MS. GLEN: You know, this is a public
4 meeting. I just wanted a record of it.

5 MS. DEAN: And just, Ms. Meisner, the
6 commission has received all of your materials, and has
7 studied all of them. Are you currently represented by
8 counsel?

9 MS. MEISNER: For this proceeding, I am not.

10 MS. DEAN: And in the cases of the basis of
11 your complaint?

12 MS. MEISNER: I am not.

13 MS. DEAN: So you're pro se? Is that
14 correct?

15 MS. MEISNER: That is correct.

16 MS. DEAN: And are those cases currently
17 pending?

18 MS. MEISNER: They are.

19 MS. DEAN: And are any of these orders
20 currently being appealed?

21 MS. MEISNER: Yes.

22 MS. DEAN: And you mentioned that the cases
23 are pending. Is Judge Frierson-Smith the current presiding
24 judge in that case?

25 MS. MEISNER: No, she is not.

1 MS. DEAN: Thank you. Again, as we
2 discussed earlier, and now just with the chairman, the
3 commission focuses on nine evaluative criteria, and the
4 commission cannot relitigate issues.

5 Referring to the affidavit form that you
6 submitted, it appears to include concerns regarding custody
7 determinations in this ongoing case, as well as fee
8 concerns with the guardian ad litem, other counsel, expert
9 witnesses, as well as perceived bias.

10 Given that the commission is not formed to
11 relitigate the case or an appeal, can you please
12 concentrate your remarks to the commission to those four --
13 it was nine, and how we're down to four -- evaluative
14 criteria?

15 MS. MEISNER: I will attempt to do so. If I
16 run astray, let me know.

17 SENATOR SABB: Mr. Chairman.

18 CHAIRMAN RANKIN: Senator Sabb.

19 SENATOR SABB: Point of order. As I
20 understand the testimony so far: the issues, that are the
21 subject matter of the complaint, are issues that are all
22 under appeal.

23 As I understand the law, the appellate
24 courts would have the opportunity to reverse or remand the
25 matter. I think that, in and of itself, restricts the

1 judge's ability to comment on any of those facts.

2 And so I worry about us delving into an area
3 that is currently under appeal, that the rules prohibit the
4 sitting judge from being able to respond to in any way,
5 form, or fashion. I'm not sure the matter is properly
6 before us, in that it is pending on appeal.

7 MS. MEISNER: If I may.

8 CHAIRMAN RANKIN: Well, I'm not looking to
9 you for a response. We have heard that -- and the record
10 bears out my memory here, that you have said that -- or my
11 impression is that the entire complaint arises from a case
12 which Judge Frierson ruled on, that you now are in an
13 active appeal? Is that correct?

14 MS. MEISNER: Well, there were several
15 temporary orders, some of which have been appealed. Others
16 have not. And as you know, temporary orders are
17 interlocutory appeals unless they contain a substantial
18 right. And to the extent that they do contain a
19 substantial right in the -- in the temporary forum, I think
20 that this is absolutely the place to address those issues
21 regarding what's going on.

22 CHAIRMAN RANKIN: But they're on the final
23 disposition of an active case that you are pursuing and
24 appealing.

25 MS. MEISNER: The facts are on appeal. But

1 the -- your legislative mandates as far as what should
2 happen in the family court, and how things are supposed to
3 occur, should be reviewable by this committee.

4 Because if we waited for every judge to --
5 or every issues to go to appeal, you would limit
6 constituents, or citizens like myself, to not being able to
7 let you know what is happening so that you can address
8 whether this is proper before your committee.

9 I would simply ask that I give you the
10 information. If it's not relevant, or you believe that
11 it's not something that should be addressed in this forum,
12 then you simply say we shouldn't have done that.

13 CHAIRMAN RANKIN: Well, again, we have your
14 complaint, so we're all familiar with your complaint. So
15 I'm not trying to cut you off, but what I -- again, we've
16 had other complaints. So we know how to do this, I think.
17 I hope. I pray we do.

18 To the degree -- not to the specifics. We
19 do not need to hear facts that are in an active, ongoing
20 suit. To the degree, the four areas that you are
21 questioning Mr. Frierson, I would suggest that you limit
22 your remarks not to the fact in question, but your
23 observations, perhaps. Very generally.

24 And, again, that -- I'm not trying to cut
25 you off. We got the complaint. So I think for this

1 record, we would suggest -- I would urge you, very general
2 observations within the four areas. We don't need to read
3 and hear the facts.

4 But let me say this: If the ultimate goal of
5 your presenting this can somehow in any way be used to
6 influence an appellate panel, I think the regain is going
7 to be we're not going to hear it.

8 MS. MEISNER: Absolutely.

9 CHAIRMAN RANKIN: And perhaps we need to
10 visit after that case is disposed of, so --

11 MS. MEISNER: And, certainly, I am willing
12 to come back. In fact, this whole process has created
13 somewhat of an advocate -- a activist in me. But to that -
14 - to the extent that I can talk about the ethical portions
15 of things that -- those facts are not on appeal.

16 The ethics of what has gone on is not on
17 appeal. And that's, I think, relevant. I think it's
18 germane to what you do as legislators in choosing the
19 family court judges, and in choosing these judges that
20 represent all of our citizens that come before them. So I
21 do think that, that's relevant. But I defer to what you
22 tell me.

23 CHAIRMAN RANKIN: Did you have an attorney
24 representing to at the stages of the interaction with the
25 judge that -- that appeared for you?

1 MS. MEISNER: Chairman Rankin, I think that,
2 that actually distills exactly the issue that is going on.
3 And, you know, without giving you an example, it's very
4 difficult for me to explain how that is, the core and
5 critical issue with what I consider to be an ethical issue.

6 CHAIRMAN RANKIN: Hold on. Again, that
7 attorney is no longer representing you?

8 MS. MEISNER: Yes. I lost my attorney
9 because of the inability to pay, despite having millions of
10 dollars in assets.

11 CHAIRMAN RANKIN: Okay. And, again, that --
12 I'm going to -- that is clearly a matter that's going to be
13 under appeal.

14 MS. MEISNER: I understand that. And I
15 understand that situation. But as I understand things in
16 the family court, during the pendency of an action there
17 who be some equalization of the parties during the
18 pendency.

19 I think you read my affidavit. I've been --
20 I've been incarcerated. I've had to take loans of family
21 members, despite having millions of dollars in assets. My
22 children went from going to Harvard and MIT, to barely
23 graduating high school. They're a part of the gifted and
24 talented --

25 REPRESENTATIVE RUTHERFORD: I'm sorry, Mr.

1 Chairman. The problem is, I don't do family court work.
2 So the things that you're talking about, may or may not be
3 relevant to an appeal. But I think what the chairman is
4 trying to get you to do, if there is an ethics complaint,
5 what is that complaint?

6 MS. MEISNER: First of all, there was a
7 situation where -- and, of course, there has to be facts
8 associated with how the ethics complaints are there. So I
9 have to give you --

10 CHAIRMAN RANKIN: And, again, we don't need
11 you to recitate or tell that again. We've got the facts
12 that you have included in your complaint.

13 MS. MEISNER: And I would say to that, that
14 this admission that you saw in my affidavit, when an
15 attorney comes before a judge, and that attorney, in my
16 opinion, perjures themselves and the judge suborns to
17 perjury, that is an ethical violation of their oath of
18 office as a judge.

19 And I requested an investigation into
20 whether that perjury occurred, and whether the subornation
21 of perjury occurred. I think that, that is relevant to
22 you. I think it is relevant to the citizens of South
23 Carolina. It certainly was relevant to me.

24 CHAIRMAN RANKIN: Well, we're not the
25 investigative body of what you just described.

1 MS. MEISNER: I understand that. However, a
2 judge can order that there be, you know, documentation
3 presented. And the failure to do that, when that
4 allegation is raised, I believe is a violation of the
5 ethical tenets of the judge. That is my opinion. That is
6 my assertion for you.

7 CHAIRMAN RANKIN: All right. So --

8 REPRESENTATIVE CASKEY: Mr. Chairman, just a
9 point of order. As I was just reviewing our rules, and
10 being sensitive to the nature of this type of hearing, Rule
11 17 says that we could evaluate all evidence presented as to
12 the qualifications of the candidate to service as a judge.

13 And so I think her testimony, to the extent
14 that it adds something beyond what is in the affidavit, is
15 relevant to the committee. And my only concern would
16 simply be that we not spend any time on testimony that
17 would be duplicative to what is in the affidavit, and that
18 the chair would be proper in directing the witness to
19 testify as to facts or opinions that directly implicate the
20 nine evaluative criteria or the distilled list of the
21 evaluative criteria.

22 But with all due respect, we don't need to
23 sit here and have, in effect, the reading of the affidavit
24 to us. So my question I would suggest is, what do you have
25 to say beyond what's already in the affidavit? In effect,

1 Mr. Chairman.

2 CHAIRMAN RANKIN: And I hope you understood
3 that, that's the invitation to you --

4 MS. MEISNER: To try to distill down to --

5 CHAIRMAN RANKIN: Correct.

6 MS. MEISNER: -- to additional facts. And
7 what I would say in that -- first of all, I do appreciate
8 the privilege and honor to be able to talk to you guys --
9 and girls, of course. This is American Education Week. I
10 have profoundly gifted children that are subject to 59-29-
11 170 and regulation 43-2-20.

12 These children are probably our most
13 valuable assets in my opinion. And what happens to them
14 when their parents go into family court, should be
15 important to all of us. And I would simply say that -- and
16 I certainly will address this at a later time.

17 I understand you all worked till 9:30 last
18 night. I certainly don't want to keep you here any later
19 than you need to be here. But these children are too
20 valuable and too important in our society not to come up
21 with a process that does not so significantly harm them in
22 the process of their parent's litigation.

23 And I am going to go to a fact, you can stop
24 me as I say it, but this judge told me that I was not
25 credible because of the delivery. And facts have to be --

1 have to be looked at whether -- you know, my credibility
2 can't be in my presentation.

3 It's the facts about what is going on with
4 the children that needs to be addressed. Presentation over
5 facts must be part of a judge's judicial temperament and a
6 judge's ability to fairly judge.

7 Secondly, I do believe that when you have
8 profoundly gifted children that were on their way to
9 Harvard and MIT, and barely graduating, there has to be a
10 process along the way, perhaps even a document -- and I
11 would be happy to work on this -- so that these children
12 are monitored. And I'm not talking about what's happening
13 with this person or that person, but the children are
14 monitored.

15 REPRESENTATIVE RUTHERFORD: Mr. Chairman,
16 I'm sorry. But I was listening for the fact, and what I'm
17 hearing are things that are legislative and maybe a change
18 in family court. But again, I don't do family court. So
19 if a judge -- this judge committed an ethical violation --
20 you said she suborned perjury.

21 MS. MEISNER: I believe that.

22 REPRESENTATIVE RUTHERFORD: Okay. But if
23 you had requested that someone investigate it, that's not
24 this panel. We don't have investigators. What else?

25 MS. MEISNER: You have tried to implement

1 the Private Guardian Ad Litem Reform Act. That has been
2 unsuccessful --

3 CHAIRMAN RANKIN: So I'm going to interrupt
4 you. This is not a legislative hearing to talk about the
5 good or bad, or what needs to be reformed.

6 MS. MEISNER: I understand that. It is --
7 it is the interpretation of the -- it is the temperament of
8 the judge, and I'm getting to that -- I'm going to get to
9 that fact. This judge said to me, "If I don't want large
10 guardian ad litem bills, stop calling the guardian ad litem
11 or stop contacting him."

12 That to me is a temperament issue. I have a
13 \$100,000 guardian ad litem bill, and I don't think that --
14 you know, people going into get a divorce should have a
15 \$100,000 bill. But beyond --

16 CHAIRMAN RANKIN: Are you appealing that
17 issue?

18 MS. MEISNER: Well, I don't know if that
19 issue --

20 CHAIRMAN RANKIN: Is that a temporary order
21 that you --

22 MS. MEISNER: A temporary order.

23 CHAIRMAN RANKIN: Okay.

24 MS. MEISNER: So there's been no final --
25 there's been no final ruling on those orders, who pays

1 what, any of that. But it's germane to what you guys do in
2 --

3 CHAIRMAN RANKIN: Mr. Safran. Let me, real
4 quick, interrupt you.

5 MS. MEISNER: Yes, Your Honor.

6 MR. SAFRAN: Ma'am, first of all, I can
7 understand you feel greatly aggrieved. And I get that,
8 okay? What I think is more or less been -- tried to be
9 conveyed is this: There are several things that you're
10 talking about, that have their appropriate forum. For
11 instance, when I look at some of the things that you've
12 raised as far as -- as far as your -- the violates, okay?

13 Look at it as an example: Did she err in not
14 changing the venue, okay? That's one of the things that
15 you got concerned about, saying the venue here was
16 inappropriate, right? That's one of the things, okay?

17 MS. MEISNER: Well, that's --

18 MR. SAFRAN: That's not the whole thing, but
19 that's one of the points. Another thing was, you know, did
20 she err in basically allowing a certain attorney to
21 participate without an appropriate appearance, is what you
22 said, and, you know, basically in conformance -- conformity
23 with what you've identified as the law.

24 When you have a hearing -- multiple hearings
25 as you've had, the proper procedure is that if you think

1 she made a mistake in doing that, that's what the appeal is
2 for, okay? We can't correct that.

3 And hear me out. And so the other thing
4 that -- I think that you -- people lose sight of the fact
5 is this, two things: One, is that in allowing -- better
6 yet, in the state putting judges on the bench, what they
7 try to -- what their obligation is to try to give you a
8 competent judge and not a perfect judge.

9 We have appellate courts that are changing
10 rulings all the time, because they determine that something
11 might be wrong, legally or factually. And that's what that
12 process is for. We can't do that.

13 And so, again, while you have some
14 legitimate points, I'm sure -- at least from your
15 perspective, that I can't comment on because I wasn't
16 there, and I don't have the vast information that an
17 appellate court would have -- that's where you go with it.
18 Not here.

19 While there may be legislation, as you've
20 eluded to with Senator Rankin, that somehow might remedy
21 some of the things that are going on that, you know, say
22 this is how it can be fixed if you go and pass this law --
23 again, this forum is not anywhere that, that necessarily
24 can be changed.

25 What we are basically looking at is this:

1 We've got certain criteria that speaks to ethics. And what
2 I'm simply saying is this: What I'm hearing -- and I think
3 while we're very certainly sympathetic to your concerns,
4 what I'm hearing is she shouldn't have done this, she
5 shouldn't have done that, or maybe she believed this fact
6 that I don't believe was correct, I think it was wrong.
7 All legitimate points that every litigant has a right to
8 make and appeal.

9 This isn't the place that decides them. And
10 so really what we're here to do is not to say that she's
11 infallible, she could make errors that you could be correct
12 are errors. But that's not something we do to remove or
13 not qualify a judge.

14 And, frankly, even if you went all the way
15 to the state supreme court, if she makes a mistake, they
16 don't remove her because of mistakes. Because, frankly,
17 they are ones that happen literally every day. That's what
18 this process of appeal is for.

19 And so I think the point is this: This is
20 very emotional for you to go through. I've not only seen
21 it in your face, I've heard it in your voice. It's very
22 emotional. And what we're trying to avoid is this: You're
23 going to spill your heart out right now on something that
24 even at the end of the day we'd have to look at you and
25 say, "As much as we hear what you're saying, this is not

1 the place to try to fix it."

2 And so that's really, I think, what we're
3 wanting to do. I don't want to see you basically have to
4 go through that level of anguish on something that, no
5 matter what we hear, we really cannot address it because we
6 have a very narrow focus about what we can do. And I could
7 already tell in the way you've presented, you're a very
8 intelligent person, you understand what I'm saying to you.

9 MS. MEISNER: Well, if this appointing body
10 is impotent to stop further damage, I don't know -- I don't
11 know where we go.

12 MR. SAFRAN: Well, you say "impotent." But
13 I think the point is this, is like I went back and told you
14 a minute ago, what we're here to do is to basically ensure
15 that there are competent and ethical judges, not perfect
16 judges.

17 And if a court makes a determination in the
18 appropriate process, that there's something that this judge
19 did not do legally correct or factually correct, then they
20 will make some change and then -- you know, it would be
21 something that would be more or less to your liking,
22 potentially.

23 But I guess we can't really go and
24 relitigate your case for you, particularly when it's
25 pending and potentially in front of a court at some point.

1 MS. MEISNER: I understand that. I will
2 just say this: You do have my affidavit. I think that it
3 is -- it is -- I do believe it's an ethical violation to
4 ask one party can we pay her, when you're a judge.

5 You have to be competent enough to make a
6 decision. You don't ask one party, or their attorney,
7 whether we can find some money to give the other party
8 money, when you're the judge.

9 You're supposed to be competent. You're
10 supposed to be the one making decisions, not the attorney
11 before you. And I feel like that is an ethical violation.
12 If you can't do your job -- and it's a competency thing.

13 If you can't do your job and say, "You
14 deserve some money. You don't deserve some money. Let's
15 do it," if you're asking the attorneys that are before you,
16 that is a competency issue in my opinion.

17 Of course it's your opinion that matters.
18 And if you're telling a person before you, that is upset
19 about what is going on financially, and hearing motions
20 that are not properly before that person, and the answer
21 is, "Stop calling the guardian ad litem," that is an issue
22 -- that is a competency issue. That is a temperament issue
23 that I believe could spill over into an ethical issue.

24 So with that, I would hope that you would
25 evaluate whether the Richland County family court can

1 continue on this course of reputation that it has as the
2 Wild West, without oversight from all of you honorable
3 people that have been elected. We depend on you. We are -
4 - we are powerless.

5 And like Machiavelli said, "Power corrupts.
6 Absolute power corrupts absolutely." And I just hope that
7 you would consider my application.

8 CHAIRMAN RANKIN: Thank you so much, ma'am.
9 And with that, unless there's any questions of the
10 commission members, you are now -- I'll ask you to stand
11 down. Thank you for brevity.

12 MS. MEISNER: Thank you.

13 CHAIRMAN RANKIN: And thank you so much.

14 MS. MEISNER: And thank you for your
15 service. It is -- it is appreciated that you're staying
16 here until 9:30 at night, to try to do good work. And so
17 thank you.

18 CHAIRMAN RANKIN: And thank you, ma'am.

19 MR. STROM: And let me assure you, we've all
20 read everything you've submitted, and looked at all of the
21 exhibits.

22 MS. MEISNER: I appreciate that. And, you
23 know, I don't have a bone to pick with Judge Frierson-
24 Smith, except that I have an expectation like anyone, of
25 fairness, of competency, of ethical norms. That's all.

1 CHAIRMAN RANKIN: Thank you.

2 MS. MEISNER: Thank you.

3 CHAIRMAN RANKIN: Yes, ma'am. All right.

4 And Judge Frierson --

5 SENATOR SABB: Mr. Chairman, if you don't
6 mind, I'd just like to make a statement for the record.
7 And the statement that I would make is, we stayed here last
8 night until 9:30, willing to hear both sides. And so the
9 matters that come before us, we want everybody to have an
10 opportunity to speak consistent with the rules.

11 And of course this is not the first time
12 we've had a situation where there's a pending appeal and we
13 can't delve into it because of the rules. And so I just
14 want the record to be clear that, when we talk in terms of
15 fairness, due process requires that we give both litigants
16 an opportunity to have a full and fair hearing.

17 Unfortunately, when we're under the
18 constraints of a matter being under appeal, one litigant
19 doesn't get the opportunity to respond to any of the
20 assertions made by the other. And that's why our rules
21 constrain us to not being able to delve into it. And so I
22 just think that this record needs to reflect that.

23 CHAIRMAN RANKIN: And very well. And not to
24 call you back up, ma'am, but we all know, and you too, by
25 the letter sent you on November the 6th, that -- again, as

1 you've heard it three times, and as you will hear now from
2 Judge Frierson, she is ethically prohibited from responding
3 to any allegations about her involvement or her actions in
4 pending litigation.

5 So with that, to the degree you would have
6 anything to say, other than your written response, that
7 which you know will -- and have no objection to that being
8 included in the record.

9 MS. MEISNER: No objection.

10 CHAIRMAN RANKIN: All right.

11 (EXHIBIT NO. 26 - JUDICIAL MERIT SELECTION
12 COMMISSION WITNESS AFFIDAVIT OF RHONDA R.
13 MEISNER)

14 (EXHIBIT NO. 27 - JUDICIAL MERIT SELECTION
15 COMMISSION RESPONSE TO THE COMPLAINT FILED BY
16 RHONDA R. MEISNER)

17 CHAIRMAN RANKIN: Do you have anything that
18 you would like to say in response to Ms. Meisner?

19 JUDGE FRIERSON-SMITH: I do not have
20 anything else in addition to what has already been provided
21 in my response.

22 CHAIRMAN RANKIN: Okay. All right. We will
23 not proceed to the questions by Ms. Dean, and questions of
24 the commission members. Thank you so much.

25 MS. DEAN: Thank you, Mr. Chairman.

1 EXAMINATION BY MS. DEAN:

2 Q. Judge Frierson-Smith, after serving five years on
3 the family court, why do you want to continue serving as a
4 family court judge?

5 A. I would like to say that I am humbled and I'm
6 grateful for the time in my service on the family court
7 bench. And I am -- you know, I'm a native of South
8 Carolina. And I feel that it was my duty be of service and
9 to give my service in a public manner to the State of South
10 Carolina.

11 And I am -- I would say that when I was first
12 running, I was -- well, cautioned, I guess I could say is -
13 - reminded that I should really be the kind of judge that
14 exemplifies the type of judge who is fair, deliberative,
15 and respects all parties who appear before her.

16 And I've taken that to heart and I've made that
17 part of what I do. And I understand that everybody will
18 not feel that way. But that is my goal. And that's what I
19 believe that I do every day.

20 And I believe that I do have the temperament,
21 patience, and fairness. And I believe those are very
22 important. And I believe I have those characteristics, and
23 that's what I want to continue to be able to give and make
24 a difference in South Carolina.

25 Q. Thank you, Judge. You kind of hit on this a

1 little bit in that statement, but what do you think your
2 reputation is among attorneys that practice before you, and
3 also court personnel?

4 A. I would think that my reputation is that I'm
5 fair, I'm patient, I am not biased, and I give -- I give
6 parties and litigants ample time to express and to be
7 heard. So I would think that my reputation is one of being
8 a fair, patient, and deliberative judge.

