

**KIMBERLY V. BARR**

**AT-LARGE CIRCUIT SEAT # 8**

**AMENDMENT TO PDQ**

**ORIGINALLY SUBMITTED JULY 13, 2023**



**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.**

**I am amending this answer to include my supervisory and management experience as an assistant solicitor. I would like to strike the prior answer and replace it with the new answer.** Following my admission to the bar in 1995, I began working as an associate attorney with the law firm of Newman & Sabb, P.A. in its Columbia office. During the previous year, I worked there as a law clerk. This partnership was formed by Clifton Newman and Ronnie Sabb, and it was a general practice law firm. I handled cases involving personal injury, domestic relations, real estate transactions and bankruptcy. In 1999, I left private practice and began working as a prosecuting attorney for the City of Florence, South Carolina following my move there. I prosecuted traffic offenses, including driving under the influence cases, domestic violence crimes and other municipal violations. In September 2004, I returned to private practice with Ronnie Sabb. His law firm's name was the Law Offices of Ronnie A. Sabb, L.L.C. I continued my work of handling personal injury cases (including automobile accidents and workers compensation matters), family court (including divorces, child custody disputes, adoptions, and name changes), social security disability claims, real estate transactions, contested and uncontested probate matters, and miscellaneous legal issues. I have sat as lead counsel to verdict/judgment in countless cases involving every area previously cited in magistrate's court, probate court, the workers compensation commission, family court, and circuit court. In addition to the general practice, I also worked as contract, part-time assistant solicitor in Williamsburg County. In that role, I handled prosecutions in general sessions court and in family court in juvenile delinquency proceedings. In January 2011, I assumed the role of the assistant solicitor-in-charge for Williamsburg County. I served as lead counsel on numerous felony trials, including prosecutions for drug offenses, property crimes, child and adult sexual assaults, burglaries, armed robberies, and murders. In addition, I was responsible for supervising and training new assistant solicitors and managing the criminal dockets. In 2016, I resigned from the solicitor's office after twelve years of service. In 2017, I became a partner with Ronnie Sabb and we formed the Sabb Law Group, L.L.C.

**11. Please answer the following:**

**(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.**

**I am supplementing this answer to include my supervisory and management experience as an assistant solicitor as well as additional legal matters I handled in the Court of General Sessions and the Court of Common Pleas. I would like to strike the prior answer and replace it with the new answer.**

I worked as contract, part-time assistant solicitor in Williamsburg County from September 2004 through December 2016. In that role, I was responsible for the prosecutions of cases in general sessions court. I served as lead counsel on numerous felony trials, including prosecutions for drug offenses, property crimes, child and adult sexual assaults, burglaries, armed robberies, and aggravated assaults, domestic violence, and murders. I routinely drafted indictments for consideration by the grand jury, drafted discovery responses and requests, handled motion hearings, bond hearings, arraignments, plea negotiations, and guilty pleas. As the assistant solicitor-in-charge during the last five years of my service in Williamsburg County, I was also responsible for supervising and training new assistant solicitors and managing the trial dockets. I have also testified in post-conviction relief hearings in cases I prosecuted. I have represented a few individuals charged with general sessions-level crimes since my resignation from the solicitor's office but due primarily to the Covid-19 pandemic, I have not had an occasion to try a criminal case as a defense attorney. The criminal cases that I have handled since 2016 involved guilty pleas and bond hearings.

In our law practice, I represented primarily plaintiffs in personal injury cases. Since 2004, I often second-chaired many civil trials in Common Pleas Court where Mr. Sabb served as lead counsel. The nature of these cases varied and included personal injury actions resulting from motor vehicle accidents, breach of contract claims, equitable claims, and real estate matters (i.e., actions to quiet title, to partition land, and to set aside a deed based on the incapacity of the grantor). As sole or lead counsel, I have also tried to verdict civil cases in the Court of Common Pleas that resulted from motor vehicle accidents. Those cases involved every aspect of trial, from jury selection to post-trial motions. I was co-counsel on an election dispute in Circuit Court involving a race for Clarendon County Coroner. The last case that I was involved in as lead

counsel in Common Pleas Court occurred in 2022 in Florence County, but it was resolved subsequent to jury selection. I have not tried a case to verdict in the Common Pleas Court during the last five calendar years.

**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?**

**I am amending this answer to include my trial experience in Federal Court. I would like to strike the prior answer and replace it with the new answer.**

**(a) federal:** I have not made any appearances in Federal Court during the last five years. However, in 2014 I tried to verdict as co-counsel a personal injury action in the Federal Court in Charleston, South Carolina. In addition, I tried as co-counsel a breach of contract claim in Federal Court in Florence, South Carolina. This case resulted from the refusal of an insurance company to proceeds to its insured following a loss of the insured's business due to fire.

