



JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2023

Court, Position, and Seat # for which you are applying: Circuit Court, 13th Circuit, Seat 4.

1. Name: Mr. Kenneth Clifton Gibson

Name that you are known by if different from above.

(Example: A Nickname): Ken

Are you currently serving in some capacity as a judge? If part-time, please note.
(Includes Municipal, Magistrate, Etc.). No

Home Address:

[Redacted]

County of Residence: Greenville

Business Address: ONE North Main Street, 4th Floor, Greenville, SC 29601

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): (864) 241-6699
(cell): [Redacted]

2. Date of Birth: [Redacted] 1967
Place of Birth: Greenville, SC
Social Security Number: [Redacted]

3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.

4. SCDL# or SCHD#: [Redacted]
Voter Registration Number: [Redacted]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

Yes, I served.

May 24, 1989, to December 31, 1991

United States Army

First Lieutenant
[Redacted]
Currently Separated
Honorable Discharge

6. Family Status:
- (a) State whether you are single, married, widowed, divorced, or separated.
 - (b) If married, state the date of your marriage and your spouse's full name and occupation.
 - (c) If widowed, list the name(s) of spouse(s).
 - (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
 - (e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Family Status: Married on July 2, 1994, to Kimberly Michelle Gibson.
Never divorced, three children

[Redacted]

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
- (a) United States Military Academy at West Point, NY
July 1985 to May 1989
Bachelor of Science
 - (b) Georgetown University Law Center, Washington, DC
August 1992 to May 1995
Juris Doctorate
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
- (a) Moot Court (1993 to 1995), Member of Board of Governors responsible for supervising and managing all Moot Court teams and competitions.
9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.

- (a) Georgia – 1995
- (b) South Carolina – 2001
- (c) Florida – 2000 (took bar exam only, withdrew application upon moving back to South Carolina)

In each state, I only took the exam one time and passed each time.

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

- (a) Jones, Day, Reavis & Pogue (Now Jones Day)

Atlanta, GA

1995 to 1999

Associate, Business Litigation

Worked as attorney representing major corporations in a wide range of business-related civil disputes. These included major tort litigation, product liability, contract disputes, medical malpractice, complex litigation to include class actions, defamation, false advertising, and other matters before the Federal Trade Commission.

- (b) Greenberg Traurig

Miami, FL

1999 to 2000

Associate, Business Litigation

Worked as attorney representing major corporations in a wide range of business-related civil disputes. These included major tort litigation, product liability, contract disputes, bad faith insurance claims, complex litigation to include class actions, etc.

- (c) Womble, Carlyle, Sandridge & Rice (Now Womble Bond Dickinson)

Greenville, SC

2000 to 2002

Associate, Business Litigation

Worked as attorney representing various businesses in civil disputes. These included major tort litigation, product liability, contract disputes, employment matters including non-compete agreements, disputes with local governmental agencies, complex litigation to include class actions, etc.

- (d) The Law Office of Kenneth Gibson/Gibson Law

Greenville, SC

2002 to Present.

Owner

Worked as attorney and law practice owner as a sole practitioner representing businesses and individuals in both criminal and civil matters in State and Federal Courts throughout South Carolina. Responsible for all aspects of business including administrative, financial and any trust accounts.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years. N/A
- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, and whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court judge within the past five years.

Criminal Experience

Over the past 5 years I have handled hundreds of criminal matters in the State and Federal Courts of South Carolina. While I on occasion handle matters in Magistrate and Municipal Courts, the overwhelming majority of my experience has been in the State Circuit Courts and Federal Courts. While I maintain a private practice, a substantial portion of my workload involves helping indigent defendants in both the State and Federal systems. During the last 5 years I have appeared before the Court in hundreds of plea hearings, sentencing hearings, bond hearings, pretrial conferences, other motion hearings and trials. These cases have included charges covering pretty much the entire gamut of criminal matters including murders and other homicides, drug related crimes including trafficking, distribution and possession, rape and other sex crimes, forgery, counterfeiting, breach of trust, various forms of fraud, property crimes including robbery, larceny, and malicious

injury to property, firearm charges, criminal domestic violence, assault and battery, stalking and harassment, etc. Over the last 5 years I have tried to jury verdict 5 cases in the State and Federal Courts. These trials include two murders. On Monday, July 17, 2023, I will be adding to this list another murder trial, which is special set for that date.

In addition to my experience representing defendants in criminal matters, I also have extensive experience representing surety companies in bond related matters including off-bond hearings and estreatments.