9 Q. Thank you, Judge. Moving on to matters in the
10 record. There was a lawsuit filed by Jerome Addison
11 against court administration, and you were listed in your
12 official capacity. And that case was dismissed via Rule
13 12(b) in 2018. Is that your understanding?

14 A. Yes, it is.

15 Q. Judge Frierson, the commission received
16 approximately 141 ballot box surveys regarding you, with 50
17 additional comments. The ballot box survey, for example,
18 contained many positive comments, including, "Perfect
19 temperament. A seasoned professional who is a credit to
20 the bench. Brilliant, kind, and hardworking. One of the
21 most patient and pleasant family court judges on the bench.
22 Experienced jurist with an excellent reputation."

23 Seven of the written comments expressed concerns.
24 Some of those concerns were related to your level of
25 experience. How would you respond to that?

1 A. Well, I think that the problem -- or the thing
2 with family court is that 50 percent will agree with you,
3 50 percent will not. And I really have no basis of knowing
4 exactly what that is based on. I can only think that it
5 would be coming from individuals that have not been happy
6 or satisfied with the outcome.

7 **Q. Thank you, Judge.**

8 MS. DEAN: I would note that the Midlands
9 Citizens Committee found Judge Frierson qualified in the
10 evaluative criteria of constitutional qualifications,
11 physical health and mental stability. The committee found
12 her well qualified in the criteria of ethical fitness,
13 professional and academic ability, character, reputation,
14 experience, and judicial temperament. The committee stated
15 in summary, "Has been a great asset to the family court
16 bench."

17 BY MS. DEAN:

18 **Q. Moving now to just some housekeeping issues, Ms.**
19 **Frierson-Smith. Since submitting your letter of intent**
20 **have you contacted any members of the commission about your**
21 **candidacy?**

22 A. No, I have not.

23 **Q. Are you familiar with Section 2-19-70, including**
24 **the limitations on contacting members of the General**
25 **Assembly regarding your screening?**

1 A. Yes, I'm familiar.

2 Q. Since submitting your letter of intent have you
3 sought or received the pledge of any legislator, either
4 prior to this date or pending the outcome of your
5 screening?

6 A. I have not.

7 Q. Have you asked any third parties to contact
8 members of the General Assembly on your behalf, or are you
9 aware of anyone attempting to intervene in this process on
10 your behalf?

11 A. I have not. And I'm am not aware of any.

12 Q. Have you reviewed and do you understand the
13 commission's guidelines on pledging in South Carolina Code
14 Section 2-19-70(e)?

15 A. Yes.

16 MS. DEAN: I would just note for the record
17 that any concerns raised during the investigation regarding
18 the candidate were incorporated into the questioning of the
19 candidate today. Mr. Chairman, I have no further
20 questions.

21 CHAIRMAN RANKIN: Thank you, Ms. Dean.

22 EXAMINATION BY CHAIRMAN RANKIN:

23 Q. I want to just start off real quick. And we've
24 been through the family court screenings, and perhaps yours
25 as well, where the -- you know, I'm not a family court

1 litigant. But time, time, time. The clock, the clock, the
2 clock. You all have to push this train down the track.

3 How does -- is that mind set infect your court?
4 And if so, how do you resist it so that everyone is given a
5 proper, fair hearing in the allotted time in the emergency
6 situation that you are presented with?

7 A. Well, oftentimes at lunch -- well, what is
8 devoted for lunch, may not be taken because we go beyond.
9 If I feel that there hasn't been enough time -- well, in
10 family court, the litigants ask for the amount of time that
11 they think their hearing will take.

12 And oftentimes they'll ask for less time when it
13 really requires more time. And if I find that there's more
14 time needed, then I do grant that. I am willing to go
15 beyond the amount of time. And particularly if I know that
16 I can make it up, because perhaps there's been an agreement
17 and it's going to take less time for another hearing, or
18 something is not going to be heard, I will allow more time.

19 So, you know, I will go if -- even if it's after
20 5:00, then I have to. But I do believe in trying to give
21 people as much time as possible. But then there are some
22 situations where if there is a very limited amount of time,
23 I just remind the individuals that this is the amount of
24 time, and that we need to be brief or to adhere to the time
25 as much as possible. But I do try to give individuals as

1 much time as I believe they need, to make sure that their
2 position is heard.

3 Q. Your docket in a week's time, are you dealing in
4 -- give us -- give me your docket. Not literally. But
5 what does a week's work look like for you?

6 A. Well, it varies. And it depends on what county
7 you're in. For example, Monday might be DSS day and it's a
8 full day of DSS hearings. And the -- the -- well, it's a
9 full day of DSS hearings. So you have a limited amount of
10 time from 9:30 to 5:00.

11 And a little bit of time, sometimes, with a lunch
12 break -- you know, I have to give court reporters and the
13 deputies who are the bailiffs in the court, time to take a
14 little break. But it's a full day.

15 For example, on Tuesdays we might have juveniles
16 in the morning, and then in the afternoon we do pro se
17 divorces. I have pro se divorces this Tuesday, and we do
18 four in an hour. So it -- okay, I shouldn't say we do four
19 an hour. We're scheduled to do four in an hour. So that's
20 15 minutes each.

21 And I've had the benefit of having a script that
22 I can provide pro se individuals, so that they can go
23 through their testimony fairly easily. And sometimes, if
24 everything is in place, we might be able to do it within 15
25 minutes. But generally, it takes a little bit longer.

1 On Wednesday it could be a day of temporary
2 hearings and -- a full day of hearings. So Thursday might
3 be child support -- either it's child support -- settling
4 child support or rules to show cause, contempt actions.

5 And Fridays might be doing agreements or judges -
6 - I mean, attorneys who have final divorce hearings. So
7 that's just an example. But it's not the same every day,
8 because the dockets is set such that -- we know sort of
9 what happens each day, but which judge gets those things,
10 varies.

11 **Q. Do you travel -- or do you all travel, or are you**
12 **all mostly then kept in your resident -- or busiest**
13 **districts? Which Richland County is --**

14 A. Well, I think the philosophy of the Chief Justice
15 now is that at-large judges, for the most part, travel more
16 than the resident judges. So I would say at least one or
17 two weeks a month.

18 CHAIRMAN RANKIN: All right. Thank you.
19 Mr. Strom.

20 MR. STROM: Thank you, Mr. Chairman.

21 EXAMINATION BY MR. STROM:

22 **Q. Judge Frierson, one of the things that we**
23 **struggle with most up here is trying to determine**
24 **qualifications for new judges. We have a lot of bright**
25 **people come up here, who are energetic but on the -- in the**

1 family court arena, some of them have domestic experience,
2 so that's all they've every done. Some of them have worked
3 in the solicitor's office, so they understand the juvenile
4 process very well, others have done DSS.

5 But it's very rare that we see somebody that has
6 broad experience in all three areas. And of course when
7 you ask members of the Bar, what do they think is more
8 important, it sort of depends on where they come from as to
9 what skill you need.

10 What advice do you have for us, as to what we
11 should tell perspective family court judges, who may not
12 have all the experience that we may want them to have on --
13 you know, say the divorce side or the juvenile side or even
14 the DSS side? How do they get that experience?

15 A. Well, I'm not sure how they get the experience in
16 all three areas if you -- because you sort of start down a
17 path and you get in that path. And it's kind of hard to
18 step out of that path and -- for example, if you're a DSS
19 lawyer, it becomes difficult because -- if you're with the
20 state, you can't do private work.

21 But I do believe that you can get that experience
22 through various CLE-type programs, being willing to go to -
23 - into sort of self-learning, self-training. I mean, as
24 lawyer we're all -- have the essential tools to be good
25 lawyers in whatever field we choose to.

1 So I think a lot of it has to do with having an
2 interest and using that -- showing that interest and
3 initiative to try to learn about the different areas. And
4 a lot of it can be done through -- or at least familiarity
5 with particular areas through CLE programs -- I say CLE
6 programs. But it's probably more intense than just a CLE
7 program.

8 **Q. Do you think like a mentoring program for**
9 **perspective judges, where they would just sit with judges**
10 **for a week at a time or a few days at a time to get**
11 **experience, do you think that would be helpful for somebody**
12 **in a area that would be weak?**

13 A. I think it would be.

14 **Q. Yeah, it's just something we struggle with. We**
15 **want to -- you know, we work hard up here to try to get**
16 **this right, and get the right people on the bench and --**
17 **you know, nobody has it all.**

18 A. And I would say those -- the externships and the
19 different programs at the law school -- and I know
20 everybody doesn't go through the University of South
21 Carolina, but the law schools are doing more to get
22 students in the courts, and I think that is helpful as
23 well.

24 **Q. Thank you.**

25 MR. STROM: Thank you, Mr. Chairman.

1 CHAIRMAN RANKIN: Senator Talley.

2 SENATOR TALLEY: Thank you, Mr. Chairman.

3 EXAMINATION BY SENATOR TALLEY:

4 Q. Judge, good evening.

5 A. Good evening.

6 Q. I want to follow up, just briefly, on some of Mr.
7 Strom's questions and you all's exchange. I don't know if
8 you remember this or not, but when you ran last time, I was
9 a new member of the Senate. You and I sat down in my
10 office upstairs, and I point-blank asked you about your
11 lack of family courtroom experience. And we had a nice
12 exchange. Ultimately, obviously, you ended up getting
13 elected to the bench.

14 And so I just think it's important for you to
15 hear, at least from my perspective, having had those
16 concerns when you started out -- I think I've only appeared
17 in front of you, once or twice maybe -- but reading what my
18 colleagues of the Bar have said about your first term,
19 overwhelmingly positive comments. Some expressed the same
20 reservations maybe that I and others had, initially. But
21 you are to be commended for that.

22 A. Thank you.

23 Q. Our job, as has been pointed out several times
24 here tonight, you know, to look at qualifications, to see
25 if in our collective wisdom we think that you meet those

1 qualifications, and such that we would find you qualified
2 and nominate you for the legislature to ultimately consider
3 your candidacy.

4 But I know your counsel went through several of
5 the comments with you during the -- during other parts of
6 your screening. But I just want to say to you, keep it up.
7 You can't make everybody happy, I realize that. I'm in
8 family court every week, and sometimes I like rulings and
9 sometimes I don't. That's the nature of the beast.

10 But from a qualifications standpoint, and from
11 what we are charged in doing, those of us that had
12 questions before, you have -- you have turned us into
13 supporters.

14 A. Thank you, Senator Talley.

15 Q. I just -- I just want to make that point. And I
16 appreciate your service. And I wish you well as you
17 continue.

18 A. Thank you. I appreciate that.

19 CHAIRMAN RANKIN: All right. Questions by
20 anyone else?

21 (Hearing none.)

22 CHAIRMAN RANKIN: It is almost straight up,
23 7 o'clock. And so that will conclude this portion of the
24 screening process. Judge, let me remind you that pursuant
25 to the evaluative criteria, we also adhere very strictly to

1 both the letter and the spirit of the state ethics laws.
2 Any violation of or appearance of impropriety will be
3 deemed very serious by us and deserving of heavy
4 consideration in our deliberations.

5 You know that the record is not closed until
6 the release of the report of qualifications. In the event
7 of -- the unlikely event of violation, or the appearance of
8 a violation, you know that we could call you back, correct?

9 JUDGE FRIERSON-SMITH: Yes, sir.

10 CHAIRMAN RANKIN: All right. With this,
11 this will conclude this portion of the screening. Thank
12 you, Judge. Thank you, Ms. Meisner. And God bless you.
13 Godspeed in your efforts as well. Thank you all.

14 JUDGE FRIERSON-SMITH: Thank you, Senator.
15 Thank you, commissioners.

16 CHAIRMAN RANKIN: We are now going to go, on
17 motion of Mr. Strom, seconded by Ms. Blackley, into
18 executive session.

19 (Off the record.)

20 CHAIRMAN RANKIN: All right. We are back on
21 the record. And for the record, in executive session no
22 votes were cast and no decisions were made. We will now
23 proceed to a ballot on the races. Emma and Erin, if you'll
24 please call them.

25 MS. CRAWFORD: Yes, sir. I believe the

1 first race that we have not addressed is the Family Court
2 9th Circuit, Seat 6.

3 The next race we have is the Circuit Court
4 15th Circuit, Seat 1. We have two candidates: Amanda
5 Bailey and B. Alex Hyman.

6 REPRESENTATIVE RUTHERFORD: I move they be
7 qualified and nominated.

8 MS. BLACKLEY: Second.

9 CHAIRMAN RANKIN: All in favor say "aye."

10 (At this time the members audibly say "aye.")

11 CHAIRMAN RANKIN: Any opposition?

12 (Hearing none.)

13 CHAIRMAN RANKIN: There being none.

14 MS. CRAWFORD: The next race is Family Court
15 12th Circuit, Seat 1. We have two candidate's: Philip B.
16 Atkinson and Alicia A. Richardson.

17 REPRESENTATIVE RUTHERFORD: I move they be
18 found qualified and nominated.

19 CHAIRMAN RANKIN: Seconded?

20 REPRESENTATIVE CASKEY: Seconded.

21 CHAIRMAN RANKIN: All in favor say "aye."

22 (At this time the members audibly say "aye.")

23 CHAIRMAN RANKIN: All right.

24 MS. CRAWFORD: The next race is Family Court
25 1st Circuit, Seat 3. We have Mandy W. Kimmons, and Margie

1 A. Pizarro. Do we want to take them up individually as far
2 as qualifications?

3 REPRESENTATIVE RUTHERFORD: Yeah, I think
4 that's all we can do.

5 MS. CRAWFORD: Mandy W. Kimmons as to her
6 qualifications?

7 REPRESENTATIVE RUTHERFORD: Qualified.

8 CHAIRMAN RANKIN: All in favor say "aye."

9 (At this time the members audibly say "aye.")

10 CHAIRMAN RANKIN: The ayes have it. And no
11 abstaining votes.

12 CHAIRMAN RANKIN: Okay. Margie A. Pizarro.

13 REPRESENTATIVE RUTHERFORD: Qualified.

14 CHAIRMAN RANKIN: A motion seconded?

15 MS. BLACKLEY: Second.

16 CHAIRMAN RANKIN: All in favor say "aye."

17 (At this time the members audibly say "aye.")

18 CHAIRMAN RANKIN: So all unanimously found
19 qualified for Ms. Pizarro. Now a motion for --

20 REPRESENTATIVE RUTHERFORD: Motion to find
21 Mandy Kimmons and Margie Pizarro both qualified and
22 nominated.

23 CHAIRMAN RANKIN: All in favor say "aye."

24 (At this time the members audibly say "aye.")

25 CHAIRMAN RANKIN: The ayes have it.

1 MS. CRAWFORD: The next race is
2 Administrative Law Court, Seat 5. The next candidate is
3 Stephanie N. Lawrence.

4 REPRESENTATIVE RUTHERFORD: Qualified.

5 CHAIRMAN RANKIN: A motion made. Seconded.
6 All in favor of that say "aye."

7 (At this time the members audibly say "aye.")

8 CHAIRMAN RANKIN: The ayes have it
9 unanimately.

10 MS. CRAWFORD: The Honorable Crystal
11 Rookard.

12 REPRESENTATIVE RUTHERFORD: I move that she
13 be found qualified.

14 CHAIRMAN RANKIN: Motion made and seconded.
15 All in favor say "aye."

16 (At this time the members audibly say "aye.")

17 CHAIRMAN RANKIN: Unanimously found. And
18 now a motion --

19 REPRESENTATIVE RUTHERFORD: I move that
20 Stephanie N. Lawrence and the Honorable Crystal Rookard be
21 found qualified and nominated.

22 MS. MCIVER: Second.

23 CHAIRMAN RANKIN: All in favor say "aye."

24 (At this time the members audibly say "aye.")

25 CHAIRMAN RANKIN: Unanimously found.

1 MS. CRAWFORD: And I believe the last one we
2 have not done is the reelection for the Honorable Rosalyn
3 Frierson-Smith, reelection to Family Court, At-Large, Seat
4 8.

5 REPRESENTATIVE RUTHERFORD: I move that she
6 found qualified and nominated.

7 MS. BLACKLEY: Second.

8 CHAIRMAN RANKIN: All in favor say "aye."

9 (At this time the members audibly say "aye.")

10 MS. CRAWFORD: I think that's everybody.

11 CHAIRMAN RANKIN: All right. Let's go off
12 the record.

13 (OFF THE RECORD AT 8:30 P.M.)

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CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF 197 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 15TH DAY OF DECEMBER 2022.



PATRICIA G. BACHAND, COURT REPORTER
MY COMMISSION EXPIRES MARCH 8, 2027

Exhibits	221116PB. JMSC_Pizarro_ Exh 14 4:18 101:13	5:21 154:15	12 47:25 49:3 52:22 81:21 103:17 121:3	116:10
221116PB. JMSC_ Atkinson_Exh 1 3:15 8:2	221116PB. JMSC_Pizarro_ Exh 15 4:21 101:16	221116PB. JMSC_ Frierson-Smith_ Exh 25 6:3 154:18	12(b) 181:13	1982 27:1
221116PB. JMSC_ Atkinson_Exh 2 3:18 8:5	221116PB. JMSC_ Lawrence_ Exh 18 5:3 125:21	221116PB. JMSC_ Frierson-Smith_ Exh 26 6:6 179:11	12th 9:6 28:24 38:16 46:21 192:15	1993 110:6,10
221116PB. JMSC_ Richardson_ Exh 6 3:21 44:12	221116PB. JMSC_ Lawrence_ Exh 19 5:6 125:24	221116PB. JMSC_ Frierson-Smith_ Exh 27 6:9 179:14	13 81:23 110:5	1996 110:22 111:1,7, 20
221116PB. JMSC_ Richardson_ Exh 7 4:3 44:15	221116PB. JMSC_ Rookard_ Exh 20 5:9 140:5	<hr/> \$ <hr/>	138 14:4,13	1997 110:22
221116PB. JMSC_ Richardson_ Exh 8 4:6 44:17	221116PB. JMSC_ Rookard_ Exh 21 5:12 140:8	\$100,000 171:13,15	14 101:13	1st 32:20 83:8 84:12 103:2 123:18 192:25
221116PB. JMSC_ Richardson_ Exh 8 4:6 44:17	221116PB. JMSC_ Rookard_ Exh 22 5:15 140:11	\$11,845 112:13	141 181:16	<hr/> 2 <hr/>
221116PB. JMSC_ Kimmons_ Exh 11 4:9 81:18	221116PB. JMSC_ Rookard_ Exh 22 5:15 140:11	\$58,000 113:20	15 71:17 91:22 101:16 185:20, 24	2 8:5 158:17
221116PB. JMSC_ Kimmons_ Exh 12 4:12 81:21	221116PB. JMSC_ Rookard_ Exh 22 5:15 140:11	\$60,000 27:1	15-minute 36:23 37:1 38:24	2-19- 149:1
221116PB. JMSC_ Kimmons_ Exh 13 4:15 81:23	221116PB. JMSC_ Rookard_ Exh 22 5:15 140:11	\$64,523.42 113:15	15th 114:17 192:4	2-19-70 24:16 57:15 89:18 119:20 148:16 182:23
	221116PB. JMSC_ Frierson-Smith_ Exh 23 5:18 154:12	\$8,320.84 113:18	169 147:5	2-19-70(e) 25:8 58:13 90:10 120:10 183:14
	221116PB. JMSC_ Frierson-Smith_ Exh 24 5:18 154:12	<hr/> 1 <hr/>	17 47:17 52:19 168:11	20 51:5 65:16 76:22 140:5
		1 8:2 192:4,15	170 169:11	20-page 39:20
		10:30 91:11	18 125:21	20/20 74:9
		10:45 91:12,14	181 133:14	200 48:25
		11 81:18 133:15	19 14:4 28:11 125:24	2001 42:10 56:3 63:6 64:18 112:4
			19.95	