**(b) state:** If I include my appearances in Magistrate's Court, Probate Court, Family Court, before the Workers Compensation Commission, Common Pleas Court, General Sessions Court, and the Court of Appeals during the last five calendar years, I would conservatively estimate them to be fifty (50) on average per year.

**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.**

**I am amending this answer to remove any possible reference to the identity of the victim. I would like to strike the prior answer and replace it with the new answer.**

(a) Gerone Epps was a disputed death case before the SC Workers Compensation Commission. We represented dependents of Mr. Epps, who worked in the maintenance department for the City of Lake City for eleven years. He was morbidly obese and had a pre-existing heart condition. He was involved in a motor vehicle accident during the early morning hours of April 21, 2006 while driving the city's dump truck and as a result, the vehicle overturned completely on its driver's side. Mr. Epps was trapped inside the vehicle for nearly two hours before being extricated. He lost consciousness during transport to the hospital and died later that day. The pathologist performing his autopsy opined that he died accidentally as a result of "morbid obesity, positional asphyxia that was complicated by the motor vehicle accident with probable hypoxic stress, and atherosclerotic coronary artery disease." The employer and carrier denied death benefits and maintained that his death was caused by his pre-existing conditions. The case was tried before a single commissioner, who denied death benefits and found that the decedent's death was due to natural causes unrelated to the accident. On appeal to the full commission, the judgment of the single commissioner was reversed, and full death benefits were awarded. Gerone Epps was the primary caretaker for his sister and her minor children, who suffered tremendously both emotionally and financially following his death. I believe that the ruling of the single commissioner was clearly erroneous given the undisputed findings of the physician who performed Mr. Epps' autopsy.

(b) Another case that holds significance to me is a family court matter where I represented a childless couple who sought to adopt an infant child several years ago. While I've handled many adoption cases before and since, this case stands out to me because I met this child when she was only a day old. The birth mother used narcotic and illegal substances and as a result, the baby was born addicted to those drugs. Because of the nature of this adoption, policies of the hospital where she was born required that I be photographed with the child and further, that I would be the only person authorized to leave the facility with the child. As I first held that precious child, my heart broke as I saw her limbs shake uncontrollably from physical withdrawal symptoms she was experiencing as a result of her exposure to drugs in utero. My clients' adoption request was granted approximately six months later, and that little girl has absolutely thrived in their care since then. My client periodically sends me photographs of the child via text messages. She shares photos with me of her birthday and holiday celebrations as well as her first day of school. I felt so honored to have been a part of taking her from the life she could have lived to the life she deserved to live.

(c) Our firm represented Dr. Benjamin Cooper in an action in Common Pleas Court in Williamsburg County to set aside a deed based on undue influence, lack of consideration, and incapacity of the grantor. Dr. Cooper was an elderly man who had been diagnosed with depression and dementia. He and his family owned a sizeable tract of land, and he often allowed hunters to use the property to shoot game. However, instead of presenting Dr. Cooper with a hunting lease as in previous years, this individual had him to execute a deed transferring his ownership interest in the land for a nominal amount of money. Shortly thereafter, this individual filed a partition to purchase the remaining interest to the tract. Mr. Sabb and I tried this case together and we ultimately prevailed on our counterclaim to have that deed vacated.

(d) The State vs. Jason Edwards, et al was the first murder trial in which I took an active and significant role as a prosecutor. The trial took place in February 2006, roughly a year and a half after I began working part-time in the solicitor's office. This case stands out to me because of the variables and dynamics at play. Jason Edwards was accused of shooting two victims to death, execution-style. Prior to his death, one of the victims stabbed Jason in his abdomen and ran from the home. Jason chased the victim outside and a young, female relative of the victim observed the fatal shooting in the front yard of the victim's home. She recognized and identified Jason as the shooter. Due to his stab wound, Jason's brothers took him to York County for treatment to avoid detection. By the time the case was to be tried, the eyewitness to the murder had moved away and was afraid to come to court to testify. One of the key police officers in York County who assisted the Williamsburg County Sheriff's Office in the murder investigation had been fired from law enforcement and was, by then, a convicted felon. We had to contact and coordinate witnesses from the hospital who treated Jason, the law enforcement officials in York County, the pathologist at MUSC in Charleston who performed the autopsies on the victims, SLED agents in Columbia, local law enforcement officers, local family members of the victims, and our eyewitness. It was a stressful and grueling process but every member of the prosecution team stayed late at the office and came in early every day to

prepare for court. Because of the commitment, we were able to obtain convictions for all of the defendants charged in connection with the case. After the verdict was announced and the sentence imposed, I wanted to celebrate our victory with our team. Mr. Sabb shared words with me that I will never forget in his very calm and deliberate manner. He kindly told me that he did not want to celebrate because two people were violently murdered, and all of the defendants were headed to prison for a very long time. This was the first time that I appreciated the weight and sometimes solemn nature of a criminal prosecutor. I am grateful that I learned that lesson early in my career.

