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## **SCREENING HEARINGS**

*November 15, 2023*

**2023 Judicial Merit Selection Commission**

**REPORTER: Patricia Bachand**

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

3

4 \* \* \* \* \*

5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

7 \* \* \* \* \*

8 BEFORE: REPRESENTATIVE "MICAH" CASKEY, IV, CHAIRMAN

9 SENATOR LUKE A. RANKIN, 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 PETE STROM

18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: November 15, 2023

21 TIME: 9:00 a.m.

22 LOCATION: Gressette Building, Room 105

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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4  
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7  
8  
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10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

PAGE:

THE HONORABLE HAIGH PORTER..... 10

- Examination by Mr. Fiffick..... 12

- Examination by Representative Jordan..... 17

KIMBERLY V. BARR..... 21

- Examination by Ms. Foster..... 24

- Examination by Senator Rankin..... 34

- Examination Chairman Caskey..... 40

MARYANN BLAKE..... 44

- Examination by Ms. Crater..... 46

- Examination by Mr. Safran..... 49

- Examination Chairman Caskey..... 53

THE HONORABLE RUSSELL A. BLANCHARD, IV..... 57

- Examination by Mr. Triplett..... 60

- Examination Chairman Caskey..... 65

- Examination by Senator Rankin..... 65

- Examination by Representative Jordan..... 69

T. WILLIAM "BILLY" MCGEE, III..... 71

- Examination by Ms. Wilkinson..... 74

- Examination by Mr. Safran..... 87

- Examination by Senator Rankin..... 91

ASHLEY MCMAHAN..... 102

- Examination by Ms. Trask..... 105

- Examination by Senator Rankin..... 112

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):

WILLIAM VICKERY MEETZE..... 122

- Examination by Mr. Trask..... 125

- Examination by Representative Jordan..... 130

A. BRUCE WALLACE..... 135

- Examination by Ms. Crawford..... 138

- Examination by Representative Jordan..... 145

- Examination by Mr. Safran..... 146

R. CHADWICK "CHAD" SMITH..... 158

- Examination by Mr. Wapole..... 160

- Examination by Mr. Strom..... 166

- Examination by Senator Talley..... 170

ERIN K. URQUHART..... 177

- Examination by Ms. Starnes..... 180

- Examination by Senator Talley..... 189

Certificate of Reporter..... 194

Word Index

\* \* \* \* \*

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

EXHIBITS:	PAGE:
EXHIBIT NO. 1.....	11
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE WILLIAM HAIGH PORTER	
EXHIBIT NO. 2.....	11
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF THE HONORABLE WILLIAM HAIGH PORTER	
EXHIBIT NO. 6.....	22
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF KIMBERLY V. BARR	
EXHIBIT NO. 7.....	22
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF KIMBERLY V. BARR	
EXHIBIT NO. 8.....	22
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF KIMBERLY V. BARR	
EXHIBIT NO. 9.....	45
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF MARYANN BLAKE	
EXHIBIT NO. 10.....	45
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF MARYANN BLAKE	

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. 11.....	58
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE RUSSELL A. BLANCHARD, IV	
EXHIBIT NO. 12.....	58
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE RUSSELL A. BLANCHARD, IV	
EXHIBIT NO. 13.....	58
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF THE HONORABLE RUSSELL A. BLANCHARD, IV	
EXHIBIT NO. 14.....	72
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF THOMAS WILLIAM MCGEE, III	
EXHIBIT NO. 15.....	72
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF THOMAS WILLIAM MCGEE, III	
EXHIBIT NO. 16.....	72
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF THOMAS WILLIAM MCGEE, III	
EXHIBIT NO. 17.....	103
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF ASHLEY MCMAHAN	

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.....	103
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF ASHLEY MCMAHAN	
EXHIBIT NO. 19.....	103
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF ASHLEY MCMAHAN	
EXHIBIT NO. 20.....	122
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF WILLIAM VICKERY MEETZE	
EXHIBIT NO. 21.....	122
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF WILLIAM VICKERY MEETZE	
EXHIBIT NO. 22.....	123
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF WILLIAM VICKERY MEETZE	
EXHIBIT NO. 23.....	123
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF WILLIAM VICKERY MEETZE	
EXHIBIT NO. 24.....	136
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF ROBERT BRUCE WALLACE	