2002 54:21	116:21 117:6	35 86:17	<hr/> 6 <hr/>	9:30 169:17 177:16 178:8 185:10
2004 111:25 112:5,11	2022 117:25 146:6	371 106:5	6 44:12 192:2	9th 123:18 192:2
2006 112:16,25	117:8 140:8	389 12:1	60-page 37:25	<hr/> A <hr/>
2007 112:22,25	9:18 10:4 11:16 12:2 140:11	<hr/> 4 <hr/>	608 69:22	ability 18:1,6,10,23 24:8 35:21 87:19 89:1 119:3 135:5 147:22 157:23 158:23 163:1 170:6 182:13
2008 42:9 107:14 113:23	21 142:5	4 158:18	63 51:5	Absolute 177:6
2009 16:13,18 17:4 113:6,11	22 40:22 154:15	400 35:19	6th 178:25	absolutely 98:3,6 100:19 152:11 163:20 165:8 177:6
2010 113:14	23 154:12	43 51:20	<hr/> 7 <hr/>	abstaining 193:11
2011 64:19,21	233 16:5	43-2-20 169:11	7 44:15 147:5 190:23	abuse 49:22,23 64:23 70:12
2012 64:22	24 40:22 154:15	44 7:20	70(e) 149:2	academic 17:25 18:6 51:6 54:1 89:1 119:3 135:5 147:22 157:23 158:23 182:13
2013 64:18	24/7 143:22	48 136:6	<hr/> 8 <hr/>	accident 16:13 17:4,14, 16
2015 55:16,19 92:10 113:14 115:3,10 134:9,14,20 143:24	247 51:19	49 106:5	8 44:17 195:4	account 76:6 149:12
2016 113:17	25 40:22 74:25 154:18	<hr/> 5 <hr/>	800 10:9	accountant 56:6 114:3,15
2017 114:25 115:10	252 86:17	5 158:18 194:2	8th 156:5	accounting 61:21
2018 113:19 181:13	26 179:11	50 181:16 182:2,3	<hr/> 9 <hr/>	
2019 32:20 113:19 114:13	27 179:14	50/50 32:10	9 158:18	
2020 113:15,18 129:22 143:24	<hr/> 3 <hr/>	501 22:2 57:7 89:12 119:13 148:5	93 110:11	
2021 15:16 113:16	3 158:18 192:25	53 122:13	97 111:2	
	3(b)(2) 146:22	59-29- 169:10		
	30 72:16	5:00 184:20 185:10		
	30-minute 36:25			
	31st 7:19			

accounts 11:22 12:17 85:25 86:6	active 34:8 59:24 64:12 77:11 163:13,23 164:19	133:15 134:12 145:2,4 146:7 147:6 169:6 181:17	142:2,11,13,21 143:1 144:12 145:3 147:15 194:2	affect 50:1
accurate 15:20 16:14 48:11	actively 104:25 136:21	Additionally 50:7	administrators 129:4	affiant 155:13
accurately 18:18	activist 165:13	address 7:23 18:18 19:9 28:5,8 29:23 38:3 50:14 52:25 86:24 87:20 108:3 156:11 163:20 164:7 169:16 175:5	admission 167:14	affidavit 155:11 156:1 160:3,7 162:5 166:19 167:14 168:14,17,23,25 176:2 179:12
accusing 65:22	actual 21:15 32:8 64:1 108:2	adds 168:14	admitted 154:8 159:12 160:9	affidavits 8:18 37:24 39:20 46:1 61:3, 4 82:14 102:5 126:11 140:23
accustomed 39:19	acumen 147:16	addressed 68:11 74:8 149:11 164:11 170:4 192:1	admonition 159:25	affinity 97:25
achieve 38:9 77:13	ad 10:8 11:25 14:24 35:14 36:7 48:24 50:23 74:22 75:1 162:8 171:1,10,13 176:21	adhere 80:2 184:24 190:25	adopted 48:19	affirm 43:8,11
acknowledge 30:18 151:16	add 23:20	adjoining 62:16	adoption 85:5 87:4 93:6	afford 27:7 114:1
acknowledged 150:22	added 151:3	adjudicated 143:25	adult 67:16	affraid 108:4,5
acknowledging 156:5	addiction 49:23	admin 135:8	advance 51:4 85:15	afternoon 46:10 59:13,14 62:4,5 91:17 102:23 185:16
acknowledgmen t 156:21	Addison 181:10	administer 34:25	advancement 63:14	age 9:11 47:2 73:3 83:14 103:8 127:20 141:22 157:15
acknowledgmen ts 80:1	addition 38:21 87:9 106:8 179:20	administration 181:11	adversarial 65:8	agencies 128:14 132:4,9 142:6
act 18:11,23 67:21 68:8 72:5 129:15 130:11 143:1 171:1	additional 10:22,24 14:4 20:23 50:18,20 51:20 54:18 85:10 86:18 104:13,15 105:3 106:6 110:21 111:20 112:24 130:20,21,23	administrative 128:1,8,10,12, 25 129:6,12,15, 23 130:9,11,16, 19,22 131:1,15, 17,18,24,25 132:4,10,14,15 133:9 134:2	advice 102:12 114:5,6 187:10	aggressive 87:17,19 88:20 88:13 107:4
acting 15:19			advised 58:1 78:14	
action 55:17 111:1,2, 20,21 112:11 113:6 134:9,18 166:16			advisement 91:24	
actions 48:25 110:6,25 134:12 179:3 186:4			advising 78:16	
			advocate 32:8 88:11 132:16 165:13	
			advocates 106:25	

aggrieved 172:7	12:4 16:24 40:18	ample 181:6	162:11,22 163:3,6,13,25	application 8:12 13:6 45:22 54:7 55:25 71:1 102:1 126:6 140:18 155:7 177:7
agree 39:13 95:12 182:2	allotted 184:5	analysis 26:20 94:17,18	164:5 165:15,17 166:13 167:3 173:1 174:8,18 178:12,18	
agreement 184:16	allowed 58:2 72:25	and/or 97:3 127:19		
agreements 186:5	allowing 35:4 151:4 172:20 173:5	Anderson 55:17	appealable 130:16	applied 21:3 121:14
ahead 23:15 91:13	Allsbrook 58:21	angry 17:11	appealed 132:10,14 142:12 161:20 163:15	applies 94:21,22
air 23:19	alluded 41:20	anguish 175:4	appealing 163:24 171:16	apply 21:8 30:16 94:24 157:2,3
ALC 142:11,15 144:10	Alma 78:19	animal 96:8	appeals 114:9,10 128:16 142:17,24,25 163:17	appointed 15:24 16:8 29:7 47:20 70:1,2 75:1 100:1
alcohol 67:14	alongside 22:13	announce 31:1	appearance 43:5 80:3 100:11,17 138:6 153:1 172:21 191:2,7	appointing 175:9
Alex 192:5	Amanda 192:4	anonymous 14:20	answers 114:24	appointment 11:1
Alicia 44:3,13,16,18 47:1 51:23 58:21 192:16	amazing 52:8	answering 114:24	answers 29:2	appointments 69:23 86:13
alienation 11:20	Amazon 116:10	anyone 39:10 93:22	anymore 39:10 93:22	apportionment 106:2
alienation-type 12:5	AMENDED 44:15 81:21	Apartments 110:7	appeared 78:22 165:25 189:16	appreciated 77:9 177:15
alimony 11:22 13:7,13, 18 25:22 61:7 69:11 105:10,20	AMENDMENT 140:8 154:15	Apex 54:18	appearing 143:9	approach 122:8 145:9
alimony-type 60:17	amendments 139:22	apologies 102:15 107:5 152:17	appears 8:14 15:18 16:12 45:24 52:5 82:9 102:3 111:1,22 126:8 140:20 155:9 160:8 162:6	appropriately 74:8
all's 189:7	America 14:16 21:4	apologize 23:10 64:14 82:18 124:25 149:10 151:7,14 156:7 159:2 160:18	appellate 22:3 57:8 89:12 119:13 129:13 148:5 156:19 157:5 162:23 165:6 173:9,17	approximately 113:20 117:24 181:16
allegation 168:4	American 105:15 169:9	apparently 77:24		April 146:5
allegations 30:9 179:3	amount 49:22 51:16 56:9,15 112:13 113:14,17,19 131:24 184:10, 15,22,23 185:9	appeal 55:13 114:9		arbitrations 143:8
Allison	amounts 13:14			area 9:19,20 10:13 11:8,11,25 12:10,12 13:7,

25 17:5,20,22 19:7 21:9,19 27:23 28:22 31:22 33:15 51:7 68:16 75:2 85:9 92:17 105:17 123:14 143:4 157:4 163:2 188:12	aspect 51:12 105:7	assuming 71:8	attorney 13:11 15:1 21:2, 3 47:11 49:7,13 52:3 53:1,4 65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	183:9,11
areas 10:18,21 11:19 14:1,23 31:16 33:3 49:25 50:17 99:9 104:12 108:1,3, 9 130:20 133:1 145:1 159:3 164:20 165:2 187:6,16 188:3, 5	aspects 11:15 65:7	assure 23:15 40:2 177:19	3 47:11 49:7,13 52:3 53:1,4 65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	awful 41:13
arena 92:18 187:1	assault 64:22	assured 20:25 21:13	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	aye 192:9,10,21,22 193:8,9,16,17, 23,24 194:6,7, 15,16,23,24 195:8,9
argue 31:22 38:23 39:11	Assembly 24:18 25:1 57:17 58:5 89:20 90:3 116:21 119:22 120:4 135:21 148:18,21 182:25 183:8	astray 162:16	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	eyes 193:10,25 194:8
argument 40:1	assertion 168:6	at-large 186:15 195:3	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	
arguments 143:10	assertions 178:20	Atkinson 7:9,10,12,18 8:1,4,7,16,23 9:1,2,5,10,14 10:21 11:12 14:3 15:15 17:7 21:10,24 22:5 23:6 24:9,13 25:17 35:8 38:12 40:13,17, 19 41:9,17 43:1, 11,16,19 192:16	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	B
arise 80:12 124:9	asset 13:17 105:9 106:15 133:20 135:9 147:15 182:15	atmosphere 33:5	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	back 7:5 10:11 13:2 18:8 23:5 31:13 32:5 38:10 39:1 41:6,22 43:9 59:21 61:12 62:14,22,23 65:21 69:15 71:20 72:10 73:23,24 74:2 75:17 76:23 79:4 80:5,24 100:18 110:2 115:25 116:12 121:8 123:10 124:16 127:3 131:8 138:13 145:19 153:8 159:21 165:12 175:13 178:24 191:8,20
arises 124:16 138:13 153:8 163:11	assets 11:21 12:16 16:8 61:8 166:10,21 169:13	attachments 39:21,24	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	back-to-back 60:25
arising 68:23	assigned 60:1 84:18	attempt 162:15	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	background 20:7 104:3
articles 8:14 45:23 82:9 102:2 126:8 140:20 146:3 155:9	assist 9:16 10:19 47:7 70:11 84:4 103:13 128:2 142:2	attempting 25:2,5 58:6 90:4 120:5 135:22 148:22 183:9	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	backlog 91:18
	assistant 76:22	attempts 26:23	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	bad
	association 22:11 55:4 95:22	attended 22:10 50:25	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	
	assume 69:3	attention 88:16 133:24	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	
		attest 73:7	65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	
			65:1,25 69:25 71:10 78:15 128:20 133:23 137:18 145:14 149:25 165:23 166:7,8 167:15 172:20 176:6,10	

42:11 150:10 171:5	baseball 60:2	beginning 64:11 79:7 113:12	104:4 185:21	185:11,25
bail 146:24	based 9:8 14:2 30:8 31:19 34:25 46:24 61:4 67:9 74:11 83:11 103:5 106:3 127:16 141:18 146:1,24 147:1 182:4	begun 50:21 51:8	benefits 13:4	Black 107:19
Bailey 192:5	basically 33:8,23 34:24 55:23 56:14 63:16,17 65:12, 24 69:25 131:11 172:20,22 173:25 175:3,14	behalf 25:1,3 41:21 58:5,7 90:3,5 120:4,6 121:17 135:21,23 148:21,23 183:8,10	Benson 82:19 83:3,4,10, 16 88:23 89:8 90:12,18 92:16	Blackley 7:2 41:3 137:6 191:17 192:8 193:15 195:7
bailiffs 185:13	basis 31:4 60:16 92:13 129:21 161:10 182:3	behavior 88:16	Berkeley 123:15	bless 23:5 116:2 191:12
Baker 141:16,17,24 147:17,25 149:4	bat 67:1	belief 34:22	bias 18:11,24 21:23 162:9	blessed 29:12 108:6 144:23
balance 52:4	bear 119:9 155:5	beliefs 34:6	biased 181:5	board 130:15 132:13
balancing 72:5	bears 163:10	believed 174:5	bicycle 115:25	boards 129:1
ballot 8:11 14:4,5 19:10 45:21 51:19,20 77:1 82:8 86:17 99:10,17 101:25 106:5,6 126:5 133:14,16 137:7 140:17 147:5,6 155:6 181:16,17 191:23	beast 190:9	believes 34:10	big 20:10,16 28:6,9 38:19 49:21 67:21 91:1 152:5	body 167:25 175:9
band 122:2	beating 23:2	bench 8:10 15:14 26:14 34:23 41:16 49:17 50:6 53:6 88:21, 22 91:7 95:4 97:13,14 106:9 122:10 126:4 129:13 131:4,11 132:23 133:20 134:2 135:9 140:16 143:25 155:5 173:6 180:7 181:20,21 182:16 188:16 189:13	bill 56:14 171:13,15	bond 144:3 146:4,7 150:1,15,19,20 151:5
bank 54:18 55:17 85:25	Beaufort 123:16	beneficial 84:8 87:13	bills 36:20 171:10	bonded 86:13
Bar 18:3,9 27:20 69:23,25 76:25 99:10 115:6 187:7 189:18	bee-popped 75:2	benefit 12:25 53:6	bio 118:11	bone 177:23
barely 166:22 170:9	began 10:13 105:13		biographical 118:12	book 93:9 96:15 115:2,3 116:7,9, 20 117:2,5,9,14, 21 118:6,17
bars 28:24	begin 13:4 14:1 18:25 106:20		birthday 17:1 40:9,21	books 34:25 117:24
Barth 15:24			bit 13:8 19:15 26:5 29:2 33:24 38:1, 8 75:18 90:24 91:3 92:19,22 93:12 111:5 112:10 117:21 118:9 124:1 139:5 143:12,20 144:9,20 145:18 152:9 181:1	boots 10:10
				bore 30:12
				born 19:19 42:11 78:11 115:19

boss 42:18	briefly 11:12,24 19:16	63:16 84:22	camera 160:18	canons 30:16 146:21
bothered 150:5	46:9 51:9 76:17	bull 11:2	campaign 102:6	capable 73:4
bought 105:17,18 116:11	85:16 105:4 141:9 189:6	burden 13:23	Canada 35:16	capacity 96:5 128:23 181:12
bound 22:1 57:6 89:11 119:12 148:4	briefs 142:15	burglary 77:22	candidacy 22:7 45:19 57:12 58:2 59:7 82:15 89:16 109:20 116:21 117:10,25 119:18 136:2 148:10 182:21 190:3	car 42:13,14 112:19
box 8:11 14:4,5 19:10 45:21 51:19,20 82:8 86:17 99:10,17 101:25 106:5,6 126:5 133:15,16 137:7 140:17 147:5,6 155:6 181:16,17	bright 89:6 186:24	busiest 186:12	candidate 7:8 22:1 25:12 29:22 43:20 50:5 57:6 58:17, 18 80:19 89:10 90:14,15 100:24 106:11 117:12 119:12 120:14, 15 124:23 134:1 136:12,13 138:20 144:10 148:4 149:6,7 153:13 168:12 183:18,19 194:2	card 23:8 118:17
boxes 77:1	Brilliant 181:20	business 12:12,15 47:23 61:9 85:21 86:5 106:1	cabins 75:6	cards 22:19
Boykin 128:20 129:6 131:19	bring 10:11 60:9 80:5 83:23 91:7 97:4	buy 116:12,15,18	calculations 142:24	care 11:22 16:4 23:7 31:25 55:21 80:17 86:13 114:1
Braddock 41:13	bringing 10:3	<hr/> C <hr/>	Calhoun 84:11,24	career 9:22 10:14 47:17 52:19 84:9 87:6 97:7 128:16 130:4,18 142:6,10 143:14 144:14,24,25 145:10
brag 13:8 28:23	brings 147:12	cabinets 75:6	California 94:14 115:5,6	careers 37:20
branch 133:10	Britton's 46:20 55:4	calls 17:12 23:4 29:9 35:20 39:10 43:9 100:18 108:5,6 116:25 178:24 191:8,24	call 17:12 23:4 29:9 35:20 39:10 43:9 100:18 108:5,6 116:25 178:24 191:8,24	careful 57:25 58:9
branches 132:25 133:2,8, 13	broad 187:6	called 17:10 117:4 122:13 124:16 138:13 153:8	candidate's 9:9,10 18:9,22 46:25 47:1 83:12,13 103:6, 7 127:17,18 141:19,20 192:15	caretaker 86:12
breach 61:20	broadens 104:7	calling 23:5 118:17 171:10 176:21	candidates 90:25 124:7 138:4 152:24 192:4	caring 119:6
break 185:12,14	Brogdon 22:13	calls 17:8 143:19 152:9	canon 31:6 146:21	Carl 28:12 35:9 36:2 41:12,19 42:10, 17
bred 19:20	brother 48:19			carnival 78:20
brevice 38:8 177:11	Brothers 55:17			Carolina 21:5 22:2,10
	brought 55:8 131:20			
	brush 11:5 92:17 93:5			
	brushing 51:8 93:11			
	Bryan 8:4,6 41:13			
	buggies 9:24			
	built			

24:3 25:7 31:21 46:21 55:4 57:7 58:13 60:5 83:8 89:12 90:9 93:21 94:13,25 100:11 103:2 107:19 115:10 119:13 120:9 129:11,17,24 130:12 134:2 138:18 148:5 167:23 180:8, 10,24 183:13 188:21	caseload 64:4 cases 10:3 11:18,20, 23 12:1,2,5,11 13:13,14,19,23 15:17,21 26:2 27:16 28:25 30:5,6 35:14 37:2,13 40:7 47:19,25 48:24 49:9 50:23 51:1 53:2,3 54:16 60:14 64:4,12 66:13,17,19 67:4 68:14 69:5, 16 70:2,7,13 73:14 74:21 76:15,19 77:15 78:5 84:19,20 85:5,20 86:7 87:5,9,23 88:2,3 91:3,18 93:8,11, 13,17,19 104:19 105:8 110:8 112:22,25 123:13 129:3,18 130:1,6,14 131:14,18,20,22 132:5,6,11 142:20,23 144:1,7 145:7,8, 9 161:10,16,22	138:10,16,21,24 139:2,13,17,20, 24 140:3,14 141:8,15 149:9, 18,21 152:12, 15,19 153:5,10, 16 168:8 192:20 cast 7:7 41:8 191:22 cat 122:22 categories 57:1 86:22 category 24:6 28:11 caught 53:16 caused 20:3,22 cautioned 7:13 44:4 81:3 101:4 125:6 139:11 154:4 155:23 180:12 celebrate 40:22 cell 122:16 Cendant 54:22 center 10:2 11:4 centered 19:16 chair 168:18 chairman 7:1,5,15,18,24 8:8,17,25 9:7 23:12,25 24:7, 11 25:10,15 35:5,6 40:14	41:1,6,10,18 42:23 43:1,12, 17,21,25 44:6, 10,20,23 45:1,5, 8,13,16,18 46:17,23 58:18, 20 59:9,11 62:2 76:11,12 79:20, 23 80:9,15,24 81:5,8,10,15,25 82:5,24 83:3,4, 10 90:15,17 95:18,20 96:1 98:9,12 100:5,7, 20,25 101:6,10, 19,22 102:13, 19,23 103:4 120:15,20 127:16 136:13 137:11,15,19 141:17 149:4,8 153:14,18,25 154:6,10,21 155:1,18,25 156:4,24 157:7, 10,14,19,22,25 158:2,5,8,11,14, 16,21 159:2,9, 11,15,19 160:1, 13,17,22,24 161:1 162:2,17, 18 163:8,22 164:13 165:9,23 166:1,6,11 167:1,3,10,24 168:7,8 169:1,2, 5 170:15 171:3, 16,20,23 172:3 177:8,13,18 178:1,3,5,23 179:10,17,22,25 183:19,21,22 186:18,20	188:25 189:1,2 190:19,22 191:10,16,20 192:9,11,13,19, 21,23 193:8,10, 12,14,16,18,23, 25 194:5,8,14, 17,23,25 195:8, 11 challenge 9:21 26:10 27:3, 9 32:24 63:9 challenges 104:9 chambers 52:22 chance 19:9 chances 14:25 change 32:12 50:7 101:8 170:17 175:20 changed 125:13 139:21 173:24 changing 172:14 173:9 character 18:1,6 89:1 119:3 135:5 147:20 157:25 158:23 182:13 characteristics 180:22 charge 146:4,6,16,17 147:1,3 150:13, 14,17 charged 150:17 151:11,
---	--	---	--	--

12 190:11	59:24 73:21,23	citations	clerk's	collar
charges	74:1 78:20	129:4 131:21	85:12	61:19
146:7,18,19,20	83:21 103:20	citizens	CLES	colleague
151:3	105:24 110:12,	17:18,19 56:23	27:11 50:25	108:5
Charles	14 111:7 114:2	88:24 99:10	104:25 107:16	colleagues
44:24 45:4	121:25 122:3,5	118:24 119:5	client	29:8 39:9
Charleston	123:4,9 166:22	134:25 135:7	15:1 28:18 88:9	104:23 150:9
95:6 123:15	169:10,12,19	147:18 164:6	105:11,14 106:3	189:18
charts	170:4,8,11,13	165:20 167:22	clients	collection
26:25	children's	182:9	30:20 38:23	56:1,4 112:11
check	10:7 11:4	Citizenship	87:21 88:4	collective
8:17 45:24 82:8,	160:15	157:14	107:1 129:19	189:25
9 102:4 126:9	choose	city	clinic	College
140:21 155:10	187:25	9:4 46:19 66:6	47:12	40:20
checking	choosing	83:5 102:25	clock	collegiality
137:3	165:18,19	122:15 150:9,18	71:17 72:1	39:9
Cheek	chose	151:2	184:1,2	Columbia
15:17,22	17:1 62:15	Civil	close	40:20 136:24
Cherokee	chosen	130:13	60:24	150:9,18 151:3
27:22	46:15	claim	closed	Columbiana
Chief	Christmas	110:24 111:13,	43:13 55:15	146:5
150:12 186:14	93:20	21 113:6 134:8,	56:5 80:13	comfort
child	church	12,18	100:14 191:5	61:11
12:9 29:6,11	19:23 20:19	clarify	closing	comfortable
30:24 60:3,15	30:25 34:9	35:4	102:17 128:21	11:9 12:23
61:8,13 64:22	Circling	class	co-defendants	61:23
70:9,12,23	18:8	39:14 47:15	77:24	commend
71:11 72:8 73:3	circuit	classroom	code	137:6
74:21 75:7,22	9:4,6 12:14	103:18 112:6	22:1 25:7 57:6	commended
84:20 86:9,13,	27:22 28:25	121:13	58:13 89:11	189:21
14 91:5 92:24	38:16 46:19,21	CLE	90:10 119:12	comment
94:7,9,12,13,19	83:6,9 84:13	188:5,6	120:9 148:4	18:12 41:11
121:22 159:23	98:20 102:25	CLE-TYPE	149:1 183:13	133:21,23
186:3,4	103:3 123:18	187:22	coerced	149:24 163:1
child's	143:4 192:2,3,4,	clear	26:19	173:15
39:13 74:13,14,	15,25	56:20 178:14	cognizant	commented
19 86:14 121:20	circuits	cleared	88:17	99:9 119:5
children	39:17	55:22	Cole	comments
9:24 10:2,20	circumstances	Clemson	54:11,15	14:5,6,10,14,21
36:19 37:24	26:16 49:8	110:11	collaboration	25:20 51:20,22
44:25 45:6	62:14 113:21	clerk	133:13	52:10,11 77:7
47:22 48:11,15		78:19		86:18,21 106:6,