(e) Justin McBride was a young man I prosecuted for the criminal sexual assault of [REDACTED]. McBride was 16 years-old at the time of this crime. [REDACTED]. Given the 25-year mandatory minimum sentence that had to be imposed if the defendant was convicted as charged, the victim's parents authorized me to extend a plea offer to him via his attorney to the crime of lewd act on a minor child. This offense carried a possible sentence range from probation to 15 years in prison, and would have required the defendant to register as a sex offender for life. The sexual registry requirement was apparently a bridge too far for him, and he declined the plea offer. I asked his attorney if I could meet with he and McBride so that I could explain to him the consequences of his decision to decline the plea. His attorney agreed, and the three of us met at the courthouse while McBride's mother was in attendance. Despite the advice of his attorney, the defendant insisted on a trial. Importantly, the police department that investigated the sexual assault lost the victim's clothing and consequently, those items of evidence were unavailable for testing. Perhaps, the defendant foolishly believed that because of that missing evidence, I would dismiss the case. However, I had the opportunity to speak with the victim and her mother on multiple occasions during the years that this case was pending, and I found them both to be credible and compelling. I was also disturbed at the age of the victim when the defendant committed this act upon her. We tried the case in October 2013 and McBride was convicted and sentenced to 25 years in prison. I saw Mr. McBride years later at his PCR hearing, and I was surprised to see how much he had seemingly deteriorated. His conviction was upheld.

**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.**

**I am amending this answer to reflect all law-related courses or lectures at bar association conferences, educational institutions, or continuing legal for which I have participated. I would like to strike the prior answer and replace it with the new answer.**

Speaker, "Civility/Professionalism" - Panel Discussion for the South Carolina Bar Leadership Academy in Florence, SC (03/10/2023)

Scoring Judge, High School Mock Trial Competitions in Conway, SC (02/2021)

Scoring Judge, Middle School Mock Trial Competition in Conway, SC (11/2019)

Speaker, "Social Security and Family Court" at the 2020 SC Bar CLE – Hot Tips from the Coolest Domestic Law Practitioners in Columbia, SC on 09/25/2020

Scoring Judge, High School Mock Trial Competitions in Conway, SC (02/2018)

Speaker, "Women in Law Enforcement" for Women's History Month at the Dept. of Justice/Bureau of Prisons - FCI Williamsburg in Salters, SC (03/23/2016)

Speaker, "Juvenile Matters in the Family Court" for SC Bar Family Court CLE in Columbia, SC

Speaker, "Think Twice: A Lesson on Criminal Law and Collateral Consequences" - Panel Discussion at Hemingway High School for SC Bar YLD's Public Service Project for Community Law Week (05/2014)

**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.**

**I am amending this answer to reflect all bar organizations and professional associations for which I am or have been a member. I would like to strike the prior answer and replace it with the new answer.**

(a) South Carolina Bar member since 1995

(b) Williamsburg Bar Association member since 2010

(c) Pee Dee Inn of Court; President since July 1, 2022; Vice President from July 1, 2020 through June 30, 2022; and Secretary from July 1, 2018 through June 30, 2020

(d) South Carolina Association of Justice member since 2004

(e) American Association of Justice member since 2004

(f) Investigator – South Carolina Lawyers Fund for Client Protection from 2010-2012

(g) Member, National Bar Association (2007-2013)

**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?**

**I am supplementing this answer to reflect financial expenditures I have made in connection with my candidacy. I would like to strike the prior answer and replace it with the new answer.**

In August 2023, I spent approximately \$220 for printing and \$20 for mailing placards.