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.....	136
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF ROBERT BRUCE WALLACE	
EXHIBIT NO. 26.....	136
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF ROBERT BRUCE WALLACE	
EXHIBIT NO. 33.....	159
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF RICHARD CHADWICK SMITH	
EXHIBIT NO. 34.....	159
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF RICHARD CHADWICK SMITH	
EXHIBIT NO. 35.....	178
- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE OF ERIN URQUHART	
EXHIBIT NO. 36.....	178
- JUDICIAL MERIT SELECTION COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF ERIN URQUHART	
EXHIBIT NO. 37.....	178
- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF ERIN URQUHART	



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. 38.....	178
- JUDICIAL MERIT SELECTION COMMISSION AMENDED SWORN STATEMENT OF ERIN URQUHART	

\* \* \* \* \*

REQUESTED INFORMATION INDEX  
(No Information Requested.)

1                   CHAIRMAN CASKEY: Good morning. I will go  
2 ahead and call to order, today's hearing for the Judicial  
3 Merit Selection Commission. Our first candidate is Judge  
4 Porter. Judge Porter is a candidate for the Master-in-  
5 Equity position in Florence County.

6                   Do I have that correct -- do I have that  
7 correct, Your Honor?

8                   JUDGE PORTER: Yes, sir.

9                   CHAIRMAN CASKEY: If you would please, sir,  
10 raise your right hand.

11                   WHEREUPON,

12                   THE HONORABLE WILLIAM HAIGH PORTER, being  
13 duly sworn and cautioned to speak the truth, the whole  
14 truth, and nothing but the truth.

15                   CHAIRMAN CASKEY: Thank you. There should  
16 be some documents in front of you. If you would just have  
17 a look at those, please, sir.

18                   JUDGE PORTER: Yes, sir.

19                   CHAIRMAN CASKEY: Are those the personal  
20 data questionnaire and the sworn statement that you have  
21 submitted to the Commission?

22                   JUDGE PORTER: I believe so.

23                   CHAIRMAN CASKEY: Are there any updates or  
24 changes that need to be made?

25                   JUDGE PORTER: I did submit some changes. I

1 don't know whether, without going through it -- I believe  
2 Andy has --

3 CHAIRMAN CASKEY: Staff has indicated that  
4 we have those updates.

5 JUDGE PORTER: Yeah.

6 CHAIRMAN CASKEY: All right. Do you object,  
7 then, Your Honor, to our making these documents a part of  
8 the record of your sworn testimony?

9 JUDGE PORTER: Not a bit. That's fine.

10 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION  
11 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
12 HONORABLE WILLIAM HAIGH PORTER)

13 (EXHIBIT NO. 2 - JUDICIAL MERIT SELECTION  
14 COMMISSION SWORN STATEMENT OF THE HONORABLE  
15 WILLIAM HAIGH PORTER)

16 CHAIRMAN CASKEY: The Judicial Merit  
17 Selection Commission has thoroughly investigated your  
18 qualifications for the bench. Our inquiry has focused on  
19 the nine evaluative criteria, and has included a ballot box  
20 survey, a thorough study of your application materials,  
21 verification of your compliance with state ethics laws, a  
22 search of newspaper articles in which your name appears, a  
23 study of previous screenings, and a check for economic  
24 conflicts of interest.

25 We have received no affidavits in -- I'm not

1 able to read this morning, Your Honor. I apologize. We  
2 have received no affidavits filed in opposition to your  
3 election, and no witnesses are present to testify.

4 If you have a brief opening statement, we'd  
5 be happy to hear from you. Otherwise, we can proceed with  
6 questions from staff counsel.

7 JUDGE PORTER: No, sir. Please proceed.

8 CHAIRMAN CASKEY: Thank you, sir. Then I'll  
9 recognize Mr. Fiffick.

10 MR. FIFFICK: Thank you, Mr. Chairman.

11 EXAMINATION BY MR. FIFFICK:

12 **Q. Judge Porter, after serving almost five years as**  
13 **a Master-in-Equity, why do you want to continue serving in**  
14 **this position?**

15 A. I've been working since my first paying job at  
16 age 14 in a grocery store. I've always worked. I came  
17 from a family that believed in working.

18 You all know my age. I'm a product of the  
19 Depression, and I think most people that were born and  
20 raised in the Depression have an indication in their  
21 system, that working best for you.

22 I think a combination of my continuing to work, a  
23 little exercise, and having a wife that's taken good care  
24 of me and fed me well, I don't see any reason why I  
25 shouldn't continue working.