7,16,17 126:16 133:15,17 134:4 137:7 141:2 147:6,8 152:10 181:17,18,23 189:19 190:5	27:15 68:3 76:2 131:12 144:25 170:19	complain 14:17 66:9	31:6 52:12,15 66:5 69:8 70:17 87:20 91:1 106:19 107:10 108:11,14 152:6 159:4 168:15	conference 94:2,5 107:20
commission 8:3,6 40:17 44:13,18 46:11 51:19 57:11,13, 24 80:2 81:19, 24 86:16 89:15 99:6 100:9 101:14,17 106:4 119:17 120:18 124:7 125:10, 22,25 126:3 129:11,19,21 133:14 136:1,16 138:4 139:15 140:6,12,15 147:4 148:9 149:19 152:24 154:13,19 159:6 160:16 161:6 162:3,4,10,12 177:10 179:12, 15,24 181:15 182:20	committee 9:18 14:3 17:18, 19,24 18:3,15 20:1 22:6,24 29:1,14 56:23, 25 88:24 89:5 99:11 118:24 119:5 134:25 135:3,7 147:18 164:3,8 168:15 182:9,11,14	complaint 66:3 85:12 155:13 156:1,17 157:1,15 159:12 161:11 162:21 163:11 164:14, 25 167:4,5,12 179:15	concerned 20:15 29:15 51:7 61:6 65:12 172:15	confident 46:14 108:24
commission's 25:7 58:12 90:9 120:9 124:6 136:6 138:3 147:17 149:1 152:23 183:13	committee's 30:24	complaints 129:2 164:16 167:8	concerns 14:11 15:10,11 18:9,22 19:3,12, 15,23 20:8 21:12,14,16,17 25:11 30:1 52:10 58:16 66:7 86:22 87:17 90:13 106:17 107:12 120:13 134:5 136:11 149:5 162:6,8 174:3 181:23,24 183:17 189:16	confirm 130:7
commissioners 141:4 191:15	common 67:7 73:5	complete 26:12	conclude 43:2 79:24 100:8 124:4 190:23 191:11	conflict 20:24 30:13,17 33:20 65:4
commitment 58:10 136:5	communicating 19:13	completed 73:23	concludes 152:21	conflicts 8:18 19:17 27:24 31:15 45:24 82:10 102:4 126:10 140:21 155:10
commitments 67:3	community 19:11 49:24 55:4,6,9,12 84:2 97:11,16 128:7 147:10	completion 68:8	conformity 172:22	conformance 172:22
committed	comp 131:7	complex 11:13,19,22 12:15 14:1 51:10,14 53:2 85:17 86:2,3,8, 11 105:5	congratulate 137:8	conforming 94:19
	company 59:6 110:22,23 112:10 113:7 134:8,13	compliance 8:13 45:22 82:9 102:1 126:7 140:19 155:8	connect 35:21	congratulate 137:8
	compassion 86:20	complied 82:12	connection 58:24	consecutive 78:24
	compensation 129:9,10,11,18	compliment 23:12	conclusion 58:24	consequent 9:10 16:2 47:1 83:13 103:7 127:18 141:20
	competency 176:12,16,22 177:25	complimentary 35:13	conclude 43:2 79:24 100:8 124:4 190:23 191:11	consideration 191:4
	competent 173:8 175:15 176:5,9	component 70:7	concludes 152:21	consent 9:10 16:2 47:1 83:13 103:7 127:18 141:20
		concentrate 162:12	conditioner 23:20	considered 43:5 99:16 100:12
		concern 14:12 19:7 20:3, 22 21:21 30:24	conditions 150:20	consistent 147:2 178:10
			conduct 22:2 57:7 60:12 89:11 91:9 119:12 130:1 132:11 148:4	constituents
			conducted 143:25	

164:6	181:18	166:4	counties	11,13,14,15,18
constitution	contemplated	corner	84:11,25	49:12,14,15,17,
21:4,5 147:23	26:12	42:7	counting	21 50:6,13,19,
constitutional	contempt	corporal	13:4	25 51:1,11,12,
17:21,22 18:4	186:4	72:23 73:3	country	24,25 52:12,17,
56:24 89:3	contentious	corporate	31:18	20,21 53:3,9
118:25 135:2	88:1,3 106:24	14:15	county	54:15 57:8
141:21 157:11,	contested	corporation	9:5 27:21,22	59:21 60:10,14
13,16 182:10	11:13 50:22	12:13 54:22	28:24 35:15	61:7 63:12 64:6,
constrain	51:10,16 60:14	correct	46:22 47:13,19,	7,10,11,16,19
178:21	85:17 105:5	8:16 15:22	24 48:1 50:9	65:1,2,3,12,18
constraints	context	16:19 34:19	51:3 53:10,17	66:24,25 67:2,
91:1 93:7	146:23	43:10 45:16	56:8 62:16 64:3	16,19 68:24
178:18	continue	54:13,14,19,20	69:22 70:1 75:3	70:15 71:16
construction	13:16 48:18	71:11,12 80:7	83:8 84:23 85:2	75:12 83:18
55:7	114:22 132:18	96:17,20,21	103:2,19	84:6,12,16,22,
constructive	177:1 180:3,23	97:19,23 98:5	123:12,13,16	25 85:1,4 86:24
88:15	190:17	99:4 100:18	143:4 145:9	87:1,12,15
consume	contract	101:9,11 125:10	176:25 185:6	89:12 90:25
91:2	10:14,16	139:18 155:17	186:13	91:1,17 92:13,
contact	contracted	156:2 158:24	couple	18,23 95:2,10
7:22 22:24 24:1,	129:25	159:13 161:14,	14:10 25:20	97:2,8 98:20,21,
25 58:5 70:13	control	15 163:13 169:5	28:10 32:4	23 100:1
90:2 120:3	16:7	173:2 174:6,11	135:12 143:12	103:12,15
135:20 148:20	conversations	175:19 191:8	154:7	104:14 105:5,7
183:7	27:20	Corrections	couples	106:9 107:11,16
contacted	conveyed	67:23 142:7	27:16	108:1 110:7
22:6 57:11	172:9	143:6 145:11	courage	119:13 121:17
89:15 119:17	convicted	correctly	14:19	122:7 123:4,5
136:1 148:9	78:1	30:11 138:25	courses	128:1,9,12
182:20	cooperation	149:15 155:16	47:14	129:12,16
contacting	132:25	corrupts	court	130:10,16,19,22
24:17 57:16	copies	177:5,6	9:15 10:1,11,23	131:2,15,17,19,
89:19 119:21	54:24 117:2,6	cost-saving	11:13,15 12:14,	24 132:10,14,
148:17 171:11	copy	26:20	25 13:15,24	16,17,22 133:7,
182:24	94:9 116:19	costly	14:9 15:6 19:2	9,11 134:3
contained	117:14,21 118:6	35:24	22:3 25:24 26:2,	142:2,11,13,21
9:8 14:5 46:24	160:2,7	counsel	13 27:23 28:1,5	143:2,4 144:1,2,
51:21 83:11	cordial	127:14 131:10	30:5,7 31:16	3,4,12 145:3,18,
103:5 106:7	79:6	141:4 142:5	33:8 35:18	19 147:15 148:5
127:17 133:16	core	143:16 161:8	36:13,15 37:7	164:2 165:19
141:18 147:7		162:8 190:4	46:13,15 47:6,9,	166:16 167:1
				169:14 170:18

173:17 174:15 175:17,25 176:25 180:3,4, 6 181:3,11,21 182:2,15 183:24,25 184:3,10 185:12,13 187:1,11 190:8 192:1,3,14,24 194:2 195:3	creates 71:5 credentials 147:11 credibility 170:1 credible 169:25 credit 38:19 59:5 71:18 77:14 112:10 181:19 cried 109:25 crime 50:1 51:3 61:19 66:16 67:17 68:4,10 79:12 criminal 11:7 33:12 65:6 84:17 144:1 150:4 criminals 122:16 crisis 49:24 criteria 8:11 17:25 45:20 56:24 82:7 88:25 89:3 99:8 101:24 118:25 119:2 124:7 126:5 135:2,4 138:3 140:17 147:20, 22 152:24 155:6 156:12,23 157:11 162:3,14 168:20,21 174:1 182:10,12 190:25	critical 166:5 criticism 36:5 88:15 146:23 Cross 127:2,8,10 cross- examination 143:11 crowd 137:15 crowded 23:14,17 cruise 40:24 crying 108:22 Crystal 139:10 140:7,9, 13 141:20 194:10,20 cuff 145:22 curious 77:15,19 78:1 current 132:18 161:23 curve 131:1 custody 11:20,25 35:20 36:1 37:2 60:15 69:10 85:5 86:7 91:5 92:24 94:7 105:23 142:24 151:19 162:6 cut 64:10 164:15,24 cutting 11:10	cycle 48:17 121:23 <hr/> D <hr/> Daddy 27:7 daddy's 115:20 damage 175:10 Damonte 77:16 dance 23:14,17 24:8 39:14 dancing 23:16 24:10,12 Danny 95:5 data 8:3 44:7,13,15 81:19,21 101:14,17 125:22 140:6,9 154:13,16 date 13:4,5 24:22 57:21 75:16 89:24 120:1 135:17 148:14 183:4 daughter 19:21 27:8 42:11 daughter's 94:7 Davis 128:20 129:6 131:19 day 11:11 22:19	24:3 36:25 42:16,17 60:23 66:10 69:24 75:7 80:16 98:23 108:20 109:15 110:4 139:4 143:18 146:17 147:3 174:17,24 180:19 185:7,8, 9,14 186:1,2,7,9 day-to-day 128:24 132:3 daycare 110:14 days 16:5 20:18 32:24 41:23 69:15 97:12 188:10 deacon 20:18 dead 122:23 deadline 114:18 deal 13:13 20:16 45:9 144:19 dealing 55:23 69:5 120:25 128:13 132:3 142:11 185:3 deals 66:18 123:4 dealt 69:4 105:20,23, 24 130:17 144:5 Dean 159:4,9 160:1, 10,13 161:5,10,
--	---	---	---	---

13,16,19,22 162:1 179:23,25 180:1 182:8,17 183:16,21	deems 100:9	deliberations 43:7 138:8 153:3 191:4	depth 78:2	32:7 33:14 184:8
death 55:24	deeper 33:24	deliberative 180:14 181:8	deputies 185:13	DHEC 55:4
debt 112:11	deeply 19:17	delinquents 122:6	deputy 48:2,4 53:9 63:17,25 64:24	Diane 95:9 98:19
debts 61:8	default 65:21 112:12	delivery 110:25 111:13, 21 113:6 134:8, 12,18 169:25	describe 11:12 51:10 85:16 105:4	Dickie 127:4
decade 106:10	defendant 15:18 55:2 134:7	delve 178:13,21	deserve 176:14	difference 75:10 83:21,25 97:11 114:17 180:24
decided 35:1 93:22 110:2 112:4 115:8 121:12	defendants 67:1 121:16	delving 163:2	deserving 43:6 138:7 153:2 191:3	difficult 36:17 47:23 113:12 166:4 187:19
decides 174:9	defender 47:20 62:23	demand 150:24	desire 30:4 97:15,16 117:23 118:14, 20	dig 33:23
decision 13:8 30:19 31:4 40:4 46:12 53:23 61:4 72:13 74:10 76:4 91:21,22 92:1 98:4 99:22, 24 132:13,14 146:1 176:6	defender's 62:12	demeanor 95:11 98:19 146:23	desperately 36:19	dignity 95:13 98:22,25 99:20
decisions 7:7 10:12 41:7 48:11 92:3 99:21 100:2 132:9 153:20 176:10 191:22	defending 10:14	Democrat 97:18	detached 88:9,10	diligent 99:21 124:3
dedicated 89:6 144:13	defense 65:24 84:17 128:23 129:9	demolition 55:7	detail 133:24	diligently 131:8
Dee 17:19 56:22	defense- 66:9	denied 150:16,19	detailed 18:19	Dillon 10:16
deed 16:4	defer 8:23 165:21	deny 151:4	details 33:22 134:3	direct 58:24 143:11
deemed 80:4 102:10 191:3	definition 109:4	department 67:22 70:14 72:15 129:24 130:6 132:5 142:7 143:5 144:6 145:7,11 150:18	determination 175:17	directing 168:18
	degree 65:8 159:15 164:18,20 179:5	denied 150:16,19	determinations 70:19 162:7	directly 22:8 61:11 132:10 136:5 168:19
	delay 152:17 156:7,9	denial 150:16,19	determine 85:21 146:24 173:10 186:23	disadvantages 104:9
	delayed 82:17	departs 37:10	develop 26:16	disciplinary 142:24
	delays 124:25	depend 177:3	developments 11:10	disclosure 22:8 24:6
	delegation 117:17	depends 185:6 187:8	devoted	
	deliberate 147:14			

disclosures 82:11	116:20	37:4 38:17	draw 73:6	duty 31:25 180:8
discovery 26:11	distributed 117:9	84:19 87:2 91:2, 8,9,15,25 92:4,6	drive 28:15	<hr/>
discretion 73:12	distributing 118:10	185:3,4	driving 144:7	E <hr/>
discuss 11:14 22:9 41:2 51:11 105:6 113:8 124:10	distribution 85:6 105:10	docket's 72:11	drug 49:22,23 66:24 84:19,22,25 85:1 92:6	e-mail 16:2 32:20
discussed 146:15 160:11 162:2	districts 128:21 132:1 186:13	dockets 186:8	DSS 10:16 28:1 47:21 48:10 68:24 69:2,5,16, 18,24 70:2,7,10, 13,20,23 72:16 73:15 74:18 75:1 85:5 91:1 132:6 185:7,8,9 187:4,14,18	e-mails 152:8
discussions 72:17 124:3	diversion 67:15	document 143:10 170:10	documentation 56:18 168:2	earlier 22:9 60:6 92:16 125:1 144:13 150:9 162:2
dismissed 54:13,19 113:8 134:14,19 181:12	diversity 147:12	documentation 56:18 168:2	documents 7:16 125:9,16 139:14 142:13 154:7 156:18	early 12:7 15:4,5 63:6 79:11 100:22
dispense 156:25	divide 12:16 85:22	document 143:10 170:10	dog 122:22	earned 63:22
displayed 106:24	dividing 12:16	documentation 56:18 168:2	Dude 122:16	easily 28:16 185:23
disposed 111:2 112:1 165:10	diving 76:23	documents 7:16 125:9,16 139:14 142:13 154:7 156:18	due 31:12 168:22 178:15	easy 118:17
disposition 55:18 163:23	division 11:21 12:12 60:15 61:8 63:6 84:12 85:25 86:3	documents 7:16 125:9,16 139:14 142:13 154:7 156:18	due 31:12 168:22 178:15	eat 75:7
disputes 10:6 131:20	divorce 31:17 85:5 93:23,24 94:3 171:14 186:6 187:13	documents 7:16 125:9,16 139:14 142:13 154:7 156:18	dug 12:20	economic 8:18 26:25 45:24 82:10 102:4 126:9 140:21 155:10
disrespect 152:2	divorced 112:4	document 143:10 170:10	duly 7:12 44:3 81:2 101:3 125:5 139:10 154:4 155:22	ed 128:21 132:1
dissolving 32:21	divorces 50:22 87:4 185:17	dollars 10:7 105:12 116:13,19 166:10,21	dumb 23:6	edge 11:10
distill 169:4	Dixie 113:7	domestic 47:19 48:22,25 49:18,19 50:22 51:15 52:24 70:8 144:1 187:1	duplicative 168:17	educated 30:19 65:14
distilled 168:20	DJJ 10:14 11:1 60:8 91:3	door 23:2 68:6 143:18	DUS 144:7	education 10:8 67:14,15 123:11 129:25 131:7,8 132:13 169:9
distills 166:2	docket	Dorchester 83:8 84:23 85:2 103:2 123:13,15	duties 18:10,23	educational 132:8
distribute		doubled 14:23	dutifully 81:12	

educator 103:24,25 110:13	eliminates 151:23	10:20 42:4	166:17	126:7 138:5
EEOC 129:2	Elite 111:25	ended 113:4 189:12	equitable 11:20 85:6 86:2 105:10	140:19 152:25 155:8 165:16 167:4,8 174:1 191:1
effect 20:4 49:24 168:23,25	eluded 173:20	enemies 14:23	Erin 23:4 191:23	evaluate 168:11 176:25
effective 9:17 39:3 47:8 84:5 103:13 108:13 128:3 130:9 142:2	embarrassed 34:11	energetic 119:6 186:25	err 172:13,20	evaluation 15:5 67:24 68:1, 4
effectively 65:19 66:5 71:23	emergency 29:3 30:23 31:4 184:5	enforce 31:20	errors 174:11,12	evaluations 78:7
efficiency 38:9 133:7	Emma 191:23	English 105:21	essential 187:24	evaluative 8:11 17:20 45:20 56:24 82:7 88:25 89:3 99:8 101:24 118:25 119:2 124:6 126:5 135:1,4 138:3 140:17 147:20, 22 152:23 155:6 156:12 157:11 162:3,13 168:20,21 182:10 190:25
effort 138:1	emotional 174:20,22	enjoy 33:16 63:10 103:23 144:15, 19	essentially 91:6	evening 127:23 138:21, 23 153:12 189:4,5
efforts 82:6 191:13	employed 39:2	enjoyed 25:19 62:25 63:8,9,11 76:23 137:17	estate 77:17 79:13 86:3 105:11,24	event 43:10 80:6 96:6 100:16 108:6 191:6,7
egos 20:10,16	employer 72:16	ensuring 27:11	estates 15:20	ever-so- 8:20
eighteen 118:1,2	employment 56:2 106:1 132:5 143:6,7	enrolling 103:17	estimate 48:25	ever-so-brief 46:3
eighth 121:7	encounter 26:4	ensure 15:12 109:20 175:14	estimated 142:14	everything's 92:2
elected 48:3 99:7 177:3 189:13	encountered 11:18	entering 15:12 109:20 175:14	ethic 147:16	eviction 110:6,18 112:22
election 8:19 46:2 102:6 126:12 140:24 155:12	encouraged 32:15	entered 7:17 44:8 101:7 112:13	ethical 17:25 18:5,8 52:7 88:25 119:2 135:4 147:20 157:20 158:17,22 165:14 166:5 167:17 168:5 170:19 175:15 176:3,11,23 177:25 182:12	
elective 96:25	encumbrance 72:2	entire 128:9,18 145:10 163:11	ethically 179:2	
elevated 144:24	end 12:7 34:20 43:8 46:7 66:10 82:25 98:23 115:17 121:23 174:24	entitled 134:13	ethics 8:13 43:4 45:23 80:3 82:13 100:11,17 102:2	
eliminate 68:10	endangering 71:7	environment 62:10,11 65:14		
	endeavor	environmental 56:12		
		equalization		

evidence 53:4 54:4 87:14 129:16 130:12 168:11	153:16,19 191:18,21	105:4,6 119:3,6 120:24 128:2,18	168:13	factually 173:11 175:19
evidentiary 130:10	exemplary 59:6 106:11	129:5,7,20 130:8 131:25	externships 188:18	failed 21:11
examination 9:13 25:16 32:3 35:7 41:18 47:4 58:20 59:12 62:3 76:13 83:16 90:19 95:20 103:10 120:22 127:22 141:24 143:11 180:1 183:22 186:21 189:3	exemplifies 180:14	135:6 142:1,5 144:9 147:10, 12,23 158:11,23 159:1 181:25 182:14 187:1,6, 12,14,15,21 188:11 189:11	extremely 52:4 114:20 133:25	failure 113:13 144:7 168:3
examples 21:14	exemplify 99:13	experienced 71:15 115:22 181:22	eyes 21:20 75:8	fair 13:18 15:2 17:15 29:3 52:2 65:20 67:8 99:19 106:14 132:19 178:16 180:14 181:5,8 184:5
excavation 131:22	exercise 87:15	experiences 35:10 48:7,21, 22 49:7,11 72:4 104:1,5 131:16	F	fairly 51:14 92:13 170:6 185:23
excellent 14:7 37:5,17 40:6 106:14 133:23 134:1 181:22	EXHIBIT 8:2,5 44:12,15, 17 81:18,21,23 101:13,16 125:21,24 140:5,8,11 154:12,15,18 179:11,14	expert 51:18 162:8	face 104:9 174:21	fairness 71:25 86:20 177:25 178:15 180:21
exchange 189:7,12	expand 26:5 29:25 92:19	experts 12:3	faces 27:3	faith 20:24 34:17
exchanges 27:12	expectation 177:24	explain 29:3 54:23 55:5, 18 56:3,13 166:4	facilities 129:5	faithful 146:22
excited 40:23	expected 139:6	explore 74:24	facing 31:18	fall 115:24
exclusively 107:14	expects 124:7 138:4 152:24	express 181:6	fact 60:18 77:22 107:15 109:6 121:5 143:19 149:13 150:20 151:10 164:22 165:12 169:23 170:16 171:9 173:4 174:5	familiar 8:9 16:22 24:16 36:10 40:8 49:20 50:9 57:15 89:18 101:22 119:20 142:7 148:16 155:3 164:14 182:23 183:1
excused 43:20 80:19 100:24 124:23 138:20 153:13	experience 9:16 11:13,14 12:17 14:2 18:1, 7 22:17 47:7 49:12,15 50:2,4 51:10,12 52:13 53:7,10 61:22 69:3 73:6,13,20 84:4,7 85:8,10, 16 86:23 87:9, 10,16 89:2,6 92:5,7 103:25	expressed 14:10 52:10,12 86:21 106:16 134:4 181:23 189:19	factor 74:13 92:14	facts 26:4,16,20 30:9 31:19 163:1,25 164:19 165:3,15 167:7,11 168:19 169:6,25 170:3, 5
executive 7:3,6 41:2,4,7 43:23 80:21,22 133:10,12		expressing 21:16	factors 28:10 146:24 147:2	factual 21:15
		expungement 68:7		
		extent 65:13 69:5 163:18 165:14		