What I have done in this regard over the past 5 years is essentially what I have been doing as well for the last 20 years. Over that time, I have handled probably thousands of warrants and charges in criminal matters. I also have the experience of trying a capital/death penalty case.

Civil Experience

My first 7 years as a lawyer were spent doing nothing other than major business-related litigation. After leaving law school I went to work for Jones, Day, Reavis & Pogue (now known simply as Jones Day). At the time I worked there, Jones Day employed roughly 1200 hundred lawyers in offices located throughout the United States and the world. It was known for its litigation department and its ability to handle bet your company type litigation. For four years I worked in Jones Day Business Litigation department handling all types of litigation. The most high-profile and arguably significant of the work I did was on behalf of at the time Jones Day's largest client, RJ Reynolds Tobacco company in the so-called tobacco wars. In addition to that work, I also represented a major financial company in complex class-action lawsuits throughout the Southeast, the Sealy mattress company in matters before the Federal Trade Commission involving allegations of false advertising, cases involving catastrophic personal injury, and other matters involving contract disputes and medical malpractice.

After Jones Day, I worked at Greenberg Traurig in its Miami office. At the time that I was at Greenberg Traurig, it employed nearly 700 lawyers with offices throughout the United States. There I continued handling civil related matters involving product liability and major tort litigation, breach of contract and bad faith insurance claims among other things.

In 2000, I moved back to Greenville and worked for Womble, Carlyle, Sandridge and Rice (now known as Womble Bond Dickinson) another major and national law firm. Over the two years I was there I handled nearly a hundred matters involving contract disputes, trademark litigation, litigation of non-compete agreements and theft of trade secrets, municipal government litigation, construction litigation, major tort litigation, product liability, complex cases, and class actions, etc.

In 2002, I opened my own law firm, and while the overwhelming majority of my

practice has involved criminal matters, I have continued over the years to maintain a steady caseload of civil cases. These have involved breach of contract matters, employment discrimination, unlawful use of police force, conversion, fraud, forgery, civil conspiracy, collections matters, consumer protection, etc.

In the past 5 years, I have handled multiple civil litigation matters to include cases involving breach of contract, consumer protection, fraud, forgery, conversion, police excessive force, civil rights violations, civil forfeiture, and debt collection.

I have tried multiple civil matters to verdict and handled numerous motions hearings involving discovery issues, summary judgment, temporary and permanent restraining orders, and injunctions, etc.

Appearances Before a Circuit Court Judge

In the past 5 years, I have represented clients before Circuit Judges hundreds of times. In the past 20 years, that number is easily in the thousands.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years. N/A
 - (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years. N/A
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal: Semi-Monthly.
 - (b) state: Weekly, and often multiple days within a week.
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil: 5%
 - (b) criminal: 90%
 - (c) domestic: 0%
 - (d) other: 5% (Representation of Surety Companies on Off-Bonds and Estreatments – hybrid of criminal and civil)
14. During the past five years
- (a) What percentage of your practice was in trial court, including cases that settled prior to

trial? 100%

(b) What number of cases went to trial and resulted in a verdict?

Over the last 5 years I have tried 6 cases to verdict. During that time frame I have also had numerous contested hearings involving witness testimony.

(c) What number of cases went to trial and resolved after the plaintiff's or State's case? (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.)

None.

(d) What number of your cases settled after a jury was selected but prior to opening statements?

None.

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

Sole counsel.

For sitting judges seeking a judgeship different than your current position, During the five years prior to your election to the bench, what percentage of your practice was in trial court, including matters that settled prior to trial? N/A

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court, or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) The Tobacco Wars. Representation of RJ Reynolds in cases involving claims that the cigarettes that it produced were unreasonably unsafe and violated product liability laws. These matters were significant as it was extremely high-profile work that was regularly reported in the national news. The litigation was extremely complex involving efforts on our part to defend and defeat class action litigation in multiple actions throughout the nation. It is most significant to me in that it was through this litigation that I learned how to prepare and try cases, particularly complex and intensive ones.

(b) The Bowling Ball Commercial. Representation of Sealy, the mattress company, in an effort to prevent the Federal Trade Commission from forcing it to pull one of its most successful advertisements on the basis that it constituted false advertising. In the 1990s Sealy produced and aired in great rotation a commercial showing the dropping of a bowling ball onto its mattress while not disturbing a glass of red wine. Sealy's competitors cried foul and filed a complaint with the Federal Trade Commission alleging that the commercial constituted false advertising. In defense, our team at Jones Day employed experts to recreate the conditions in the commercial

and prove that you could in fact drop a bowling ball on a Sealy mattress. We then prepared and submitted written briefs in the matter that convinced the Federal Trade Commission to allow Sealy to continue running the commercial. This case is significant because it involved a high-profile matter and complex arguments before a federal agency.