1 I've been out of law school for -- I believe it's  
2 58, going on 59 years. I don't know how to do anything  
3 else, so I'd like to keep on working.

4 Q. Thank you, sir. The Commission received 296  
5 ballot box surveys regarding you, with 31 additional  
6 comments. Twenty-seven of which were positive, including,  
7 "Despite his current -- despite his age, he is current on  
8 the law, is a resource to lawyers, is very helpful to young  
9 lawyers starting out in the court, is courteous beyond all  
10 belief to all parties and attorneys, a true southern  
11 gentleman who enjoys the job and does the job well."

12 Further comments include, "Well versed in the  
13 law, and particularly able in matters handled by a Master.  
14 Kind, pleasant, and knowledgeable. A true asset to the  
15 judiciary."

16 Four of the written comments, however, expressed  
17 concerns. Some of which alleged that your age and a  
18 decline in your ability to meet the demands of your  
19 position is a problem. How would you respond to these few  
20 concerns?

21 A. Before I filed my application, I met with my  
22 doctor. He's one of the better-known internal medicine  
23 specialists in Florence. And I asked him, I said, "Sam, do  
24 you think I'm okay, physically, to continue working and  
25 continuing serving as a judge?"

1           He said, "Why not? Keep on doing what you've  
2 been doing. You're doing a lot more than most folks your  
3 age."

4           **Q. Thank you, sir. Judge Porter, you've indicated**  
5 **in your PDQ, that since your last screening, a lawsuit was**  
6 **filed against you on March 22nd, 2022, in the U.S. District**  
7 **Court, by a Charles Ray Thomas, II, also known as Ali**  
8 **Adebisi. Please explain the nature of the disposition of**  
9 **this lawsuit.**

10          A. Dismissed.

11          **Q. Judge Porter, you've indicated in your PDQ,**  
12 **another lawsuit filed by Mr. Adebisi, in the district**  
13 **court, on April 20th, 2023. Could you please explain the**  
14 **nature or the disposition of the lawsuit?**

15          A. I haven't seen the order. But I was told by one  
16 of the clerks at the federal courthouse in Florence, that,  
17 that had been closed.

18          **Q. Thank you, sir. You've indicated in your PDQ,**  
19 **since your last screening a lawsuit was also filed in**  
20 **Florence County by the same plaintiff, Ali Adebisi. Could**  
21 **you please explain the nature and the disposition of this**  
22 **lawsuit?**

23          A. Well, let me say this. I don't know how much, if  
24 any, some of you have dealt with what's referred to as  
25 sovereign citizens. I refer to him as Charles Ray Thomas.

1 He falls into the clear category of being a sovereign-type.

2 I think the folks in court administration are  
3 well aware of him, the folks in federal court are. Even  
4 the folks in the post office in Florence, which he uses as  
5 his mailing address, are.

6 But in any event, there are two cases in common  
7 pleas -- and I didn't catch which one you said first, but  
8 both cases had been -- orders issued.

9 The first case, where it was a motion to have me  
10 and the clerk of court and one of the deputy clerks added  
11 to a suit that he had filed against Lakeview Loan  
12 Servicing, which I had heard the foreclosure.

13 Judge McFadden issued a very extensive order,  
14 denying the motion and imposing sanctions.

15 The second suit was where he filed in the  
16 original status against me, the clerk, and a different  
17 deputy clerk. Judge Culbertson also filed an order  
18 dismissing that and issuing sanctions.

19 I hope I never hear from the fellow again. I  
20 understand -- I haven't seen it, but Malloy McEachin, the  
21 county attorney, a former partner, told me that he had --  
22 the fellow had filed with the Court of Appeals.

23 He tried to file a notice of appeal with the  
24 clerk of court. And they wouldn't take it, based on the  
25 orders that had been issued the sanctions.

1           So as far as I know, those cases are dead and  
2 buried. But there's still that appeal hanging out there,  
3 and I can't conceive of any basis for the Court of Appeals  
4 to even listen to him.

5           **Q. Thank you, sir.**

6           MR. FIFFICK: I would note that the Pee Dee  
7 Citizens Committee reported Judge Porter to be well  
8 qualified in the evaluative criteria of ethical fitness,  
9 professional and academic ability, character, reputation,  
10 experience, and judicial temperament.