family 9:15,19 10:1,23 11:13,15,19 12:25 14:9 15:6 16:6 19:2 26:2, 12 27:23 28:1 30:5,7 31:16 33:8,14,20 35:18 36:10,13, 15 37:6 46:11, 13,15 47:6,9,10, 11,13,15,18 49:12,15,17,21 50:5,13,19,25 51:1,11,12,24 52:12,17,20,21 53:3 59:21 60:10,14 61:7 63:11 64:16,19 65:1,3,12 68:23 70:11 71:16 73:21 75:12 78:9 83:17,19 84:6,12,16,17 85:4 86:24 87:1, 6,12 90:25 91:1 92:13,18,23 93:2,20 95:2,10 97:2,8 98:20 100:1 103:11,15 104:14 105:5,7 106:9,12 107:11,13,16, 18,25 121:16 122:7 123:3 146:11 152:6 164:2 165:19 166:16,20 167:1 169:14 170:18 176:25 180:3,4, 6 181:21 182:2, 15 183:24,25 184:10 187:1,11	189:11 190:8 192:1,14,24 195:3 fantastic 51:24 farm 12:19 farther 91:4 fashion 163:5 fast 23:1 63:14 father 94:8,10 father's 58:25 Faulk 102:20,22 103:4,10 118:23 119:8 120:12 127:15,22 134:25 135:10 136:10 fault 71:7 favor 20:5 112:25 192:9,21 193:8, 16,23 194:6,15, 23 195:8 favorite 10:5 fax 40:4 fear 146:23 February 40:25 federal 22:21 54:15	fee 162:7 feed 69:12 feel 9:15,20 10:19 11:6,8 12:10,22 14:1 15:7 22:18 26:19 28:4 33:15 38:4,12 47:6 48:6 49:6 53:14,16 61:23 65:17,23 82:25 84:3 88:5 95:11 98:17,22 99:23 100:3 103:12,25 104:3,13 107:8, 20 115:13 123:3 128:1,14,18 141:25 172:7 176:11 180:8,18 184:9 feels 15:1 fees 55:1 56:13 fell 86:22 112:20 114:7 felt 20:24 73:22 75:21 85:9 88:18 115:13 118:18 ferret 72:2 field 12:3 187:25 Fifteen 106:16 fight 55:9,10	fighting 12:14 66:6 figure 27:1 111:16 114:4 115:9 figured 116:25 figuring 61:24 113:25 file 46:12 52:17 60:22 85:12 110:18 filed 8:19 15:17 46:1 55:13,16 82:14 93:23,24 94:3 102:5 110:6,16, 21 111:17 112:23,24 113:6,17,19 114:8,14 126:11 134:9,14 140:23 142:14 143:4 155:12,25 179:15 181:10 filing 13:6 42:5 50:9 filming 159:21,22 161:1 final 38:3 100:15 108:11 113:9 132:13 133:23 163:22 171:24, 25 186:6 finally 10:13 13:7 80:9 106:12 118:8 134:18 Finance 110:22,23,24	134:8,13,19 finances 109:22 financial 7:19 11:15 26:8 51:12 61:6,12, 21,25 85:18,19 92:24 105:6 108:12 111:25 financially 176:19 find 27:15 68:16 72:9 136:22 149:25 176:7 184:13 190:1 193:20 finding 18:8 111:2 fine 14:9 22:23 37:6 96:4 159:14 finish 68:7 84:15 finished 110:11 firm 32:17,20 37:15 62:9,11 127:4 128:20 firmly 144:14 fit 128:11 130:5,7 fitness 17:25 18:5,8 88:25 119:2 135:5 147:20 157:20 158:17, 22 182:12 fix 175:1
---	---	---	---	---

fixed 173:22	forced 26:19	foster 12:4 48:9,12,20	friendly 133:18	funky 69:2
flexible 91:10	Ford 112:10	found 17:19,20,24	friends 29:8	funnel 66:15
flippantly 20:2,8	foreclosure 55:17	18:3,5 21:18	Frierson 163:12 164:21	funny 141:5
Flo 22:20	forefront 97:7	22:2 52:3 56:23, 25 57:7 88:24	178:4 179:2	Furniture 113:7
floor 23:15,17	forensic 61:21	89:2,11 109:7	181:15 182:9	
Florence 16:25 28:23 33:3 40:20	forgive 98:14 149:18	110:7 112:12	186:22	<hr/> G <hr/>
flow 33:24	forgot 23:25	113:23 118:24	Frierson- 153:22 177:23	gained 50:2 104:1 105:25
focus 8:10 33:8 45:20 82:7 99:11 175:6	forgotten 28:18	119:13 146:2	Frierson-smith 153:21,24	GAL 32:8
focused 126:4 140:16	form 160:3,5,9 162:5 163:5	148:5 182:9,11	154:3,9,14,17, 20,24 161:23	game 24:4 60:2
focuses 35:18 162:3	formal 43:13 80:10	192:18 193:18	179:19 180:2	Gamecock 96:23
focusing 101:25	formally 40:15 43:18	194:13,17,21,25 195:6	182:19 191:9,14 195:3	games 31:2
Folkens 28:12 32:13 35:9 36:3 41:12, 19,23 42:18	format 13:12	foundation 83:20	Frierson-smith's 157:15	gang 78:22
folks 19:24 34:16 44:20 154:22	formed 65:14 162:10	fountain 42:8	front 61:1 75:11 95:3 123:5 175:25 189:17	garner 73:10
follow 34:21,24 53:25 76:9 87:24 124:7 138:4 151:8 152:24 189:6	forty 39:21	frame 146:19	fruition 55:14	garnished 56:8
followup 27:19 98:10	forum 132:19 163:19 164:11 172:10 173:23	Francis 95:22	frustrated 17:8	gave 31:5 48:9 63:13 87:10 103:19 129:6
football 31:1	forward 9:21 10:19 11:4 13:5 21:21 27:10,15 41:16 104:11 121:22 151:22	frankly 77:2 174:14,16	full 9:24 22:8 24:5 37:1 130:10 178:16 185:8,9, 14 186:2	gears 68:20
		freaking 149:14	fundamentals 107:18	general 24:17 25:1 48:1 49:4,12,16 50:2 52:18 53:2,8,10 57:16 58:5 60:9, 11,20 61:17 63:9 64:4,16,22, 25 65:2 69:24
		free 100:21	fundraising 96:5	
		french 16:24 40:20		
		frenzied 23:4		
		fresh 72:19		
		Friday 29:5 31:2 91:16		
		Fridays 186:5		
		friend 23:13 42:19 104:18 127:2		

70:6,16 75:12 89:20 90:3 116:21 119:21 120:4 135:21 143:16 148:17, 21 165:1 182:24 183:8 generally 86:14 164:23 185:25 generations 83:22 gentleman 17:12 genuine 97:15 Georgetown 48:1 50:9 51:2 53:9,17 63:18 64:2,24 Georgia 93:21,23 germane 165:18 172:1 get all 32:24 gifted 166:23 169:10 170:8 girl 117:4 152:5 girls 169:9 give 24:5 29:22 38:23 80:1 85:7 91:6 118:6 156:23 164:9 167:9 173:7 176:7 178:15 180:9,23 181:5 184:20,25	185:4,12 giving 18:13 19:8 78:24 114:6 116:5 166:3 glad 7:22 8:23 11:16 19:8 41:15 124:25 146:9 gleaning 34:8 Glen 160:20,23,24,25 161:3 gnashed 109:25 goal 47:14 68:9 165:4 180:18 God 34:10 191:12 Godspeed 191:13 good 7:24 9:1,2 12:25 13:8 14:8 25:17, 18 26:1 45:9 46:9 49:10 59:13,14 62:4,5, 18 63:14 80:15 89:5,6 90:21 92:3 98:8 99:13 100:4 102:23 104:18 116:1 119:6 127:23 128:10 130:5 131:12 138:21, 23 143:20 151:17 171:5 177:16 187:24 189:4,5	Goodstein 95:10 98:20 goodwill 85:21 Google 146:13 government 133:1 142:6 143:14 144:14, 15 Grace 44:25 45:7 grade 47:15 121:6,7 graduate 40:19 graduated 60:3 graduating 166:23 170:9 grandchild 94:7 grandparent 74:18 grandparents 94:6 grant 110:7,23 184:14 granted 114:10 grass 130:5 grateful 180:6 gray 21:9 31:21 great 20:14 26:9 28:21 35:13 41:14,20 42:16 52:1 77:1 78:2	87:22 106:15 130:7 132:20 133:8,12 135:9 137:18 153:11 182:15 great-grandfather 59:1 greater 35:22 greatly 172:7 greatness 109:12 greener 130:5 Greenville 60:1 103:18 123:16 Greenwood 117:17 greet 22:12 Grey 35:5 grievances 143:6,7 ground 10:11 68:15 group 99:15 groups 27:12 29:20 guardian 10:8 11:25 12:1, 2,7 14:24 16:5 28:4,17 32:18 33:18,19 35:14 36:6 37:25 38:4 48:24 50:23 74:22 75:1,4 162:8 171:1,10,	13 176:21 guardians 10:17 guess 33:4,21,22,24 34:3 59:20 61:14 62:13,16 63:25 65:6,8 70:17 108:16 113:11 117:24 118:5 123:10 132:17 143:20 175:23 180:12 guest 126:22 guided 129:14 130:11 guidelines 25:7 58:12 90:9 120:9 149:1 183:13 guilty 68:3 gun 71:4 guy 20:14 42:20 guys 13:9 45:9 169:8 172:1
<hr/> H <hr/>				
Hague 104:17 hair 109:16 half 84:9 96:18,19 hall 23:22 46:4,17, 18,23 47:4				

56:22 57:2 58:15 66:6 71:20 Halloween 78:18,19 hallway 22:12 hand 7:10 28:25 39:22 44:1,10 53:24 80:25 81:15 101:1 116:16 118:16 125:3 139:8 154:1,10 155:20 handcuffs 121:9 handed 117:7 handle 10:24 19:24 20:10 30:4 36:25 50:19 74:20 104:15 109:24 130:23 131:6 145:4 handled 35:19 47:19 48:24 60:7 61:11 69:18,22 77:16 104:17 128:23 129:18 131:15,18 142:12,23,25 143:6,15 handles 104:19 handling 11:13 51:10 65:5 74:12 85:17 105:5 132:3	hands 117:18 121:8 hang 32:16 135:11 hanging 151:17 happen 12:8 34:15 164:2 174:17 happened 23:17 24:5 29:4 30:25 33:23 109:11 150:6 151:5 happening 133:10 164:7 170:12 happy 40:9 126:13 130:7 170:11 182:5 190:7 hard 13:11 15:11 70:21 79:9 95:6 99:22,24 109:24 110:14,15 114:21 116:4 144:22 187:17 188:15 hardworking 119:7 145:16 181:20 harkens 123:10 harm 169:21 harshly 127:12 Harvard 166:22 170:9 hate 149:24 150:3	havoc 71:5 he'll 17:8 head 20:18 93:18 131:11 145:24 health 17:22 18:4 56:25 67:2 89:4 119:1 135:2 147:23 158:5 182:11 healthcare 129:5 hear 15:8 26:8 36:16 45:2 98:13 126:13 141:16 156:19 164:19 165:3,7 173:3 174:25 175:5 178:8 179:1 189:15 heard 36:5 66:2 71:3 146:6 163:9 174:21 179:1 181:7 184:18 185:2 hearing 34:17 36:24,25 38:1,24 39:3 42:25 60:13 65:10 73:7 79:22 91:11,12, 14,21 95:19 98:11 100:6 123:23 129:1,23 130:6 137:22 146:7 150:1 152:14,19 156:8	168:10 170:17 171:4 172:24 174:2,4 176:19 178:16 184:5, 11,17 190:21 192:12 hearings 36:16 37:1 38:3 129:14 130:10 132:20 143:8,9 144:2 172:24 185:8,9 186:2,6 heart 18:20 23:5 174:23 180:16 heat 107:6,7 152:6 heavy 43:6 138:7 153:2 191:3 heightened 71:9 held 98:16 139:4 helped 23:9 32:18 115:12 helpful 99:25 141:13 188:11,22 helping 10:16 28:10 33:16 42:14 helps 156:24 Hembree 63:5 hesitant 53:11 hesitate 52:17 75:20	Hey 29:9 122:20 high 16:25 35:25 40:21 48:3 60:3 105:9 111:11 128:4,21 147:13 166:23 high-conflict 12:9 higher 132:1 highest 47:15 highly 28:23 35:12 hindsight 74:9 Hinson 8:22,25 9:1,3,7, 13 18:13 24:15 25:10 hint 141:6,7 hired 42:16 142:19 history 62:9 hit 112:9 180:25 hold 150:14 166:6 holding 91:17 Holly 28:14 home 10:10 37:3 73:4, 21 74:1 77:22 94:11,17,18,25 105:22
--	--	---	---	---

homeless 144:2	horns 11:3	hurt 93:12	importance 35:22 48:10	121:15,17 137:12
homelessness 115:23	horror 71:3	husband 12:14 36:19 44:24 45:3 105:15 106:1 108:17 110:12 111:8 154:25 155:2	important 14:17 36:11 74:15 77:6 87:2 91:5 93:11 95:8 97:10 109:12 114:20 115:13 122:2,7 169:15, 20 180:22 187:8 189:14	including 24:16 57:15 89:19 101:25 119:20 148:16 155:6 181:18 182:23
homes 10:9 35:15	Horry 47:24 56:7	husband's 106:1	impotent 175:10,12	income 56:12 113:14
honest 20:1 52:7 108:24	hospice 55:20	husbands 13:20	impressed 77:11	incompetence 151:7
honestly 54:14 78:4 104:3,16	hospital 16:6 110:13	Hyman 192:5	impression 35:20 163:11	incorporated 25:12 58:17 90:14 111:21 120:14 136:12 149:7 183:18
honesty 23:7	hot 23:18 107:15, 17,25	I	impropriety 80:4 100:12,17 138:6 153:1 191:2	increase 49:25
honoring 9:20	hour 82:18 100:22 102:8,15 137:24 141:12 185:18, 19	idea 77:4	improve 107:24	increasing 49:23
honor 81:14 82:2 95:24 156:3,22 157:9 159:8 169:8 172:5	hours 136:6	ideas 89:6	inability 151:8 166:9	indirectly 136:5
honorable 139:10 140:7,9, 12 149:16 154:3,14,16,19 177:2 194:10,20 195:2	house 16:7 75:3 96:17 97:1,8 115:21	identified 146:3 172:23	inappropriate 172:16	individually 193:1
honored 17:1 26:14 28:11 38:9 46:10 141:10	housekeeping 21:25 57:3 89:9 119:10 135:12 148:1 182:18	identify 12:8	incarcerated 166:20	individuals 182:5 184:23,25 185:22
hope 38:9 40:11 92:1 95:4 100:3 114:22 123:6 150:10 151:14, 15 164:17 169:2 176:24 177:6	houses 85:25	idiots 150:4	incidental 7:22	industry 86:20
hopeful 107:6	how's 64:15	imagine 142:17 143:16	include 82:8 94:8 162:6	infallible 174:11
hoping 104:10	Howle 15:18	immediately 23:5	included 9:9 44:11 46:25 81:16 83:12 103:6 126:5 127:18 140:17 141:19 143:7 167:12 179:8	infect 184:3
	hugged 108:21	impartially 18:11,23	implements 170:25	inference 30:12
	human 27:25 66:21	implement 170:25	implicate 168:19	influence 165:6
	humbled 180:5		includes 8:11 45:18,21	information 10:11,17 21:15 27:12 29:21 61:5,16,24,25
	hundreds 78:20			

73:9 74:11	133:19 175:8	interpretation	167:19 183:17	issued
75:13,18 76:8	intense	109:9 171:7	investigative	132:12
147:18 164:10	145:18 188:6	interpreting	167:25	issues
173:16	intent	27:3	investigators	10:2 12:24 22:9
infraction	22:6 24:20	interrupt	170:24	31:18,25 36:14
124:9	57:10,19 89:14,	171:3 172:4	invitation	48:13 49:23
inherent	22 106:21	interruption	169:3	50:14 51:14
27:24	119:16,24	159:11	invite	57:3 60:14,21
initial	135:15,25	intervene	155:15	61:1,13 67:2
31:3 73:7 146:4	148:9,12 182:19	25:2 58:6 90:4	invited	72:14,20,22
initially	183:2	120:5 135:22	59:3	76:24 78:10
32:19 46:13	intention	148:22 183:9	involuntarily	85:13,15 91:5
52:16 56:15	144:16	intervention	67:3	92:24 98:24
121:14 149:11	interact	66:23	involve	104:21 105:9,
189:20	103:19	interview	60:15 69:10	10,20,23 108:7
initiative	interacting	42:13	91:4	114:12 128:13,
188:3	142:21	interviews	involved	25 130:17
inmate	interaction	10:10	11:21 12:9	132:18 139:5
142:12,17,23	165:24	intimately	13:19 37:1 55:3	142:25 143:15
143:3	interest	103:22	70:13 73:8	144:5,19 162:4,
inmates	8:18,24 25:20	introduce	77:13,22,23	20,21 163:20
122:20	27:13,24 30:13	23:14 40:15	96:4,9 103:22	164:5 182:18
inquiry	45:25 59:16	58:8 154:22	105:9,10 110:5	
126:4 140:16	65:4 77:1 82:10,	introduced	144:6	J
inspire	21 86:15 102:4	57:23	involvement	jail
115:18	111:11 126:10	introducing	179:3	122:15
instance	140:22 155:10	126:25	involves	Janie
60:12 172:11	188:2	introduction	7:21	15:17
instances	interested	57:25	involving	January
110:19 123:5	116:17 150:6	invasion	37:2 84:20	64:11 114:17
132:24	interesting	77:22	142:23	134:9,20
institutions	32:11 36:4	investigate	IRS	Jarvis
128:22 132:2,8	76:23 78:5,12	124:10 170:23	114:9	121:10
insurance	105:12 118:12	investigated	issue	Jay
144:8	interests	126:3 140:15	20:20 28:6,10	27:5,6
integrity	10:20	investigation	29:13 49:21	Jeffrey
147:13	interlocutory	8:9 25:12 45:19	50:12 61:7,8	15:17
intellect	163:17	58:16 82:6	73:2 87:20	Jennings
86:19	interned	90:14 101:23	114:12 166:2,5	22:13 54:11
intelligent	47:11	120:13 136:11	171:12,17,19	Jernigan
52:1 79:14	interpret	149:6 155:4	176:16,21,22,23	41:23
	21:6 31:23			

Jerome 181:10	97:9,21,22 98:2, 17,19,20,21	36:15 37:7 50:13 53:20	jumping 71:4	kids 31:1 122:10,15 123:1
Jimmy 48:2	99:18 100:1	71:16 75:12	junction 22:25	killed 77:24 122:24
JMSC 117:13 127:7	103:12,14,15	95:3,9 97:13	jurisdiction 94:1,16 128:13 131:1,3	Kimmons 81:2,7,8,9,14, 20,22,24 82:3, 20 83:2,4,7,13, 17 86:16 88:24 89:9 90:20 100:7,19,23 192:25 193:5,21
job 21:3 29:19 42:11 66:11 88:6,7,8 97:14 113:24 131:12 132:20 143:21 150:11 151:6,25 152:3,5 176:12, 13 189:23	104:14 106:14 107:11 108:6,13 127:12 128:1,3, 4,9 130:9,22 131:2 138:23 139:1,16,19,22 140:2 141:5,9, 20,25 142:3 143:24 144:11, 12 145:3 146:4, 6 147:4,11,12, 19 148:1,3,8 149:10,12,17 150:2,7 151:1,4, 6,9 152:1,4,16, 18 153:4,9,20, 22,24 154:9,24 155:3 156:8 157:15 161:23, 24 163:4,12 164:4 165:25 167:15,16,18 168:2,5,12 169:24 170:6,19 171:8,9 173:8 174:13 175:18 176:4,8 177:23 178:4 179:2,19 180:2,4,13,14, 25 181:8,9,15 182:7,9 186:9, 22 189:4 190:24 191:9,12,14	165:19 173:6 175:15,16 181:21 186:5, 15,16,24 187:11 188:9	jurist 181:22	
jobs 88:22	judge's 71:8 163:1 170:5,6	judgment 112:12,13	jury 19:1 64:9	
joined 42:10	judges 10:12,17 26:13 28:21,24 34:5	judgship 106:18	justice 15:13 22:11 77:8 122:9 186:14	kind 13:12,18 33:23, 24 34:1 36:20 37:4,19 39:18 52:13 61:9 62:8, 10 63:16 64:16 66:7 69:11 70:19 71:23,24 72:2 73:5 75:8, 17 77:9 82:5 91:18 93:25 94:23 110:19 114:4 115:12 116:16,23 117:3,7 118:12 120:24 123:13 131:13 133:25 180:13,25 181:20 187:17
Jonathan 104:18		judicial 8:2,5 9:6 18:1,7, 10,23 22:1 28:25 38:16 44:12,17 46:21 81:18,23 83:8 89:2,10,11 98:15 99:13 101:13,16 103:3 106:11 116:21 117:12 119:4, 11,12 122:9 125:21,24 126:2 130:3 135:6 140:5,11,14 147:21 148:3,4 154:12,18 158:14,23,24 159:1 170:5 179:11,14 182:14	juvenile 47:11,13,20,25 49:3,14 50:16 51:2 57:6 63:8, 12 65:4,5 68:1 69:24 73:12 78:7 84:11,12 87:2,8,9 92:6 121:16 122:5 187:3,13	
Jordan 7:2 24:2 43:22 80:21		judiciary 21:7 104:2,4 128:5 132:25 133:1,5	juveniles 10:14 85:1 120:25 121:15, 17,25 185:15	
judge 9:15,17 10:23 13:1,9,11,21 14:7,9 15:6 22:13,19,21,22 26:23 27:23 28:14 29:5,7 30:7 36:13 37:9 38:5,18 39:20 46:16 47:6,8 50:19 51:24 52:9 59:23 65:12 66:1,9 70:18 71:24 75:11,17,19 78:14,15 79:1 83:18 84:5 88:7 95:3,5,10 96:16		Jug 78:23	Kenya 137:13,17	
		jump 28:15	Kevin 15:23	kitchen 29:9
			key 121:18	knew 24:3 59:23 110:3 130:2
			kick 100:2	knowing 87:14 150:6 182:3
			kicked 99:23	knowledge 13:25 52:6
			K	