**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.**

**I am amending this answer to accurately reflect all political contributions made by me and my law firm during the past four years. I would like to strike the prior answer and replace it with the new answer.**

These are the financial contributions I have personally made to political campaigns during the past four years:

<u>Candidate(s):</u>	<u>Date of Contribution:</u>	<u>Amount:</u>
Senator Ronnie A. Sabb (District #32)	07/19/2019	\$1,000.00
Senator Ronnie A. Sabb (District #32)	03/20/2023	\$1,000.00
Former Senator Floyd Nicholson (#10)	09/14/2020	\$1,000.00
Senator Ronnie A. Sabb (District #32)	09/21/2020	\$1,000.00
Kimberly Johnson (House District #64)	08/12/2022	\$1,000.00
Senator Mia McLeod (Governor)	08/06/2021	\$1,000.00

These are the financial contributions that my law firm has made to political campaigns during the past four years:

<u>Candidate(s):</u>	<u>Date of Contribution:</u>	<u>Amount:</u>
Kimberly Johnson (House District #64)	08/12/2022	\$1,000.00
Kimberly Johnson (House District #64)	04/08/2020	\$1,000.00
Kimberly Johnson (House District #64)	10/13/2020	\$1,000.00
Senator Mia McLeod (Governor)	06/10/2021	\$1,000.00
Senator Mia McLeod (Governor)	07/20/2020	\$1,000.00
Representative Joseph Johnson (#102)	05/02/2022	\$1,000.00
Former Senator Floyd Nicholson (#10)	09/14/2020	\$1,000.00
Rep. Rosalyn Henderson-Myers (#31)	10/20/2020	\$1,000.00
Rep. Rosalyn Henderson-Myers (#31)	02/24/2020	\$ 500.00
Former Senator Glenn Reese, Sr. (#11)	09/08/2020	\$1,000.00
Senator Michael Fanning (District #17)	06/03/2020	\$1,000.00
Senator Karl B. Allen (District #7)	05/20/2020	\$1,000.00
Senator Richard Hricik (District #43)	08/02/2019	\$1,000.00

**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.**

**I am amending this answer to accurately reflect all civic or charitable organizations in which I have participated. political contributions made by me and my law firm during the past four years. I would like to strike the prior answer and replace it with the new answer.**

(a) McLeod Health Foundation Fellows

(b) Dancing With the Williamsburg County Stars (benefitting the Williamsburg Regional Hospital Foundation) – 06/03/2017

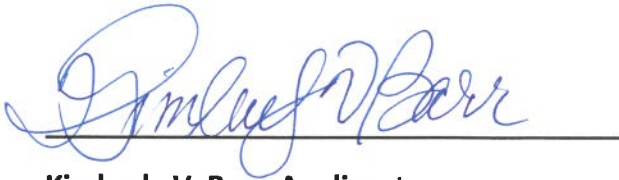
(c) Board Member, Williamsburg Technical College Foundation (2019-present)

**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.**

**I am amending this answer to clarify the information that I believe would positively affect my candidacy for a judicial seat. I would like to strike the prior answer and replace it with the new answer.**

I was placed in the foster care system as a young child and was subsequently blessed to have been raised by a strong mother who instilled in me that I could be anything that I aspired to be, if I were willing to work hard. My very first experience inside a courtroom was at my adoption hearing in Richland County in or around 1979. I was simply fascinated by the presiding judge, who, in his robe, appeared to be sitting on a throne from the vantage point of my 9-year-old self at the time. The deference and respect shown to him by all those in the courtroom was equally matched by the courtesies he extended in return. I remember watching Perry Mason and Matlock episodes on television with my mother, and I became instantly intrigued with the legal profession. It is a love that has stood the test of time. Despite losing my mother during my high school years, I never forgot the lessons she taught. I committed myself to studying hard and focusing on my college classes, to the exclusion of other memorable college experiences. During my last year at law school, I met two men who have unquestionably and immeasurably impacted my legal career, Clifton Newman and Ronnie Sabb. I was, and remain, incredibly inspired by them and they have set by example what it means to reach the pinnacle of success in their respective roles. Having tried many criminal cases before Judge Newman, I have observed a measured, thoughtful, intelligent, and dignified jurist. Because of my association with Ronnie, I have gained immeasurable experience in the Courts of Common Pleas and General Sessions that I may not have otherwise received. I have tried to verdict nearly every criminal offense from traffic violations to murder cases. Ronnie taught me very early in my career the importance of hard work, zealous advocacy, and humility. I have spent twenty-three (23) of the nearly twenty-eight (28) years of my career in private practice, and I've represented thousands of clients from various financial, social, and educational backgrounds. That experience affords me an understanding and appreciation of the pressures and conflicts that trial lawyers face. I believe that cumulative effect of all my legal experiences would make me an asset to the judiciary as well as the citizens of our great state.





**Kimberly V. Barr, Applicant**

**Date:** 11/13/2023

Please email the amendment to your screening attorney, Erin, and Lindi. Mail your original hard copy amendment to our office or hand deliver to:

Judicial Merit Selection Commission  
P.O. Box 142  
Columbia, SC 29202