11           Judge Porter was also found qualified in the  
12 evaluative criteria of constitutional qualifications,  
13 physical health and mental stability.

14 BY MR. FIFFICK:

15           **Q. Judge Porter, I have a few housekeeping with you.**  
16 **Since submitting your letter of intent, have you contacted**  
17 **members of the Commission about your candidacy?**

18           A. No.

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

22           A. You talking about the 48-Hour rule?

23           **Q. Yes, sir.**

24           A. I have not.

25           **Q. Since submitting your letter of intent, have you**



1 sought or received the pledge of any legislator either  
2 prior to this date or pending the outcome of your  
3 screening?

4 A. No, sir.

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

9 A. No, sir.

10 Q. Have you reviewed and do you understand the  
11 Commission's guidelines on pledging in South Carolina Code  
12 2-19-70(E)?

13 A. Yes, sir.

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

19 CHAIRMAN CASKEY: Thank you, sir. Do  
20 members of the Commission have any questions or comments?  
21 Mr. Jordan.

22 REPRESENTATIVE JORDAN: Thank you, Mr.  
23 Chairman.

24 EXAMINATION BY REPRESENTATIVE JORDAN:

25 Q. Good morning, Judge.

1 A. Good morning.

2 Q. First, let me say a few thank you's -- a thank  
3 you, as I know from being from Florence, you've given a  
4 lifetime of service to the law and to our community back  
5 home. I was trying to remember was it the late '80s or  
6 early '90s, you were the mayor of Florence?

7 A. In the early '80s.

8 Q. Early. Okay. And did you do one term --

9 A. No, excuse me. Excuse me. In the early '80s, I  
10 was a member of city council. I got off. And in the early  
11 '90s, I was mayor.

12 Q. Did you one term or two?

13 A. I just served one. Mr. McEachin and I were  
14 practicing together. And at the time, I think he was -- as  
15 I recall, was in the legislature. And we had a meeting one  
16 afternoon, and decided that we were in the wrong business:  
17 we either had to practice law or be politicians. And we  
18 thought that --

19 Q. That's good advice.

20 A. -- being a lawyer is a little more remunerative.

21 Q. You should have told me that years ago.

22 A. I would have, if you'd come to me.

23 Q. I was just thinking back when I was a young  
24 lawyer, and you were always great about -- and I saw it in  
25 some of the comments -- you were always great to offer me a

1 book to read, and say, you know, in a very, very kind way,  
2 you know, what the practice of law was about.

3 I also wanted to say -- and I told your wife  
4 this, the other day -- or months ago now, I guess it's  
5 been. But you make me feel bad, walking all those laps at  
6 the courthouse.

7 I don't get in your courtroom a lot, but I see  
8 you walking the laps around the building. I always see you  
9 walking. And I never see you at the BBQ restaurant on  
10 Friday afternoon, so I don't know if that's part of the  
11 secret of your success, health-wise.

12 A. There's 500 steps from my office, around the  
13 corridor to probation, and back to my office. I try to do  
14 it, two or three times a day.

15 Q. Well, I'd say keep it up. And thank you for all  
16 you've done.

17 A. Thank you.

18 REPRESENTATIVE JORDAN: Mr. Chairman, I  
19 think he's got a guest that came in. You might want to  
20 introduce her.

21 CHAIRMAN CASKEY: Yes, sir. I was going to  
22 do that at the end, but now seems like a fine time to do  
23 that. Judge, it seems that you found a new fan, or  
24 somebody who's at least going to support you today. And I  
25 wanted to give you an opportunity to introduce her to the

1 Commission.

2 JUDGE PORTER: This is my wife, Betsy. And  
3 I would make a comment. Senator Rankin, you may not recall  
4 it, and this bears on one of Andy's earlier questions. But  
5 as we got ready to leave six years ago, you were presiding.  
6 And as I turned, I happened to notice you leaned over,  
7 because she was behind me, and you said, "Ma'am, just take  
8 good care of the old boy."

9 Now, we've laughed about that a lot over the  
10 years, about me being the "old boy." But your instructions  
11 -- you didn't know it, but she is a very stern person. And  
12 she has made my life pleasant, but she's made me tow the  
13 chore. And the reason I'm here today is because she has  
14 taken good care of me, pursuant to your instructions.