107:22 148:24 knowledgeable 106:15 Kristian 127:1	21:8 26:22 27:4 31:20,23 32:13, 17 33:14 34:18, 21,24 36:10 37:15 47:9,10, 12,16 50:7,17 51:4,25 52:4 53:1,25 54:1 61:5 65:7 68:16 72:25 74:25 76:9 77:12,13 80:4 84:17 85:9 87:6 93:2 95:7 96:22 98:18 100:12 103:17 104:2,12,20 106:12 107:13, 18,22 112:3,5, 20 113:3 115:4 121:5,14 122:1, 4 124:8 127:3,4 128:1,8,10,12, 20 129:6,12,16 130:10,16,19, 21,22 131:1,8, 15,17,19,24,25 132:10,14,15 133:9 134:3 135:8 142:2,11, 13,21 143:2 144:12 145:1,3, 13 146:22 147:15 150:4 151:8 162:23 172:23 173:22 188:19,21 194:2	23 137:1,10,14, 17,24 138:9,15, 19 194:3,20 Lawrence's 136:24 laws 43:4 45:23 80:3 82:13 100:11,17 102:2 126:7 138:5 140:19 145:19 152:25 155:8 191:1 lawsuit 8:13 16:12 21:7 55:18 181:10 lawsuits 15:16 54:8 110:5 lawyer 14:8 27:12 88:6, 8,10,11 133:21 187:19,24 lawyers 20:11,12 26:15 30:18 34:6 36:17 38:22 39:4,19,25 41:14 69:11 107:19 187:25 lay-person 74:23 lead 49:25 109:12 leader 78:11 leadership 20:17 leads 130:8 learn 53:21 54:4 63:9 105:2 145:15	188:3 learned 21:8 51:6 53:12, 18 79:11 learner 107:23 learning 53:14 131:1 leave 13:1 40:3 45:10 52:22 100:21 leaves 99:2 leaving 112:6 144:18 led 55:9 left 109:19 110:1 151:16 legal 9:15 47:6 48:7, 22 59:19 84:3 103:12 128:2 134:1 139:5 141:25 142:5 143:10 147:9, 14,16 legally 173:11 175:19 legislate 97:13 legislation 173:19 legislative 97:12 164:1 170:17 171:4 legislator 24:21 57:20 89:23 119:25 135:16 148:13 183:3	legislators 58:9 165:18 legislature 133:6,11 190:2 legitimate 173:14 174:7 lends 92:20 length 62:21 lengths 35:13 lesson 37:11 letter 22:5 24:20 35:12 41:11,12, 20 43:4 57:10, 19 79:3,4 80:2 89:14,22 100:10 119:16,24 124:8 135:15,25 138:5 148:8,12 152:25 178:25 182:19 183:2 191:1 letters 57:24 137:11 level 61:12 108:12 116:3 128:25 175:4 181:24 Level-headed 133:19 levels 128:19 129:19 liberty 142:25 licensed 115:4 lie 21:12
L				
lack 39:8 52:13 83:24 107:10 189:11 lady 16:5 42:14 79:5 117:5 Lander 145:12 landfill 55:7,10,14 landlord 42:19 language 105:21 large 171:9 larger 86:3 lastly 55:16 56:11 latch 63:23 late 102:15 110:17 113:3,4,10 126:18 141:12 latest 11:5,10 laudatory 86:19 law 9:19 10:22 11:4, 5,19 14:2 20:25	Lawrence 124:24 125:5, 11,14,18,23 126:1,18,23 127:1,19 133:14 134:6,8,14,19 135:1,8 136:21,			

lien 56:17 113:13, 15,17,18	159:20 168:20	lived 48:15 93:20 94:19	longtime 72:16	104:18 117:22 144:20
liens 56:1 114:8,9,10	listed 181:11	lives 83:21 84:1 103:19,22	looked 75:3,6 77:20 78:14,23 92:9 106:2 130:5 170:1 177:20	lovely 16:24 80:16
life 19:18 48:7 73:13 74:14 77:18 83:22 103:16 104:5 107:8 112:6 115:9,11 121:20 144:2	listen 53:24 61:3,16 76:6	living 63:11 94:15,20	lose 16:7 173:4	lovingly 157:3
lifelong 107:23	listened 110:1	LLR 129:3 131:20 132:5	losing 71:11	Lowcountry 88:23 118:23
light 74:6	listening 150:10 170:16	loan 111:10,15,21 112:8	lost 55:13 77:18 166:8	Lucas 27:5
lighter 72:11	litem 10:8 11:25 14:24 35:14 36:7 48:24 50:23 74:22	loans 111:9 166:20	lot 12:13 14:24 20:19 26:1 27:24 32:19 33:17 36:17 38:18 41:14 48:24 49:18 53:18,19 59:17 60:13 67:15,25 69:16 70:6,15 72:18,19 76:19 87:10,11 90:24 91:20 94:17 105:22 108:17 111:10 115:14, 15,16 117:13 121:6 128:25 129:20 142:20 146:10,12 186:24 188:1,4	luck 23:3
lightly 14:15 46:12	literally 78:14 174:17 185:4	local 17:5 27:20 39:19 40:8	louch 12:13 14:24 20:19 26:1 27:24 32:19 33:17 36:17 38:18 41:14 48:24 49:18 53:18,19 59:17 60:13 67:15,25 69:16 70:6,15 72:18,19 76:19 87:10,11 90:24 91:20 94:17 105:22 108:17 111:10 115:14, 15,16 117:13 121:6 128:25 129:20 142:20 146:10,12 186:24 188:1,4	lucrative 63:14
likewise 155:19 156:8,18 159:6,19	litigant 174:7 178:18 184:1	locally 35:15	loud 23:14,17	Lucy 35:5
liking 175:21	litigants 40:2 97:18 178:15 181:6 184:10	logical 9:21	Lounsberry 104:18	Luke 96:2
limbo 48:12	litigation 86:2 35:24 106:24 107:7 128:24 142:12 143:3 169:22 179:4	long 13:12 36:7 62:18 65:19 96:24 127:2 128:15 139:4 141:9 144:16	love 27:14 37:19 47:9 63:8 68:7 95:10 96:14	lunch 184:7,8 185:11
limit 156:14 164:5,21	litigation 35:24 106:24 107:7 128:24 142:12 143:3 169:22 179:4	long-term 129:4		
limitations 24:17 57:16 89:19 119:21 148:17 182:24	litigators 36:6	longer 32:21 38:2 91:23 93:2,3 94:15 117:12 119:10 166:7 185:25		
limited 39:23 184:22 185:9	live 9:5 17:6 19:22 60:16 94:10 103:1 107:8 114:1	longsuffering 96:23		
Lindi 44:10 81:16 154:11				
list 156:15 157:1				
				M
				Machiavelli 177:5
				made 7:7,19 13:3,9 18:18 23:4 29:1 32:12 41:8 52:17 66:3 88:5 99:21 150:10 151:20 153:20 160:4 173:1 178:20 180:16 191:22 194:5,14
				Magie 110:23
				magistrate's 65:2
				mail 22:19 23:8

mailed 23:1 118:2	145:17 146:1 151:6 152:7 176:10	market 116:7	176:17 178:9 181:9	meet 117:1 155:2 189:25
maintain 71:25	Mall 146:5	marking 22:16	maverick 21:6 31:24	meeting 22:11 24:2 43:18 59:16 69:25 80:16 117:17,20 118:4,5 161:4
maintenance 87:5 94:4	managed 38:18 92:6	marriage 37:17,18	max 78:24	meets 9:10 47:1 83:13 103:7 127:19 141:21
make 8:20 10:12 11:9 13:17 14:7,23 18:19 19:6 22:18 24:3 26:15 30:19,20 31:3,8 36:12 40:1 46:3,8 49:7,11 51:24 53:22 61:2,4 66:22 68:5,10 70:19 72:9 73:10,18 74:10, 20,21 76:3,4,7 78:24 82:16,24 83:21 91:14,20, 22 92:1 94:24 97:10 100:1 102:16 113:25 130:4,18 131:9 135:9 144:10 145:20,25 156:10 174:8,11 175:20 176:5 178:6,7 180:23 184:16 185:1 190:7,15	managing 77:12 91:8 92:4	married 40:22 93:22 105:16 110:11 115:8	maximum 67:7	Meisner 155:15,17,22 156:3,22 157:6, 9,12,17,21,24 158:1,3,6,9,12, 15,20,25 159:8, 10,14,18,24 160:2,5,7,8,12, 21 161:5,9,12, 15,18,21,25 162:15 163:7, 14,25 165:8,11 166:1,8,14 167:6,13 168:1 169:4,6 170:21, 25 171:6,18,22, 24 172:5,17 175:9 176:1 177:12,14,22 178:2 179:9,13, 16,18 191:12
mandates 164:1	Mandy 81:2,7,8,19,22, 24 192:25 193:5,21	Martin 95:5 98:17	Mccamey 127:4	
manner 180:9	mandates 164:1	marry 38:7	Mcdonald's 14:17	
manners 20:15	manual 11:3	Marvenis 54:22	MCIVER 35:6,7 40:11 194:22	
manual 11:3	manuals 27:14	materials 8:12 19:19 30:23 45:22 59:18 102:1 126:6 140:18 155:7 161:6	McMahon 78:15,23 79:1	
manuals 27:14	Margie 101:3,14,17 106:8 110:4,7, 24 111:22 112:1,11,23 113:7 192:25 193:12,21	maternity 52:22	Mcneill 16:1	
Marion 9:5 17:6 19:18 28:23 46:21 47:19 69:21 75:2	Marion 9:5 17:6 19:18 28:23 46:21 47:19 69:21 75:2	matter 30:12 38:15 51:16 91:24 112:1 113:9 115:19,20,21,22 116:6 134:3,23 143:19 162:21, 25 163:5 166:12 175:5 178:18	Meaning 109:14	
makes 49:12 75:9 88:15 95:11 151:14 174:15 175:17	marital 85:22 86:3 105:11,24 106:2	matters 11:14 26:8 35:19,22 47:21 51:11 56:1 60:7, 13 61:6 85:17, 18,19 105:5 115:24 116:1 125:1 128:24 132:2,6,8 133:7	means 34:2	
making 11:5 13:17 75:19 83:21,25 92:3 123:1 125:16 137:25	mark 98:15		meant 20:6 143:9	
	marked 154:11		media 146:3,10,11	
			mediated 12:11 28:3 50:23	
			mediating 11:18	
			mediation 15:3 26:17 27:17 32:14 36:2 42:2	
			mediations 35:19 143:8	
			mediator 10:4 26:11 35:10,18	
			member 57:13 189:9	
			members 7:22 9:18 22:6 24:17 25:1 27:20 30:25 55:11 57:11,16, 24 58:5 76:25 78:22 89:15,19	

90:3 116:20 117:9,13,18 118:10 119:17, 21 120:4,18 131:11 132:22 135:21 136:1,16 148:9,17,21 149:19 166:21 177:10 179:24 182:20,24 183:8 187:7 192:10,22 193:9,17,24 194:7,16,24 195:9	Merit 8:2,5 44:12,17 81:18,23 101:13,16 125:21,24 126:2 140:5,11,14 154:12,18 179:11,14 merits 73:18 mess 38:15 58:24 93:10 messages 37:11 met 15:23 20:12 42:8 49:20 76:15,16 90:22 117:7,16,17 118:3 Mews 112:23 mic 45:2 middle 58:23 68:14 103:21 121:4 Midlands 134:25 145:12 147:18 182:8 mighty 82:5 military 85:24 million 105:12 millions 166:9,21 mind 15:5 18:17 26:5 102:24 110:8	111:5,23 113:20 126:24 145:5 178:6 184:3 mindful 88:19 minds 21:8 mine 48:15 127:2 minute 9:23 175:14 minutes 71:17 91:22 185:20,25 missed 75:16 149:15 mission 132:18 mistake 72:4 173:1 174:15 mistakes 13:3 66:22 174:16 MIT 166:22 170:9 mitigation 121:17,18,19 model 37:7 models 95:4 Mom 94:13 moment 40:18 65:20 107:7 119:10 131:13 moment's 37:16 moments	135:12 Monday 37:12 185:7 money 15:8 16:6 26:17 96:7 113:25 176:7,8,14 monitored 170:12,14 month 64:8 186:17 months 36:24 63:4 94:20 more-senior 131:10 morning 9:1,2 25:17,18 108:21 185:16 Mortgage 54:22 mother 55:19,24 58:25 106:23 motion 7:1 30:20,23 41:3 43:21 153:14 191:17 193:14,19,20 194:5,14,18 motion's 64:12 motions 144:4 176:19 motor 16:13 17:16 112:10 144:6 mouth 82:4 move 27:15 29:6 39:3 91:15 102:10	121:13 141:1 192:6,17 194:12,19 195:5 moved 24:4 55:20 84:24 94:13 105:17 moves 80:21 151:22 movie 122:13,14 moving 21:21 48:1 91:25 113:5 121:22 181:9 182:18 multiple 15:16 172:24 municipal 143:24 145:19 municipalities 128:22 132:2 murder 78:21 <hr/> <p style="text-align: center;">N</p> <hr/> named 15:18 54:7,21 55:1 99:12 names 159:16,20,23 160:15 narrow 175:6 native 105:14 180:7 natural 97:2 nature 17:14 55:18 56:3,13 84:21
---	--	--	--	--

86:6 92:25 168:10 190:9	night 23:2 31:2 122:24 169:18 177:16 178:8	nuance 54:5	occurred 13:4 142:17 167:20,21	open 13:1 32:17 80:10 98:23 108:25 124:14 138:11 153:6
necessarily 12:13 33:22 66:4 73:16 78:2 82:23 109:21 149:23 173:23	nominate 190:2	number 19:16 77:7 104:7 143:7,15	occurs 22:16 80:6	open-minded 52:2
Neck 46:20 55:4	nominated 192:7,18 193:22 194:21 195:6	numbers 86:4	October 7:19 42:2	opened 21:20 75:5
needed 10:12 32:21 42:11 65:3 75:21 85:10 121:12 144:5 159:16 184:14	non- 116:23	numerous 55:11 106:13 144:4	offender 50:8,15,16 67:11,20,21,22 68:8	opening 8:21 46:4 82:17 102:8 108:16 126:14
negative 14:14 137:8	non-jury 64:8	nutshell 121:24	offer 52:14 66:18 106:19 107:5,12 126:16 140:25 141:2	operations 132:3
neighborhood 19:22	non-marital 85:22	O	offering 79:18,25 124:20 138:17	opinion 72:21 73:2 167:16 168:5 169:13 176:16, 17
Nell 42:20	non-traditional 104:3,5 115:16	oath 21:2 34:23 167:17	office 22:20,21 23:1 27:5 40:3 42:1 47:24 49:5 52:20 56:5,6 62:12,16 63:1,2 87:4,10 92:7 96:25 167:18 187:3 189:10	opinions 14:11 134:1 168:19
nephews 141:6	norms 177:25	object 125:16,18 160:3	officer 73:8 129:23	opioid 49:24
nervous 29:2	note 9:7 17:18 25:10 46:23 56:22 58:15 83:11 88:23 90:12 103:4 117:19 118:23 120:12 124:13 127:16 136:10 138:10 141:18 147:18 149:4 153:5 182:8 183:16	objection 7:25 8:1 44:11 101:10,12 139:25 179:7,9	official 121:8 129:1 181:12	opportunities 67:15 109:10
neutral 15:5,8 88:8,10 132:19	non-jury 64:8	objections 160:9	officers 63:22 80:12 82:16 102:7 103:19 123:1 124:5 128:15 138:2 140:24 152:22 162:24 178:10,16,19	opportunity 8:20 12:3 18:14 29:23 38:23 41:15 46:3,7 63:22 80:12 82:16 102:7 103:19 123:1 124:5 128:15 138:2 140:24 152:22 162:24 178:10,16,19
newspaper 8:14 45:23 82:8 102:2 126:8 140:20 146:3 155:8	noted 18:9 95:22	objective 21:23	official 181:12	opposed 62:21 77:8
nice 20:14 43:18 80:16 90:20 102:23 117:19 127:23 141:16 155:2 189:11	notes 18:19 117:13	objectively 18:11,24	oftentimes 17:7 69:9 70:20 71:10 184:7,12	opposition 8:19 46:2 82:15
nieces 141:6	notice 37:16 93:7	obligation 173:7	one's 88:10 94:20	
	November 109:14 117:8 156:5 178:25	obligations 36:13	ongoing 162:7 164:19	
	now-senator 63:5	observations 164:23 165:2		
		observing 51:1		
		obvious 124:1		
		occur 34:18 164:3		

102:5 126:12 155:12 192:11	outstanding 147:11	paid 56:15,17 111:16,19 114:14,16,17 116:18	Partially 93:9	109:1,3,5,10,19 114:19 116:24 127:7 137:9 143:23 145:6
Oral 143:10	over-so-brief 82:17	panel 19:1 156:19 157:5 165:6 170:24	participant 105:1	path 78:9 104:5 123:9 187:17,18
Orangeburg 84:11,24	overcome 114:21	panels 129:14	participate 104:25 146:11 172:21	pathway 79:12
order 10:23 16:2 40:5 50:18 54:25 87:24 93:25 94:9 104:13 130:22 145:2 158:18 162:19 168:2,9 171:20, 22	overlays 11:20	paramount 86:10	participated 82:1 150:1	patience 100:22 124:1 125:2 137:25 139:3,7 180:21
orderly 110:13 111:8	overlooked 87:1	parent 14:25 35:23 112:4 122:2,3	participating 35:23	patient 181:5,8,21
orders 51:15 144:5 161:19 163:15, 16 171:25	overly 88:13 107:4	parent's 169:22	parties 24:25 26:17 30:11 32:9 51:17 54:25 58:4,8 60:13 87:25 90:2 105:13 120:3 135:20 148:20 166:17 180:15 181:6 183:7	patiently 114:24
organized 28:12	overreach 74:2	parental 11:20 12:4 72:8	partner 137:12	pattern 60:18
oriented 66:10	overwhelming 30:17	parents 28:17 35:21 48:8,9 55:21 74:17 94:15 103:23 122:11 169:14	parts 190:5	pause 38:25
originated 131:20	overwhelmingly 189:19	part 28:1 98:4 109:17 114:19 123:3,14,17 125:16 127:6 128:17 143:21 149:16 160:4 166:23 170:5 180:17 186:15	party 15:8,16 26:18 40:11 54:21 93:21 94:8 176:4,6,7	PAWS 95:23
OSHA 129:3 131:21	overzealous 73:2,11 107:4		pass 157:2 173:22	pay 54:25 56:16 88:16 110:15, 16,17,18,20 111:11 112:21 113:14 166:9 176:4
outcome 24:22 57:21 89:24 107:1 120:1 135:17 148:14 182:6 183:4	overzealously 71:5		passed 55:20	paying 36:20 88:10,11
outcomes 13:18	owed 56:7 113:15		passion 48:14 49:2 65:10	payments 111:12 113:10
outdated 26:24	oyster 96:7		past 13:9 36:10 39:3 49:5 52:18 59:20 69:19 107:20 108:25	payroll 56:8
outset 46:7 70:22				pays 133:24 171:25
	P			PD 99:10
	P.A. 32:13			PDQ 7:16,21 9:9 11:8
	P.M. 195:13			
	packages 22:22			
	packet 109:22			
	pages 39:23,24			

12:1 15:15 46:25 60:7 81:11 82:22 83:12 92:12 95:22 101:6 103:6 105:9 125:8 127:17 139:13 141:19 154:7	98:18,24 99:12, 19 100:3 104:8 109:3 111:10 115:12,15 116:2,3,25 117:7,14 118:3 133:19 151:19 171:14 173:4 177:3 184:21 186:25 188:16	person 42:21 68:2 71:10 72:22 73:20 74:16 76:16 99:14 107:5 110:2,3 114:6 116:1 118:20 133:22 136:21 137:18 147:13 152:4 160:18 170:13 175:8 176:18,20	35:19 192:15 philosophically 97:3 philosophy 70:23 186:14 phone 39:10 76:14 phones 29:9 physical 17:22 18:4 56:25 89:4 119:1 135:2 147:23 158:5 182:11 pick 37:25 39:10 64:14 177:23 pickup 22:22 39:12 piqued 25:20 pistol 150:16,23 151:12 Pizarro 101:9,12,18,21 102:11,18,21,23 103:1,7,11 106:10 110:5, 23,24 111:22 112:1,11,23 113:7 118:24 123:24 124:12, 18,22 193:1,12, 19,21 PIZZARO 101:3,15 place 23:20 32:19 37:17 88:20 109:10,18 110:4	157:8 163:20 174:9 175:1 185:24 placement 30:23 places 40:8 plaguing 39:8 plaintiff 16:14,21,22 110:8 111:3 plan 28:8 131:6 planned 40:12 planning 96:6 planted 19:20 play 73:14 87:14 plays 128:5 plea 66:18 pleadings 60:23 pleasant 181:21 pleasing 106:22 107:3 pleasure 16:23 59:15 127:6 pled 68:3 pledge 24:21 27:17 57:20 58:1,10 89:23 119:25
peace 83:23,24 Pee 17:19 56:22 peers 19:1 99:9 penalties 136:7 pendency 166:16,18 pending 24:22 57:21 89:24 120:1 135:17 146:18, 20 148:14 156:20 161:17, 23 163:6 175:25 178:12 179:4 183:4 people 10:6 12:19 14:16,18 15:3,9 17:10 19:2 20:13,19 27:25 28:3,16 31:14 33:16 41:14 53:19 63:2 65:11,17,23 66:3,5,9,15,22 67:25 68:7 71:5 72:24 73:6 84:1 87:6,23 91:13 95:7,11 97:1,15	people's 35:15 134:13 perceived 108:2 162:9 percent 33:10 182:2,3 percentage 13:5 perception 67:6 perfect 59:22 60:5 133:9 173:8 175:15 181:18 perfection 75:24 perform 18:10,23 31:25 period 69:18 142:16,19 perjures 167:16 perjury 167:17,20,21 170:20 permitted 55:10 perpetrate 151:18 perseverance 116:5	personable 89:6 personal 8:3 10:10 15:19 34:22 44:7,13, 15 48:21 72:21 73:2 74:3 81:19, 21 85:21 101:14,17 125:22 140:6,8 154:13,15 personally 73:25 76:19 personnel 181:3 persons 22:12 perspective 48:10 50:4 104:7 105:25 106:20 173:15 187:11 188:9 189:15 pet 122:20,24 pet-owner 96:11 Philip 7:9,12 8:3,6 17:6,7 21:9		