- (c) Buzz Trademark Litigation. Representation of Georgia Tech University to protect the trademark of its mascot, Buzz.

The Georgia Tech Yellow Jackets have a mascot named Buzz. It's a large yellow jacket that Georgia Tech employs to represent the school and its athletic teams in many various forums. In the mid 1990s, a minor league baseball team named itself the Salt Lake Buzz and employed as it's mascot a bumble bee. Ga Tech believed, rightly so, that the Salt Lake Buzz was diluting its trademark and requested the team to cease and desist.

When the team refused, Ga Tech initiated litigation in federal court to make them stop and hired our law firm to assist. I was assigned to the team. A major part of my effort was to travel throughout the Northeast and depose entities that could provide evidence as to the strength of Ga Tech's trademark and to the celebrity of its mascot Buzz.

One of the entities we subpoenaed was ESPN. But ESPN refused to comply. When they so refused, we immediately filed in federal court in their backyard of Connecticut to force them to comply. I represented Ga Tech at the hearing and despite being in their hometown, the Judge forced them to provide us all of the information that we requested.

After we obtained this information, we filed and argued a number of motions with the federal court in GA which placed us in a very favorable position. The matter was ultimately settled with the Salt Lake Buzz paying damages to Ga. Tech and ceasing to use the Buzz name or trademark.

This matter is significant because it involved complex trademark issues with litigation across multiple jurisdictions and courts.

- (d) SC v. LaChrisha Miller. LaChrisha was charged with multiple counts of obtaining prescription under false pretenses as a result of another woman who found LaChrisha's lost driver's license and then used it to obtain the drugs at issue. Despite LaChrisha's innocence, LaChrisha was tried and convicted at trial while being represented by another attorney. LaChrisha subsequently retained me to represent her in a Post-Conviction Relief (PCR) proceeding where we sought to overturn her conviction on the grounds of ineffective assistance of counsel. We were able to show at the hearing on our petition that there was credible evidence of third-party guilt that was not presented at trial. Accordingly, the PCR Court granted the application for post-conviction relief and vacated the conviction. The State appealed and petitioned for Certiorari, which was denied. This case is significant because LaChrisha was at the time the single mother of two small children. She had

a pending jail sentence hanging over her head that had been suspended pending appeals but which she would have had to serve if her conviction had been affirmed. Having to leave her kids at this time in their life would have been devastating to both her and her children. The ruling in this case allowed her to fully put this matter behind her, avoid serving an unjust prison sentence and to proceed in her life without this wrongful conviction on her record.

- (e) SC v. Tatianna Kilgore. Tatianna Kilgore was a young girl raised by her mother in a broken household. When she reached 18, she became involved with a man who would manipulate and exploit her. This man slowly separated her from and poisoned Tatianna's relationship with her mother. As a result, she became more and more dependent upon him and as that occurred, he solidified his control over her by beating and otherwise abusing her. Once he was able to totally control her, he coerced Tatianna to assist him in a bank robbery.

The two were soon after caught. Tatianna was charged with Armed Robbery and Criminal Conspiracy. He was placed in jail and held there and that finally allowed Tatianna's mother to repair the damage that he had done and to help Tatianna to return to her old self.

I was appointed to represent Tatianna and despite my best efforts the Solicitor refused to dismiss the charges. In light of my arguments, she did agree however to reduce the armed robbery charge to an attempted armed robbery. This was significant because it removed the mandatory minimum sentence of an armed robbery and at least allowed the Court to not incarcerate Tatianna on the charges.

Tatianna ultimately pled to the attempted armed robbery and a criminal conspiracy. At the plea hearing we were able to present a compelling case through witnesses who knew Tatianna before, during and after her relationship with the abusive boyfriend of the effect that he had on her and how she was back to her old self. At the end of our presentation, the Judge agreed to spare Tatianna from incarceration and sentenced her to probation. At the end of the hearing, which was held in a crowded courtroom, the spectators stood and applauded the Judge's mercy.

Years after that plea I happened to see Tatianna at a restaurant. She came up and hugged me and thanked me for everything I had done for her. It had been over 8 years since I represented her, and she was doing great. Other than some traffic tickets she hadn't been in any trouble whatsoever. She was in fact married and had a child that she was raising on her own.