15 SENATOR RANKIN: I can't say another word.  
16 I can't ask another question, except to apologize to you  
17 for the absence of that girl, who has held up talking to  
18 me. And so she didn't give me what the total secret sauce  
19 is, but the smile suggests that you all have it. And I'm  
20 just tickled that both of you are here.

21 And I don't know whether you were asked, or  
22 given the opportunity to hear a couple of the comments, but  
23 both perhaps the best, experienced, ideal candidate for  
24 attributes and accolades go on and on and on.

25 But one of the cutest lines, "Haigh will

1 outlast us all. He already outworks us all."

2                   So this time on the way out, I might suggest  
3 maybe 498 steps, and maybe three times a day instead of  
4 two.

5                   Thank you, Mr. Chairman.

6                   CHAIRMAN CASKEY: Yes, sir. Mr. Porter,  
7 thank you so much for being here today. I want to make  
8 sure we recognize that very much.

9                   Other members of the Commission have other  
10 comments or questions for the judge?

11                   (Hearing none.)

12                   CHAIRMAN CASKEY: Your Honor, thank you for  
13 being here today. Thank you for your service. You have  
14 simply distinguished yourself in your service; it is a  
15 credit to everybody in the Bar. So I very much appreciate  
16 that. This will conclude this portion of our screening  
17 process.

18                   I do need to take this opportunity to remind  
19 you that pursuant to the Commission's evaluative criteria,  
20 the Commission expects candidates to follow the spirit as  
21 well as the letter of the ethics laws, and we will view  
22 violations or the appearance of impropriety as serious and  
23 potentially deserving of heavy weight in the screening  
24 deliberations.

25                   On that note, and as you may know, the

1 record will remain open until the formal release of the  
2 report of qualifications, and you may be called back at  
3 such time if that need were to arise.

4                   Again, thank you for being here today. And  
5 thank you for your service to the State of South Carolina.

6                   JUDGE PORTER: Thank you. And thank all  
7 members of the Commission. Thank you.

8                   CHAIRMAN CASKEY: Yes, sir. Thank you.  
9 Travel safely.

10                   (Candidate excused.)

11                   CHAIRMAN CASKEY: That will conclude this  
12 hearing. And we still stand at ease until the next  
13 candidate is with us.

14                   (Off the record.)

15                   CHAIRMAN CASKEY: Ladies and gentlemen,  
16 we'll go back on the record and proceed with our next  
17 screening.

18                   Before us we have Ms. Kimberly Barr, who is  
19 a candidate for Seat 8, which is an at-large seat on the  
20 circuit court bench. Do I have that correct, Ms. Barr?

21                   MS. BARR: You do.

22                   CHAIRMAN CASKEY: Would you please raise  
23 your right hand.

24                   WHEREUPON,

25                   KIMBERLY V. BARR, being duly sworn and

1 cautioned to speak the truth, the whole truth, and nothing  
2 but the truth.

3 CHAIRMAN CASKEY: Thank you, ma'am. There  
4 should be some documents in front of you. If you'd just  
5 take a second to at those.

6 MS. BARR: Certainly.

7 CHAIRMAN CASKEY: Are those the personal  
8 data questionnaire and the sworn statement that you've  
9 submitted to the Commission?

10 MS. BARR: They are, Mr. Chairman.

11 CHAIRMAN CASKEY: Are there any updates or  
12 changes that need to be made?

13 MS. BARR: No. This committee has the most  
14 recent copies.

15 CHAIRMAN CASKEY: Okay. Thank you. Do you  
16 have any objection to our making these documents a part of  
17 your sworn testimony?

18 MS. BARR: I do not.

19 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION  
20 COMMISSION PERSONAL DATA QUESTIONNAIRE OF  
21 KIMBERLY V. BARR)

22 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION  
23 COMMISSION AMENDMENT PERSONAL DATA QUESTIONNAIRE  
24 OF KIMBERLY V. BARR)

25 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION

1 COMMISSION SWORN STATEMENT OF KIMBERLY V. BARR)

2 CHAIRMAN CASKEY: The Judicial Merit  
3 Selection Commission has thoroughly investigated your  
4 qualifications for the bench. Our inquiry has focused on  
5 the 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, and a check for economic  
10 conflicts of interest.

11 We've received no affidavits filed in  
12 opposition to your election, and no witnesses are present  
13 to testify.

14 Before giving you the opportunity to make  
15 any brief opening comments you would like, we'd certainly  
16 like to meet the guest you've brought with you. And if you  
17 want to introduce him, you're certainly welcome to do that.