135:16 136:5 148:13 183:3	Pony 27:6	pour 61:15,21	praising 86:19	preparing 38:21
pledging 25:7 58:13 90:9 120:9 136:8 149:1 183:13	poor 146:1	poverty 115:19	pray 43:15 164:17	present 30:9 31:14 46:2 78:22 102:6 126:12 140:24 150:19
podium 155:19	portion 43:2 79:24 100:8 124:4 152:21 190:23 191:11	power 177:5,6	predatory 111:9	presentation 170:2,4
Pogue 37:9 38:18	powerless 177:4	powers 133:4	predicament 121:21	presented 29:23 30:7 67:9 168:3,11 175:7 184:6
point 33:9 34:14 35:16 39:12 54:2 62:13 64:17 68:3 70:20 71:11 99:2 102:19 103:16 104:4 151:16 155:14 162:19 168:9 174:19 175:13, 25 190:15	portions 165:14	practical 71:1	predictability 13:22 26:7	presenter 105:1
point-blank 189:10	portray 19:15	practice 9:12 11:3 27:14 32:7 33:2 36:9 47:3,10,18 51:13 60:8 62:22 69:4,20, 21 83:15 84:16 87:4 92:10,20 93:1 103:9 104:20 107:14 113:11,24 115:4 123:12 127:21 128:9 129:7,22 141:23 143:17 181:2	prefer 8:21	presenting 60:18 165:5
pointed 36:5 39:18 189:23	pose 159:6	practiced 41:21 95:2 107:13 131:3	pregnant 42:12,14 115:21	preside 129:25
points 21:11 37:15 172:19 173:14 174:7	position 9:11 38:10,15 45:20 47:2 54:10 59:17 83:14 97:5 103:8 127:20 141:22 147:13 185:2	practices 27:13	prejudice 113:8 134:20	presided 132:11
Police 150:18	positive 14:6 22:17 51:21 106:7 133:17 147:7 181:18 189:19	practicing 65:7 104:2 129:20	preliminary 144:2	presiding 161:23
policy 133:5	possess 46:14	practitioner 106:13	premier 107:16	press 151:20
polite 23:19,21	possesses 51:23	practitioners 25:25 36:16 108:1	prep 143:10,11	pressure 151:23
politics 98:4	post 23:1	praise 35:25	preparation 10:22,24 12:22 50:18,20,21 104:13,15 109:10 130:21, 24 145:2,4	presume 132:21
ponies 27:7,8	posts 146:3		prepare 37:23 40:5 145:14 149:13	presuming 137:1
	potential 26:2 78:8 79:10		prepared 7:16 9:20 10:19 12:10,21 44:6 51:14 81:12 106:14 108:3 128:19 142:13 145:17,21	presumption 69:1
	potentially 71:11 80:5 97:2 138:7 153:2 175:22,25		preparedness 108:12	pretrial 66:23
				pretty 23:18 56:9 60:24 70:20 71:18 113:12 126:18
				prevent

114:23	proactive 122:8 123:8	processed 50:12	pronouncing 138:24 155:16	protracted 35:24
prevents 15:12	probate 67:2	processes 26:11	proof 144:8	proud 12:18 34:12
previous 102:3 126:9 140:21 155:9	probation 75:15	prodding 102:14	propensity 14:23	40:19 106:23 107:8,15,18 109:21,22
price 116:8	problem 15:12 16:11 21:1,13 112:8 152:18 153:9 167:1 182:1	professional 9:16 17:25 18:6 47:7 52:2 84:4 89:1 103:13 119:2 128:2 133:18,25 135:5 142:1 147:22 157:22 158:22 181:19 182:13	proper 30:13 122:4 131:9 164:8 168:18 172:25 184:5	prove 21:22
pride 145:16	problems 17:5 68:23 149:17	profoundly 169:10 170:8	properties 105:17,18,19	proven 71:6
primarily 9:19 47:17 52:18	procedure 129:17 130:13 172:25	program 66:23 67:13,14, 21,22 74:22 188:7,8	properly 163:5 176:20	provide 29:21 132:19 144:8 185:22
primary 86:12 123:12	proceed 7:7 53:5 153:20, 22 159:5 179:23 191:23	programs 67:15 187:22 188:5,6,19	property 60:16 85:22 105:25	provided 56:18 61:5,16, 24 76:8 103:24 130:14 179:20
prints 37:10	proceeding 161:9	progression 9:22	proponent 67:21	providence 42:17
prior 24:1,22 57:21 64:18 82:11 89:24 95:22 103:17 119:25 135:17 148:13 183:4	process 8:9 15:4 23:23 25:2 29:16 43:3 45:18 53:14 58:7 67:24 68:1 79:24 90:4,25 100:8 101:23 120:5 124:5 135:22 148:22 152:21 155:3 165:12 169:21, 22 170:10 173:12 174:18 175:18 178:15 183:9 187:4 190:24	prohibit 163:3	prosecute 64:3	provisions 29:4
prison 77:18 79:4 142:23		prohibited 136:4 179:2	prosecuted 47:25 49:20 77:16 129:3	PTI 67:12 68:7,8
private 47:18 51:13 60:8 62:22 69:4, 20,21 84:15 87:4 91:3 92:10 129:22 143:17 171:1 187:20		prologue 109:3,5	prosecution 51:2	public 19:21 47:20 62:12,23 67:6 75:23 97:3,6 103:16,18,23 144:20,25 146:23 160:4,14 161:3 180:9
privilege 169:8		promised 75:23	prosecutor 54:11 84:10,11, 18,22 97:7	public's 75:23
privileged 68:22		promoted 63:1,3,4 64:23	prosecutor-type 87:18	published 114:25 115:11
pro 161:13 185:16, 17,22		prompt 132:19	prosecutors 77:4,10	pulled 78:7
		prompting 102:14	protect 10:20 16:8 29:10 75:22 151:18	pulls 122:23
		pronounce 149:15	protection 29:5 70:23 93:25	pumped 20:12

punishment 72:23 73:3	80:11 82:7 89:4 100:15 101:24 107:11 108:9 117:22 118:14, 20,25 124:15 126:4 127:19 135:2 138:12 140:16 147:23 153:7 155:4 157:11,13,16 168:12 182:10 186:24 189:24 190:1,10 191:6 193:2,6	31:8,9 34:7 37:5 38:11,25 40:6 41:11 59:20 63:20 65:8 104:23 128:17 146:9 149:25 164:22 168:24	137:11 159:11 160:17 172:4 183:23	ran 23:1 84:12 189:8
purpose 13:16 118:9 159:22 161:2			quickly 28:15 29:6 73:24 74:2 122:12	range 129:6
purposes 158:17				ranging 147:10
pursuant 114:17 124:6 138:3 142:25 152:23 156:1 190:24		questioned 86:23	quietly 98:14	Rankin 7:1,5,15,24 8:8, 17,25 23:14,16, 19,25 24:7,11 25:15 35:5 40:14 41:1,6,18 42:23 43:1,12, 17,21,25 44:6, 10,20,23 45:1,5, 8,13,16,18 46:17 58:20 59:9 62:2 76:11 79:20,23 80:9, 15,24 81:5,8,10, 15,25 82:5,24 83:3 90:17 95:18,20 98:9, 12 100:5,7,20, 25 101:6,10,19, 22 102:13,19 137:11,15,19 153:14,18,25 154:6,10,21 155:1,18,25 156:4,24 157:7, 10,14,19,22,25 158:2,5,8,11,14, 16,21 159:2,11, 15,19 160:17, 22,24 161:1 162:18 163:8,22 164:13 165:9,23 166:1,6,11 167:10,24 168:7 169:2,5 171:3, 16,20,23 172:3
pursued 47:16 71:5		questioning 25:13 58:17 90:15 120:14 136:12 149:7 164:21 183:18	quitclaim 16:3	
pursuing 67:3 163:23	qualified 17:20,21,24 18:3,5 21:18 51:14 56:23 57:1 88:24 89:3, 7 118:24 119:1 135:1,4 142:1 144:10 147:19, 21 182:9,12 190:1 192:7,18 193:7,13,19,21 194:4,13,21 195:6	questionnaire 8:3 44:7,13,16 81:19,22 101:14,17 125:22 140:6,9 154:13,16	quote 18:22 106:9	
push 184:2		questions 8:21 19:14 20:2, 23 21:25 23:11, 22 25:14 29:21 32:4 41:9 42:24 43:9 46:5 58:19 60:17 62:6 82:19 89:10 90:16,18 95:18 98:9 102:20 104:21 114:25 119:11 120:16, 19 123:21 126:17 127:13 135:13 136:14, 16 141:3,16 148:1 149:8,19, 24 152:12,16 159:5,6 177:9 179:23 183:20 189:7 190:12,19	<hr/> R <hr/>	
pushed 9:24 91:4			race 93:25 116:22 117:3,8 192:1,3, 14,24 194:1	
pushing 70:20 115:25			races 191:23	
put 11:4 28:15 34:1 53:13 56:17 61:14 67:12 97:6 111:14 131:11	qualify 9:16 47:7 48:8 84:4 103:13 131:16 174:13		railroad 85:22	
putting 13:9 173:6			raise 7:10 43:25 80:25 100:25 125:2 139:8 154:1 155:20	
<hr/> Q <hr/>	qualities 46:14 51:23		raised 19:8,11 23:11 25:11 58:16 65:15,17 87:17 90:13 120:13 136:11 149:5 168:4 172:12 183:17	
quadro 12:19,21 13:2	quality 77:9 144:2		raising 29:13 96:7 122:3	
quadros 11:21 12:17 61:9	quarterly 114:14,16		Ramseur 154:25 155:1	
qualifications 8:10 17:21,22 18:4 43:14 45:19 56:24	quest 96:16	quick 22:9 32:4 48:11		
	question 7:20 16:9 26:9 27:18 30:10			

173:20 177:8, 13,18 178:1,3, 23 179:10,17,22 183:21,22 186:18 189:1 190:19,22 191:10,16,20 192:9,11,13,19, 21,23 193:8,10, 12,14,16,18,23, 25 194:5,8,14, 17,23,25 195:8, 11	ready 7:17 11:10 14:1 37:12,24 39:4 44:8 81:12 91:12,13 101:7 153:22 154:8	receive 139:23	41:5,6,7 43:13, 14,24 44:8 46:19,24,25 58:15 67:12 77:20 80:10,13, 23,25 81:5,12, 16 83:5,11,13 90:13 100:14 101:7 102:24 103:5,6 120:12 124:14 125:16 127:16,18 133:11 136:10 138:11 139:25 141:14,18,20 142:14 149:5 151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	reference 137:12
rare 52:4 187:5	reaffirm 37:19	received 14:3 16:2 18:15 24:21 32:23 46:1 51:19 57:20 58:11 86:16 89:23 106:5 119:25 126:11 133:14 135:16 140:23 147:5 148:13 152:8 161:6 181:15 183:3	162:5 Referring 162:5	referred 66:24
rarity 137:7	Reagan 44:25 45:7	receives 22:22	16 83:5,11,13 90:13 100:14 101:7 102:24 103:5,6 120:12 124:14 125:16 127:16,18 133:11 136:10 138:11 139:25 141:14,18,20 142:14 149:5 151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	reflect 19:10 178:22
rat 122:23	real 60:15 67:17 79:6,8 137:11 150:23 159:11 160:17 172:3 183:23	receiving 12:7 14:13	101:7 102:24 103:5,6 120:12 124:14 125:16 127:16,18 133:11 136:10 138:11 139:25 141:14,18,20 142:14 149:5 151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	reflected 11:8
rate 35:20 111:11 133:21	realize 53:21 61:10 67:2 190:7	recent 50:7 52:13	127:16,18 133:11 136:10 138:11 139:25 141:14,18,20 142:14 149:5 151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	reflects 12:1
re-read 54:3,4	realized 9:25 82:3	recently 28:14 51:2 60:10	133:11 136:10 138:11 139:25 141:14,18,20 142:14 149:5 151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	Reform 171:1
reach 104:23	realm 26:7 33:11 48:10 52:24 60:8	recite 167:11	141:14,18,20 142:14 149:5 151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	reformed 171:5
read 19:19 36:7 37:24 51:5 54:1 61:2,3 77:1 78:8 85:12 93:15 95:6 109:8 115:18 118:17 145:20,25 150:5 151:15 156:12 165:2 166:19 177:20	realms 10:25	recognize 33:2 66:22 71:8, 19 72:14,18	151:15 153:6, 17,18 154:8 158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	refresh 53:1
reading 51:4 95:21 120:24 168:23 189:17	reason 68:9 70:1 151:17	recognizes 66:19	158:22 159:12, 20 160:4,15 161:4 163:9 165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	refrigerator 75:6
	reasonable 72:22	recommend 68:1	165:1 178:6,14, 22 179:8 181:10 183:16 191:5, 19,21 195:12,13	regain 165:6
	reasons 121:5,21	recommendatio n 41:12,13 132:12	183:16 191:5, 19,21 195:12,13	regard 36:15 51:18 93:16 128:5 157:12
	recall 16:23 17:3,14 22:15 24:4 78:3	recommendatio ns 68:5 130:15	183:16 191:5, 19,21 195:12,13	regional 72:16 134:19
	receipt 156:6	record 7:4,5,6,17 9:3,8, 9 13:1 25:11 38:16 40:14	183:16 191:5, 19,21 195:12,13	registry 50:8,15,16
			183:16 191:5, 19,21 195:12,13	regular 92:13
			183:16 191:5, 19,21 195:12,13	regularly 47:20 62:15 64:20 67:24 68:1 70:2
			183:16 191:5, 19,21 195:12,13	regulation 169:11
			183:16 191:5, 19,21 195:12,13	relate 133:18
			183:16 191:5, 19,21 195:12,13	related

48:3 58:24 105:20 181:24	remarks 102:17 156:14 162:12 164:22	reporters 185:12	32:8 121:16 128:21 132:8 165:24 166:7	reside 9:4 46:19 83:6,7 102:25
relates 98:18 109:21 121:25 122:8	remedy 173:20	reports 36:7,11	Republican 97:18	residence 9:12 47:3 83:15 103:9 127:20 141:22 157:14
relating 146:5	remember 41:24 56:9 79:5 121:7 189:8	represent 47:12 88:9 165:20	reputation 18:1,7 89:1 119:3 135:6 147:16,21 158:2 177:1 181:2,4,7, 22 182:13	resident 186:12,16
relations 51:15	remembers 122:14	representation 88:21	requested 150:20 167:19 170:23	resist 137:21 184:4
relationship 104:22 105:13	remind 124:6 138:2 152:23 157:5 184:23 190:24	representative 7:2 15:19 22:14 23:10 24:2 32:2 43:22 80:20 97:1 120:17,20, 21,22 123:20, 22,24 124:13, 19,24 125:8,12, 15,19 126:2,21, 24 127:5,9,11 136:15,17,18, 20,25 137:3,4, 20,23 138:10, 16,21,24 139:2, 13,17,20,24 140:3,14 141:8, 15 149:9,18,20, 21,23 150:3,8 151:2 152:3,11, 12,15,19 153:5, 10,15 166:25 168:8 170:15,22 192:6,17,20 193:3,7,13,20 194:4,12,19 195:5	required 146:21,24	resolution 26:18 35:18,20 36:12
relatives 93:21	reminded 79:25 180:13	requirements 9:11 47:2 83:14 103:8 127:20 141:21	resolutions 26:2	resolved 15:23,25 16:1 20:20 66:13 98:24
release 43:13 80:10 100:15 124:15 136:6 138:12 153:7 191:6	reminder 160:13	requires 72:7 178:15 184:13	resources 13:25 28:1,5,19	
released 113:16	reminding 157:3	requiring 80:5 93:8	respect 19:1 31:12 95:14 98:22,25 99:20 133:3,6 168:22	
relevance 158:6,9,12	remove 23:7 174:12,16	reread 145:19	respected 52:7 147:9	
relevancy 158:3	removed 50:16 73:22	rescue 96:11	respectfully 157:4	
relevant 97:4 98:7 157:18,21,24 158:1,15 164:10 165:17,21 167:3,21,22,23 168:15	renders 142:1	research 53:24 54:2 85:14 131:9 145:13,24 146:2	respects 180:15	
relitigate 162:4,11 175:24	rent 110:15,17,20 113:3	researched 156:8	respond 14:12 18:12 108:13 163:4 178:19 181:25	
rely 51:17	report 7:20 15:15 16:16,17 18:21 37:25 80:11 100:15 124:15 130:14 132:12 134:6 136:7 138:12 153:7 191:6	researching 145:8	responding 179:2	
remain 80:10 124:14 138:11 153:6	reported 18:21 70:9 74:7 75:16 135:1,3,7 147:19	reservation 74:13		
remaining 57:1		reservations 189:20		
remand 162:24		representing		

response 52:14 106:18 107:12 126:17 163:9 179:6,15, 18,21	162:24	ride 27:8	Rosalyn 154:3,14,16,20 195:2	130:3 135:25 162:16
responses 40:9	review 40:3 59:17 60:22 77:13 145:13	Ridgeville 83:7	roster 64:12	running 37:16 47:23 53:17 71:13 180:12
responsibilities 143:5	reviewable 164:3	rights 72:9	rough 75:2	rush 72:13
responsibility 19:12 124:2	reviewed 18:21 25:6 58:11 82:22 90:8 120:8 148:25 183:12	riot 77:18	roughly 65:16	rusty 85:14
responsive 141:3,13	reviews 160:7	Rivera 77:17 78:7	route 105:2	Rutherford 22:14 23:10 120:20,21,22 123:20 136:17, 19,20,25 137:3 149:20,22,23 150:3,8 151:2 152:3,11 153:15 166:25 170:15, 22 192:6,17 193:3,7,13,20 194:4,12,19 195:5
rest 153:11	revolving 68:6	road 26:4 99:24 100:2	routinely 70:2	
restate 158:19	rewarding 128:15	roast 96:7	Roy 154:25	
restricts 162:25	RHONDA 155:22 179:12, 16	Robbie 96:20	rule 20:25 22:2 27:6 29:6 31:17 39:19 57:7 69:22 89:12 119:13 148:5 168:10 181:12	
result 55:16	Richardson 44:3,9,14,16,19, 22,24 45:3,6,12, 15,17 46:9,18, 20 47:1,5 48:2 50:17 51:9 54:6, 11 55:25 56:23 57:5 58:21 59:13 62:4 79:23 80:8,14, 18 192:16	Robbins 96:20	ruled 144:4 163:12	
results 35:11	Richardsons 80:16	role 71:9 128:5 133:4	rules 22:3 40:8 53:4 54:3 57:8 87:14 89:12 119:14 129:16,17 130:12 136:8 143:2 145:13 148:6 156:2 163:3 168:9 178:10,13,20 186:4	<hr/> S <hr/>
retail 116:7,8	Richland 47:13 123:16 143:4 176:25 186:13	Rookard 138:22,23 139:1,10,16,19, 22 140:2,7,10, 13 141:5,9,20, 25 144:11 146:6 147:4,9,12,19 148:3,8 149:10, 17 150:2,7 151:1 152:1,4, 16,18 153:4,9 194:11,20	ruled 144:4 163:12	
retirement 11:22 12:16 85:22,23,24	Richlandsons 47:13 123:16 143:4 176:25 186:13	room 19:2 30:18 109:24 117:14	ruled 144:4 163:12	Sabb 76:11,12,13 80:22 162:17, 18,19 178:5
retirements 86:6	rid 91:18	rooted 19:18	ruled 144:4 163:12	sacrifice 141:11
retreat 37:18		roots 19:20	ruled 144:4 163:12	saddens 88:4
return 56:12 103:16			ruled 144:4 163:12	sadly 28:18
reunification 48:17			ruled 144:4 163:12	safe 152:7
reunions 59:2			ruled 144:4 163:12	safety 72:8 74:14
Revenue 145:7			run 59:23 60:21 91:9 95:15 97:8	Safran 32:2,3 37:15
reverse				

62:2,3 172:3,6, 18 175:12	screened 8:15 45:14	89:18 90:10 94:14,21,22,23 119:20 148:16 149:1 182:23 183:14	Senate 189:9	143:23 156:1
sanctity 23:23	screening 19:13 24:18,23 43:2 57:17,22 79:24 82:1 89:20,25 100:8 119:22 120:1 124:5 135:18 138:7 140:21 148:14,18 152:21 153:3 182:25 183:5 190:6,24 191:11	sections 94:24	Senator 23:14,16,19 25:15,16 26:9 27:18 34:4 41:4 59:9,11,12 76:11,12,13 80:22 90:18,19 162:17,18,19 173:20 178:5 189:1,2,3 190:14 191:14	serves 38:15
Sandy 160:23,24		secure 111:14		service 56:12 95:4 97:3, 6 98:15 99:15 103:16,24 104:14 111:22 126:19 127:25 128:6 130:22 138:17 144:20, 25 152:20 157:16 168:12 177:15 180:6,8, 9 190:16
sat 71:15 189:9		security 74:14		
satisfied 54:20 55:22 112:14 113:15, 18 114:8 182:6		seek 67:6 77:7 131:10		
Saturday 37:9	screenings 82:11 102:3 126:9 155:10 183:24	seeking 94:6 136:5	send 117:14,15	
save 10:7 15:8		sees 61:7	senior 19:5 63:3,5 132:22	services 32:21 70:14 72:15 112:1
Scared 122:13	script 149:14 185:21	segue 97:2	sense 59:21 67:7 69:8 73:5	servicing 9:19 10:4,5,8,13 11:17 12:18 97:1 103:15 180:2,3
SCDC 143:3,13	search 8:13 28:16 45:23 54:16 102:2 126:8 140:19 155:8	segueing 62:22	sensitive 168:10	
schedule 60:24 72:6		selected 107:17	sentence 142:24	session 7:3,6 41:3,4,7 43:23 80:21,22 107:20 153:16, 19 191:18,21
scheduled 185:19	seasoned 106:12 181:19	Selection 8:2,5 44:12,17 81:18,23 101:13,16 125:21,24 126:3 140:5,11,15 154:12,18 179:11,14	sentencing 78:17	
school 16:25 19:21 37:11 40:21 47:10,12,16 48:4 59:24 60:3 72:19 74:25 77:12 96:22 103:17,21 112:3,5,20 113:4 121:3,4,5, 14 122:1,4 127:3 128:21 129:1 130:15 132:1 166:23 188:19	seat 45:10 106:11 130:3 136:1 192:2,4,15,25 194:2 195:3	self-learning 187:23	separate 15:20 87:5 94:3	sessions 48:1 49:4,12,16 50:2 52:18 53:2, 9,10 60:9 61:18 63:10 64:4,16, 25 65:2 68:21 69:24 70:6,16 75:12
schools 103:18 122:2,10 188:21	Secondarily 170:7	self-published 116:14	separation 133:4	
	seconded 7:2 41:3 43:22 80:21 153:15 191:17 192:19, 20 193:14 194:5,14	self-training 187:23	serve 8:10 9:14 10:23 47:5 50:19 82:7 83:17 99:3 103:11 104:2 117:23 118:15, 21 144:12 145:3	
	section 24:16 57:15	sell 116:12	served 10:15,18,25 11:25 54:17 94:9 96:17	sessions' 64:22
		selling 96:7		set 47:14 73:25 133:5 146:4 150:21 184:3