This case is significant, because it drove home to me why I represented the people I did in the manner in which I have for these past two decades. The Solicitor assigned to Tatianna's case initially demanded that she serve a sentence of 10 years in jail. Such a sentence would have destroyed her. There was no way she could have done that sentence and come out of the same sweet person that I saw at the restaurant that day. There are certainly matters that demand incarceration and even substantial incarceration. But wise judges are able, when presented with the right

evidence, to know when mercy and a short leash is the better alternative. Luckily for us, Tatianna had such a Judge.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
 - (a). United States v. Javier Alex Martinez-Turcio, United States Court of Appeals for the 4th Circuit, September 19, 2012.
 - (b)
 - (c)
 - (d)
 - (e)

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

No.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
 - (a) Georgia, 1995
 - (b) US District Court for the Northern District of Ga, 1995
 - (c) South Carolina, 2001
 - (d) US District Court for the District of South Carolina, 2001
 - (e) US Court of Appeals for the Fourth Circuit, 2010

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
 - (a) I have lectured at various continuing education seminars for bondsmen throughout the state presenting on the topic of the legal issues involved in motions to be relieved on bond and estreatment hearings; and
 - (b) I participated in a panel discussion regarding civility in the criminal defense profession at the 2021 Greenville County End of Year CLE.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
23. List all published books and articles you have written and give citations and the dates of publication for each.
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)
25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
 - (a). Martindale Hubbell, AV.
26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a). South Carolina Bar Association
 - (b). Greenville Bar Association
 - (c) Greenville Association of Criminal Defense Lawyers
27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

Greenville City Council
Elected member representing Greenville, City District 3
December 1999 to Present

I have in the past missed filing reports with the State Ethics Commission, and it resulted in a penalty of \$300.00. The date that the penalty was assessed was April 10, 2023.

The missed filings occurred as a result of problems accessing my online account and misunderstandings on my part as to what reports needed to be filed and my mistaken belief that I had in fact filed the ones that did so need. The situation has been rectified, and now all of my filings are up to date.

28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

N/A

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No.

30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

No.

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

No.

32. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

33. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other

financial obligations.

(A net worth statement form is provided with this questionnaire, and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

Yes. Over the years I have had 4 loans go into default.

- (a) On July 30, 2004, I had a FFELP Consolidation loan with Pennsylvania Higher Education Agency go into default. Upon notice of the default arranged for the default to be rectified and the default was satisfied on September 13, 2004.
- (b) On November 11, 2002, I had a Federal Perkins Loan with Georgetown University slip into default. The default was rectified and paid in full on March 9, 2004.
- (c) On October 6, 2006, I had a FFELP Consolidation loan with Pennsylvania Higher Education Agency slip into default. The default was rectified and paid in full on February 27, 2007.
- (d) On October 6, 2006, I had another FFELP Consolidation with Pennsylvania Higher Education Agency slip into default. The default was rectified, and the balance was paid in full on February 27, 2007.

It was my understanding that the loans were in forbearance due to income during the times of the defaults. Once notified I worked to fix the situation and get the loans back current. I am attaching copies of printouts from the Federal Student Aid website showing that the defaults have been fully satisfied.

35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

No.

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

N/A

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

N/A

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

No.

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest. None to my knowledge.

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

N/A

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A

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

N/A

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year.

If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

N/A

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

N/A

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

N/A

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

I have never been arrested. However, in I believe the year 1999 I was charged with driving without proper insurance in Fulton County, GA. I believe that the ticket may have required that I pay a fine in excess of \$125.00. I don't have and have not been able to locate the records for this, so I cannot provide more information at this time.

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

No.

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

Yes. I have been sued by clients on two occasions. On both occasions the matter was resolved in my favor.

- (a) On or about September 20, 2011, a former client Aubin Liberte filed an action in Greenville County Common Pleas court to appeal a decision by the Fee Dispute Board that went in my favor. The appeal was dismissed, and the decision of the Fee Dispute Board affirmed on November 7, 2011.

- (b) On or about May 1, 2013, a former client Vonda Butler sued me in the Common Pleas Court for Greenville County for legal malpractice. I had represented Ms. Butler in a dispute with her homeowners' association. We lost and she indicated that she wished to appeal. At the time Ms. Butler owed me a significant amount of money from the underlying representation but contended that she wasn't in a position to pay me but soon would. In an effort to help her I told her that I would charge her for my work but hold off on requiring payment until she was in a better financial position. I made it clear to her that I would not, however, front any costs of the appeal. She would have to pay the filing fee upfront, transcription costs and any printing costs prior to my incurring any such fees. She agreed and provided me with the initial filing fee for the appeal of \$100.00. Accordingly, I filed the appeal. After getting an estimate on how much the transcript would cost, I went back to her and told her that I needed the money for the transcript before I would order it and obligate myself for such payment. She never, however, provided me with the money. As time passed the Appellate Court began to inquire as to whether we had requested the transcript. I explained to Ms. Butler that if she didn't provide me with the funds for the transcript, I would not request the transcript, and the appeal would ultimately be dismissed.