18 MS. BARR: Thank you. Good morning, Mr.  
19 Chairman and members of the Commission. I have my better  
20 half with me, Larry Drayton, who's been incredibly  
21 supportive throughout my campaign. And I'm glad he was  
22 able to be here.

23 CHAIRMAN CASKEY: Thank you for being here  
24 this morning, sir. Well, as I said, Ms. Barr, if you have  
25 any brief opening comments, we'd be happy to hear those.



1 Otherwise, we'll proceed to questions from staff counsel.

2 MS. BARR: This past Monday, I celebrated my  
3 twenty-eighth year in the practice of law. And that was  
4 important for me. Because when I decided to run for this  
5 judgeship, I wanted to do so at a time where I was  
6 satisfied that I'd had enough legal experience to be able  
7 to candidly say to myself, and to others, that I knew what  
8 was doing, and that I would be an asset to the bench.

9 And so thank you all for having me this  
10 morning, and giving me the opportunity to answer any and  
11 all questions that you may have regarding my candidacy.

12 CHAIRMAN CASKEY: Thank you. I'll recognize  
13 Ms. Foster at this time.

14 MS. FOSTER: I note for the record that  
15 based on the testimony contained in the candidate's PDQ,  
16 which has been included in the record with the candidate's  
17 consent, Kimberly V. Barr meets the constitutional and  
18 statutory requirements for this position regarding age,  
19 residence, and years of practice.

20 EXAMINATION BY MS. FOSTER:

21 **Q. Ms. Barr, how do you feel your legal and**  
22 **professional experience thus far renders you qualified and**  
23 **will assist you to be an effective circuit court judge?**

24 A. Obviously, very important matters come before the  
25 circuit court -- criminal matters and civil matters -- and

1 very important decisions are made in that role every day.

2 For twenty-three of the last 28 years I've  
3 practiced law, I've practiced in common pleas court. I've  
4 tried a number of cases as co-counsel and as lead counsel  
5 in the courts of common pleas. Those cases have been tried  
6 to verdict.

7 My PDQ will also reflect that from 2004 up until  
8 2016, I served in the -- as a part-time assistant solicitor  
9 in Williamsburg County. Right before my law partner was  
10 elected to the Senate, he resigned because he was working  
11 there part-time as well, and so I became what we call the  
12 assistant solicitor in charge in Williamsburg County.

13 And during the 12 years I was there, I prosecuted  
14 every conceivable criminal case that would come within the  
15 jurisdiction of general sessions court. And that varied  
16 from something as simple as, you know, property crimes to  
17 very serious cases involving child sexual assault, up to  
18 murder cases. And I probably tried at least ten of those  
19 as lead counsel in those particular areas.

20 I was also -- once I became the assistant  
21 solicitor in charge -- that just means that there was two  
22 other people underneath me. But once I became the  
23 assistant solicitor-in-charge, I was responsible for  
24 managing the trial docket, preparing cases for trial, as  
25 well as training and supervising other assistant

1 solicitors.

2           So I'd like to think that in the 3rd Judicial  
3 Circuit, we had the best circuit court judges ever. But I  
4 understand that may be subject to debate. But because of  
5 the way those particular judges tried cases, it made me  
6 appreciate the importance of how judges handle trials in  
7 general, and how they treat litigants, how they treat the  
8 court staff, how they treat the attorneys.

9           And they, in my view, have set the example on  
10 what a circuit court judge should do and how a circuit  
11 court judge should behave.

12           **Q. Thank you, Ms. Barr. Ms. Barr, we just talked**  
13 **about your legal and professional experience. And you**  
14 **write in your PDQ, that your first experience inside a**  
15 **courtroom was at your adoption hearing.**

16           **Would you please tell the Commission how you feel**  
17 **that experience at such a young age renders qualified and**  
18 **will assist you in being a judge.**

19           A. I remember that experience almost as if it were  
20 yesterday. And I just simply remember being inside this  
21 courtroom in Richland County, and seeing the judge sitting  
22 up on what appeared to me at the time to be a throne,  
23 almost, with the robe on.

24           And I was impressed with the amount of respect  
25 that he garnered. Was more impressed with the amount of

1 respect and humbleness that he displayed. And I firmly  
2 believe that, that experience ignited a fire or a passion  
3 inside me.