186:8	51:5	sign	sitting	Smith
setoff	shelter	16:3 36:18 68:7	15:13 42:12	153:23 154:25
56:11	96:8	significant	74:16 163:4	177:24
sets	shields	51:16	situated	smoothly
109:11	146:12	significantly	131:23	91:15
setting	shift	169:21	situation	social
121:4	108:19,20	similar	34:5 55:24 66:6	31:17 70:14
settle	shined	67:25 113:18	68:21 71:9,22	72:15,19 146:3,
10:6 87:23	42:17	129:12	72:7 73:10	10,11
settled	shingle	simple	166:15 167:7	socially
13:20,23 16:12	32:17	150:16	178:12 184:6	34:15
27:17 88:2	shocking	simply	situations	society
111:1,18,23	18:16	13:3 107:7	12:10 15:7	83:20 128:6
112:24,25 113:1	shoes	164:9,12 168:16	49:18,19 68:24	169:20
134:9,15	38:19	169:15 174:2	74:7 83:24	soft
settlement	shoot	single	107:2 114:7	55:1
36:2	8:22	93:9 112:4	123:8 184:22	softball
settling	shooting	122:3 131:3	six-year	60:2
87:22 88:1	146:5	145:20	99:3	sole
186:3	short	sir	sixth	147:1
setup	152:13	7:9 8:16 9:2	121:6	solicitor
32:14	shortly	24:10,13,19,24	skill	48:2,3,4 53:9
sex	55:22	25:4,9,23 26:9	107:21 187:9	63:3,5 64:17,24
50:8,15	show	28:9 30:3 31:10,	skilled	65:5,17,19
sexual	186:4	20 32:1,6,10	33:16	66:21 67:5
64:22 70:12	showing	33:6 34:2,13,19	skills	76:21,22 77:16
shady	87:17 188:2	35:2 41:17,22,	9:20 105:3	solicitor's
52:8	shows	25 42:3,7 43:11,	SLED	47:24 49:5
shake	134:6	16 140:2 150:2,	15:15 16:16,17	52:20 56:6
15:2 117:18	side	7 151:1 153:4	134:6	62:16 63:1,2
shaped	20:17 23:21	155:17 160:20,	slightly	87:3,10,16 92:7
65:13	63:10,12 73:17	25 191:9,25	82:1 118:8	187:3
share	74:5 106:2	sister	small	solicitors
19:16 58:23	187:13,14	154:25	17:6 19:18,22	65:25
71:3	sides	sister-in-law	33:4,17 56:9,15	solid
shared	87:19 178:8	72:15	62:9,11 69:23	137:15
15:10 20:17,22	sidewalk	sit	128:22 129:1	solution
sharing	9:25 24:3	130:18 131:23	132:2	68:12
13:25 15:10	sight	155:15 168:23	smaller	somebody's
21:20	173:4	188:9	64:3	76:1 116:17
sheets		site	smart	sort
		131:22	102:10 119:7	51:15 61:20

75:2 144:20,21 186:8 187:8,16, 23	speak 7:13 24:7 44:4 52:3 70:18 78:15,16 81:3 96:14 98:14 101:4 108:9 125:6 139:11 154:4 155:23 178:10	spin 69:12	standing 22:13	stated 14:7,8 25:25 89:5 182:14
sorts 13:12 48:13 70:13 72:12	speaker 27:5	spirit 43:4 80:2 100:10 124:8 138:4 152:25 191:1	standpoint 28:2 74:3 97:3 190:10	statement 7:17 8:6,21 44:7,18 46:4,8 81:11,24 82:17, 25 95:21 101:7 102:8 108:16 125:9,25 126:14 139:14 140:1,12 141:1,10 154:7, 19 178:6,7 181:1
sought 24:21 57:20 89:23 119:25 135:16 148:13 183:3	Speaking 87:16	split 64:16	standpoints 69:10	start 46:5 62:14 66:15 68:25 108:15 113:24 128:25 183:23 187:16
sound 133:25	speaks 174:1	spoke 105:21 150:12	started 62:9 79:5 87:7 105:16 107:14 113:11 115:3,10 116:23 117:3 128:19 130:6 142:6,10 189:16	statements 102:16 151:20
sounds 76:2 92:22 141:5	specialist 12:20	spoken 59:7 119:6	starting 54:2 112:6 129:5	States 21:4
South 21:5 22:2,10 25:7 31:21 46:20 55:3 57:7 58:13 60:5 83:7 89:12 90:9 93:20 94:12,24 100:10 103:1 107:19 115:9 119:13 120:9 129:10,16,24 130:11,12 134:2 138:17 148:5 167:22 180:7,9, 24 183:13 188:20	specific 26:4 48:14 49:2 93:7	sports 59:25	starts 79:12 115:16	statesmen 19:5
specifically 11:14 51:11 105:6 128:8 130:2 131:16,23 146:21 156:5,15	specifics 164:18	spreadsheet 13:12	state 8:13 9:3 10:19 13:13 21:5 31:21 45:23 46:18 72:25 82:12 83:5 85:24 94:10,11, 17,18,25 102:2 124:1 126:7,20 128:7,14,22 129:10 132:4,13 140:19 142:6 143:14 144:14 145:9 152:20 155:8 173:6 174:15 180:9 187:20 191:1	stating 14:11 102:24
South 110:21,22,23	specifics 164:18	stability 17:23 18:5 56:25 89:4 119:1 135:3 147:24 158:8 182:11	staff 132:23 141:13 142:22 149:6,13	status 15:21 77:13 94:2,4
space 109:14,18	speeches 152:13	stage 109:11	stake 72:9	statute 50:10 54:4
Spain 105:13,14,15,17	spelled 60:6	stages 165:24	stand 13:10 40:18 71:23 104:6 133:1 151:8 177:10	statutorily 146:25
Spartanburg 27:21 104:19	spend 145:7,8 168:16	stake 72:9	standard 85:25	statutory 9:11 47:2 83:14 103:8 127:19 141:21
SPCA 95:23	spending 26:17	standards 27:2		stay 32:15 45:12 150:24
	spent 16:5 47:17 52:19 103:17 142:20			stayed 93:23 144:25 178:7
	spill 174:23 176:23			staying 62:21 144:16 150:21 177:15

stays 12:9	strengths 38:4 92:20	studying 11:3	successful 53:15,18 68:5	supervising 63:6,25
stellar 147:16	Stricklin 13:10,11	stuff 77:14 109:12	97:5 99:3,16	supervisor 72:17
step 21:22 38:19	Stricklin's 26:23	111:14 120:24	successfully 99:7 114:10	supper 59:3
75:17 151:4,16	strictly 100:10 142:10	subdued-like 98:14	successor 96:19	support 37:20 58:1,10
187:18	190:25	subject 30:11 162:21	suffer 96:24	61:8 87:5 94:3
STEPHAN 125:22	strife 87:25	169:10	suffered 48:13	186:3,4
Stephanie 125:5,25 134:13	Strom 41:10,20 43:22	submit 139:22	sufficient 28:5 86:23	supporters 190:13
136:20,24	177:19 186:19,	submitted 59:18 114:15	107:11	supporting 156:18
194:3,20	20,21 188:25	125:9 139:14	suggest 164:21 165:1	supposed 122:25 151:10,
stepping 61:12	191:17	142:14 160:6	168:24	24 164:2 176:9,
steps 52:25 109:21	Strom's 189:7	162:6 177:20	suit 55:3,16 164:20	10
stint 103:21	strong 14:11 51:24	submitting 22:5 24:20	suitable 106:18 108:12	supreme 174:15
stood 9:23 109:25	108:24	57:10,19 89:14,	suiting 130:18	surgery 69:15
stop 169:23 171:10,	struck 78:6	22 119:16,24	suits 54:18 110:21	surprised 40:24
11 175:10	struggle 25:25 115:15	135:15,25	134:7	surrounding 113:21
176:21	186:23 188:14	148:8,12 182:19	summary 89:5 182:15	8:11 14:5 45:21
stopped 22:20 129:22	struggled 46:13	183:2	summer 22:10	51:21 82:8
stories 71:3 115:11,12	stuck 144:15,21	subornation 167:20	Summerville 103:1 112:7	99:10 101:25
story 20:17 117:22	student 43:3 60:4 121:6	suborned 170:20	Sunday 37:10	106:6 126:6
118:12,19	students 103:23 188:22	suborns 167:16	super 42:20	133:16 140:18
122:12 151:18	studied 161:7	subsequent 118:4	supervise 65:1	147:6 155:6
straight 82:19 122:13	study 8:12 45:21	subsequently 55:20 105:16	supervised 63:5	181:17
190:22	101:25 102:3	substance 30:8 69:10	suspension 144:7	8:11 14:5 45:21
strategy 147:14	126:6,9 131:8	substantial 163:17,19		51:21 82:8
strengthen 49:16 50:5	140:18,20	substitutions 57:14		99:10 101:25
	155:7,9	successes 48:16		106:6 126:6
				133:16 140:18
				147:6 155:6
				181:17
				14:4,13 19:10
				51:19 86:17
				99:17 106:5
				133:15 147:5
				181:16

swayed 146:22	talked 13:14 27:11 39:7 72:21 76:14 91:3	tears 108:23	tempted 14:14	thereof 43:5
switch 68:20	talking 30:19,22 31:7 38:11 117:20 122:10,11 132:22 141:6 150:8 167:2 170:12 172:10	Tech 145:12	ten 11:17 33:10 39:6 49:5 52:18 116:12	thing 29:19 30:22 36:4,21 37:3,5 38:14 39:1 51:15 52:16 61:20 67:11 73:12,19 74:15 75:20 77:6,11 78:6 93:5 111:24 121:19 122:18 145:5 151:10 172:18, 19 173:3 176:12 182:1
switching 15:5	Talley 25:15,16 26:10 27:18 34:4 39:17 41:4 59:10,11,12 90:18,19 189:1, 2,3 190:14	technical 128:21	tenderly 157:3	
sworn 7:12,16 8:6 44:3,7,18 81:2, 11,24 95:21 101:3,6 125:5,9, 17,25 139:11,14 140:1,12 154:4, 7,19 155:22	taste 59:6	technique 39:16	tenets 168:5	
sympathetic 174:3	taught 27:6 107:15,19 121:3,6	technology 28:13	term 64:8,9,11 99:3,7 149:12 189:18	
system 48:12,20 49:14, 15 51:25 65:7 121:22 123:4	tax 56:1,11,12,17 113:13 145:7,9	teenager 115:22	termination 50:8	
T	taxes 56:3 113:14 114:14,15,16	teeth 110:1	terms 33:25 34:16 36:11 60:11,20 70:24,25 72:2 96:17 122:9 178:14	things 18:18 20:13 25:20 27:10 29:1,14,21,23 34:15 39:8 49:10 51:6 53:17,20,23 59:19 60:17 61:9 63:12 69:2, 7 70:10 71:4 72:3,6,13 74:6 75:8,14 77:2,3, 21 79:6,17 84:14,20,21 86:1,6,25 91:5 92:24 93:2 110:16 114:4,23 118:13 129:2 145:22,23 146:12 152:8 156:20 164:2 165:15 166:15 167:2 170:17 172:9,11,14,16 173:5,21 186:9, 22
table 40:2	teacher 16:25 40:20 103:18 129:25 132:11	telling 15:6 16:10 79:17 110:8 111:5,23 113:20 144:17 176:18	testament 107:21 116:4	
tag 22:15	teach 107:17,18 145:12	tells 14:17 41:13 114:15	testify 8:20 46:3 78:3,4 82:16 102:7 126:13 140:25 155:13 168:19	
takes 12:22 91:23 185:25	teach 107:17,18 145:12	temperament 18:2,7 52:1 89:2 99:11,13 106:17,22,23 107:2 119:4 135:6 147:21 158:14,24,25 170:5 171:7,12 176:22 180:20 181:19 182:14	testimony 9:8 21:15 46:24 51:18 83:11 103:5 125:17 126:17 127:17 141:3,18 152:20 162:20 168:13, 16 185:23	
taking 14:21 16:6 31:5 121:8	teacher 16:25 40:20 103:18 129:25 132:11	temperance 52:6	Texas 105:19	
talented 166:24	teaching 103:21 111:8	temporary 36:16 38:1 60:12,16 91:21 163:15,16,19 171:20,22 186:1	text 37:11	
talk 26:3 39:5 99:8 117:22 118:14 137:21 165:14 169:8 171:4 178:14	team 31:1 64:23 84:22	temptation 137:21	thankful 46:10	

thinking 92:3	112:7 113:4 115:24 118:5	115:1	track 38:15 63:14 68:13 184:2	105:17 123:14, 17
thirty 32:24	120:24 124:2,16 127:2 137:24	today 11:19,24 16:24, 25 17:1 25:13 40:3,21,25 44:21 58:18 90:15 104:6 110:4 120:15 123:25 124:21 125:1 136:13 137:25 149:7 156:6 183:19	tracking 62:8	trial 53:3,7 77:19 78:12 87:10
thoroughness 12:22 36:6 38:7	138:13,19 139:6 141:7,11 142:16,19 143:24 145:7,8, 20 146:19,20 150:17,22 151:13,19 153:8 168:16 169:16 173:10 178:11 180:6 181:6 184:1,5,9,10,12, 13,14,15,17,18, 21,22,24 185:1, 3,10,11,13 188:10 189:8 192:10,22 193:9,17,24 194:7,16,24 195:9	today's 27:2	traditional 92:23 116:24	trials 129:13 143:25
thought 36:4 109:2 115:4 118:16		told 110:1 146:20 169:24 175:13	traffic 67:14 144:1	tribunals 129:2
thousand 142:15		tomorrow 64:7 72:10	tragic 79:8	triggers 69:17
three-hour 156:7		ton 129:19	train 184:2	trouble 10:15 121:7
three-judge 129:13		tonight 189:24	transcribed 160:14	troubles 26:1
Thursday 24:4 186:2		toolkit 104:8	transcript 150:5	true 66:4 88:14 131:4
tickets 96:7		tools 104:7 187:24	transition 32:19 96:25 131:7	trust 61:20
till 169:17		top 66:15 93:18 145:23	transitioned 62:10 87:3 129:8	truth 7:13,14 44:4,5 81:3,4 101:4,5 125:6,7 139:11, 12 154:4,5 155:23,24
time 8:24 10:10 11:7, 24 12:1,8,20 15:7 22:15 23:13 24:10 26:16 28:13 29:17 37:4,14, 18 42:1 50:24 52:5 54:3 55:19 59:17 62:12,18, 21 63:7 64:1,13, 15,21 65:19 69:17,18 71:19 72:8,9,10 74:13 82:21 91:1,2,16 93:6,7,9 95:1 96:24 98:21 99:21 104:19 108:18,23 109:14,15 110:12,20 111:8	time's 64:10	total 113:14	transparent 108:25	truth 7:13,14 44:4,5 81:3,4 101:4,5 125:6,7 139:11, 12 154:4,5 155:23,24
	timely 155:25	touch 99:8	trash 56:14	Tuesday 185:17
	times 12:13 33:18 36:17 39:6 53:19 65:17,23 69:8,16 70:15 91:4,20 106:13 115:6 133:8 179:1 189:23	touched 52:13 60:6 118:8 131:13	travel 35:14 53:1 186:11,15	Tuesdays 39:13 185:15
	timing 59:22 60:5	town 17:6 19:18 27:25 33:5,17	tread 19:6	turn 102:20 104:10 159:4
	tips 107:15,17,25	TPR 93:6	treated 98:22,25 99:20	turned 190:12
	Title 51:5		treatment 66:23,25 67:19	TV 111:15
	titled		treats 95:13	TVS 111:18
			tremendous 106:8	twenty 28:18 118:2,7
			tri-county	

type 19:24 26:8 30:4, 12 33:5 37:3 60:7 72:13 85:6 104:16 111:24 112:8 145:8 152:2,4 168:10 180:14	14 90:8 95:7 120:8 124:11,17 127:6 136:4 138:8,9,14,15 148:25 150:4 153:3 156:11 159:13,17 162:20,23 166:14,15 168:1	unreasonable 15:4 unsettling 152:9 unsuccessful 55:12 171:2 update 7:20 26:25 updated 125:13 139:21 updates 7:19 uphold 21:3 upholding 20:25 upset 17:11 176:18 upstairs 189:10 urge 165:1 utilize 105:2 utmost 19:1 utter 159:22	varied 26:22 varies 185:6 186:10 variety 48:6 49:6 50:4 59:19 75:14 133:19 144:19 vast 128:12 129:6 131:2,24 173:16 vehicle 16:13 17:16 Vehicles 144:6 venture 157:4 venue 172:14,15 verbal 80:1 156:21 verdict 78:18,21 verification 8:12 45:22 102:1 126:7 140:19 155:7 Veronica 154:25 verse 92:18 versed 135:8 versus 27:2 32:8 vet 29:19 vibrant 119:7 victim 111:9	victims 49:20 84:20 150:21,23,25 view 72:20 99:6 124:8 138:5 153:1 views 100:9 village 122:4 Vinson 22:20,22 violates 172:12 violating 136:7 violation 43:5 80:3 100:11,16 167:17 168:4 170:19 176:3,11 191:2,7,8 violations 124:9 131:22 138:6 153:1 violence 49:19 70:8 144:1 violent 51:3 Virginia 105:19 vision 132:15,17 visit 93:21 165:10 voice 74:17,21 174:21 volunteer 121:25
<hr/> U <hr/>				
UCCJEA 93:13,17 94:15 ultimate 165:4 ultimately 21:18 62:10 71:6 189:12 190:2 unable 137:20 unanimously 193:18 194:9, 17,25 unanticipated 125:1 unassailable 70:24 uncontested 50:22 underlying 97:16 understand 20:7 25:6 31:12 33:1 35:22 49:8, 14 53:4 58:12 70:3 77:5 80:6,	understanding 30:10 31:6 51:25 139:7 181:13 understood 169:2 unfamiliar 85:14 unicorn 52:3 uniformity 25:21 27:16 unique 48:9 104:7 United 21:4 University 60:4 188:20 unlawful 150:16,23 unlawfully 151:12 unprepared 20:11 unprofessional 130:1 132:11 unqualified 21:19	<hr/> V <hr/>	vacation 52:22 valid 66:4 valuable 169:13,20 valuations 61:9 Vance 13:9	

volunteered 122:1	wanting 97:7,8 175:3	weekly 64:21 92:13 129:21	30:4	22 38:6 48:23 49:3,10 50:22, 23 51:12 60:9 62:9,15 63:2,8, 24 64:17 84:16 85:3 105:7,22 108:22 115:5 116:4 121:15 127:3 131:12 132:25 133:8 142:20 143:20 147:16 167:1 170:11 177:16 185:5 187:20 188:15
voodoo 13:18	warmly 22:12	weeks 36:24 64:8 186:17	Willis 95:23	
vote 97:25	warmth 98:19	weight 43:6 138:7 153:2	wills 33:12	
votes 7:6 41:8 153:19 191:22 193:11	wasted 91:16	well-meaning 23:13	Wilson 54:22	
<hr/> W <hr/>	watched 9:24 96:23	West 16:25 40:20 177:2	win 77:8	
wait 36:24 75:13 150:13	watching 73:21	Westbury 112:23	Windmill 110:7	
waited 164:4	water 42:8	whatsoever 22:24	winning 77:5	
waiting 116:2,3 143:20, 21	ways 86:5 107:24	whichever 157:2	wisdom 189:25	work-wise 33:25
waive 82:18,20 102:9, 11,12 126:14,15 141:1	weak 188:12	whisper 36:2	withdrawn 114:11	worked 13:11 22:21 35:8 55:11 106:13 110:12, 13 114:20 137:16 169:17 187:2
walk 28:7 144:22	weakness 108:2	whisperer 35:21 36:2	witnessed 73:25	workers 72:19 74:18
walks 52:8	weaknesses 38:5	white 54:11,15 61:19 78:19	witnesses 8:19 46:2 82:15 102:6 126:12 140:24 162:9	workers' 129:8,10,11,18 131:7
Wall 28:14	weapons 146:17 147:3	wide 59:19 147:10	wives 13:20	Workforce 132:5
Walt 44:25 45:7,8	weather 24:5	wield 52:6	woman 105:21	working 12:2 27:12 35:22 62:9,11, 15 63:12 105:15 109:20 128:20 137:17
Walt's 45:8	web 28:1	wife 12:14 16:24 22:20 36:20 40:10,18 42:12, 15,21 96:14	wonderful 19:22 20:13 42:18,21 104:22 115:17 137:7	works 50:3 63:21 96:4 108:19
wanted 18:19 20:20 24:5 31:8,22 33:15 59:22,25 70:17 112:5 115:18 130:3,4 151:18,25 156:10 161:4	Wednesday 186:1	wife's 37:13	work 11:7,15 12:3,19 14:1,22,24 16:5 26:15 28:11,24 29:10 32:18 33:18,19 37:6,	World 134:7
	week 52:21 67:3 169:9 188:10 190:8	Wild 177:2	words 30:2	
	week's 185:3,5	willingness		
	weekend 22:17 23:10 37:22			
	weekends 37:6 38:21			

worry 163:2	65:16 68:22 71:15 72:16	
worth 35:17	74:25 76:22 79:12 83:15	
wow 22:25	84:9,10 87:8 99:15 103:9,17	
wrapped 77:4	113:19 114:13, 14 121:3,4	
writing 115:3,10	123:11 127:21 141:22 142:5	
written 14:10 41:19 52:10 86:21 106:16 134:4 179:6 181:23	143:12,23 144:17 180:2	
wrong 76:5 78:9,12 173:11 174:6	yesterday 16:3 40:24 64:6 75:15	
wrote 79:3,4 156:5	young 67:10,20 68:2	
	younger 48:19	
	youngest 60:3	
<hr/> Y <hr/>	younguns 80:17	
year 28:7 37:18 42:2 53:10,11 64:23 107:17 108:17 109:13,19 110:4 117:12,15 121:11	Youthful 67:20,21,22 68:8	
	<hr/> Z <hr/>	
year's 117:10	zealous 88:21 106:25	
years 9:12,18 10:4,16 11:17 12:2,18 22:21 28:12,19 32:5,11,12 33:11 37:17 40:22 47:3,17, 22,25 48:9,23 49:1,3,5 51:13 52:12,19,23	zealously 87:21 88:4,9	