She still failed to provide me the funds to pay for the transcript, and the appeal was ultimately dismissed for lack of prosecution.

After the appeal was dismissed Ms. Butler sued me falsely claiming that I had told her I would handle her entire appeal including costs for the \$100 that she had initially paid for the filing fee. I countersued for the yet unpaid fees that she owed me, and ultimately the matter was settled with her paying me an amount toward her unpaid fees. The matter was dismissed on February 11, 2015.

I was also a named party in the following civil actions:

- (a) McGill Park Condominium Association vs. Kenneth C. Gibson and Kimberly M. Gibson. This matter was filed on or about October 16, 1997. It was ultimately settled and dismissed on June 22, 1999.
- (b) Preserve at Woods Lake vs. Kenneth Gibson. This matter was filed on or about February 12, 2001. It was settled and dismissed on February 23, 2001.
- (c) Preserve at Woods Lake vs. Kenneth Gibson. This matter was filed on or about March 11, 2002. It was settled and subsequently dismissed on April 8, 2002.
- (d) Elaine Hunt vs. Kenneth Gibson. This matter was filed on or about June 7, 2002. It was judicially dismissed on September 30, 2002.
- (e) Kenneth Gibson vs. Mark Adgier McKinney. This matter was filed on or about November 2, 2005. It was settled and dismissed on August 12, 2009.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

No.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

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

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No.

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

Yes.

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

No.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with original letters of recommendation from each person listed herein, including their signature (preferably in blue ink). The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete. Please do not have references mail your reference letters to the Commission directly. You must return the five (5) original letters of recommendation to the Commission with your application.
- (a) Rusty Infiger, P3 USA, Inc. [Redacted]
 - (b) Frank L. Eppes, [Redacted]
 - (c) Lance Crick, Ryan Beasley Law, [Redacted]
 - (d) Karen Baynes Dunning, [Redacted]
 - (e) James Bannister, Bannister, Wyatt & Stalvey, LLC, [Redacted]

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

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

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

I have the following social media accounts but am not really that active.

Twitter - [Redacted]
Instagram - [Redacted]
Facebook - [Redacted]
Linked In - [Redacted]

Given that I am not that active on social media, I don't know if my use would be affected at all.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a)
 - (b)
 - (c)
58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life

experiences have affected or influenced the kind or type of judge you have been or plan to be.

Both of my parents dedicated their lives to public service. My father, Dr. W.F. Gibson, worked in civil rights fighting to ensure equal and fair treatment for all people. He worked his way up the ranks of the National Association for the Advancement of Colored People (NAACP) from President of the Greenville Branch to President of the South Carolina Chapter to being the Chairman of the National Board of Directors. My mother, Lottie Gibson, also worked in civil rights but later transitioned to elected office serving as a member of Greenville County Council for over 20 years. In addition to her service on County Council, she tirelessly worked through various boards, commissions, and non-profit agencies to help those who needed it most. She did this work without regard to race or any other factor. If you needed help, no matter who you were, she would be there for you.

I'm extremely proud to say that my parents instilled their dedication to help others, particularly the least among us, in me.

Over the years, I have served my community in multiple and varied capacities. As a graduate of West Point, I joined the Army as an officer and fought during Desert Shield/Storm in Saudi Arabia, Kuwait, and Iraq. Later, I served on various boards and commissions, and most recently I have served as a member of the Greenville City Council.

Through all of this I have learned that there is far more that binds us than divides us and that every person's perspective no matter how disparate from mine is legitimate and has value. I've also learned that everyone, no matter what your station in life or what you may have done deserves to be treated with respect.

I believe that we are better when we can come together and thus, I try to seek consensus and common ground whenever I can. But I also know what is right, and when such consensus can't be achieved, I have the courage to stay focused and determined to ensure that right is done.

I believe that that the mix of the lessons learned from my parents, my education, my military service, and my extensive work in both the civil and criminal sides of the law make me uniquely qualified to serve as a Judge.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: _____

Sworn to before me this ____ day of _____, 2023.

(Notary Signature)

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