4 Because I was pretty assured, earlier on in my  
5 childhood, that I wanted to be a lawyer. And I didn't  
6 waiver much. I didn't go through a period in high school  
7 or college, where I was wondering what I wanted to be in  
8 life. I knew early what I wanted to be.

9 My mother and I used to watch old Perry Mason  
10 movies together, we used to watch Matlock together, and so  
11 I think that just fed that curiosity. And that flame has  
12 not left.

13 When I became a lawyer, one of the things that  
14 was important to me to do was to give back. I'm calling  
15 her my mother, but just so that the record is clear, my  
16 adoptive mother. She was a foster parent. And she adopted  
17 several children during that course of her life.

18 And she helped folks. And so I had a lot of  
19 brothers and sisters growing up, some stayed longer than  
20 others. But it was always that sense that I wanted to be  
21 of service to someone. And I thought that practicing law  
22 was a good way for me to do that.

23 I'm at a point in my career where I want to  
24 continue to be of service. And I feel that I have the  
25 experience that I can be of service to my community and to

1 the citizens of South Carolina by serving on the bench.  
2 And I feel prepared that I can do that now.

3 Q. Thank you, Ms. Barr. The Commission received 167  
4 ballot box surveys regarding you, with 27 additional  
5 comments. The ballot box survey, for example, contained  
6 the following positive comments:

7 "Smart, very capable, well-liked, dedicated. I  
8 wish every candidate had her abilities, reputation, and  
9 character."

10 Another stated, "Best candidate. She has great  
11 experience in all areas of practice. She understands the  
12 law the guiding principles that judges use to make  
13 decisions. She has served in leadership positions in the  
14 Pee Dee area, and would make a great addition to our  
15 judges."

16 Ms. Barr, your SLED report indicated that you  
17 were a named defendant in the following six matters:

18 In 2010, McCray v. Barr, et al, which was closed  
19 the same year. In 2013, Jermaine Good v. Kingstree -- or  
20 the Town of Kingstree, et al, which was closed in 2016; in  
21 March of 2015, in Brooks v. Williamsburg County Sheriff's  
22 Office, et al, which was closed in 2016; and in April of  
23 2015, Boston v. Barr, et al, which was closed in July of  
24 that same year; and in February of 2015, Reynolds v. Barr,  
25 et al, which was closed in June of 2015; and in July of

1 2016, Reynolds v. Brown, et al, which was closed in August  
2 of 2015.

3 All of these were filed in federal court. And in  
4 all of these matters, you stated you had no memory of the  
5 cases. And upon reviewing the matters, it appeared that  
6 each of these matters involved an incarcerated individual  
7 naming you in your official capacity as Assistant  
8 Solicitor. It didn't appear that you were ever served with  
9 any of these suits, and they were dismissed.

10 Is there any other information you'd like to  
11 offer?

12 A. No. And I did not become aware that lawsuits had  
13 been filed until after this process began. But your  
14 recitation of how the cases came about, and how they ended,  
15 is correct.

16 MS. FOSTER: Mr. Chairman, I'd like to  
17 request that we now go into executive session to handle a  
18 matter.

19 CHAIRMAN CASKEY: All in motion of  
20 Representative Rutherford, seconded by Representative  
21 Jordan, the pending question before the body is go into  
22 executive session. All in favor signify by saying qualify.

23 (At this time the members audibly say "aye.")

24 CHAIRMAN CASKEY: All opposed "nay"?

25 (Hearing none.)

1                   CHAIRMAN CASKEY: The "ayes" have it. At  
2 this time we will go into executive session. And I would  
3 kindly ask everyone who is not supposed to be here for  
4 executive session to step out.

5                   (Executive session from 10:29 a.m. to 10:39 a.m.)

6                   CHAIRMAN CASKEY: We are now back on the  
7 record. We are out of executive session. For the record,  
8 while we were in executive session, no votes were taken and  
9 no decisions were made.

10                   And we will proceed with the screening of  
11 Ms. Barr. I'd recognize, again, Ms. Foster.

12                   MS. FOSTER: I would note that the Pee Dee  
13 Citizens Committee reported that Ms. Barr is well qualified  
14 as to the evaluative criteria of ethical fitness,  
15 professional and academic ability, character, reputation,  
16 experience, and judicial temperament, and qualified in the  
17 remaining criteria of constitutional qualifications,  
18 physical health and mental stability

19 BY MS. FOSTER:

20                   **Q. Ms. Barr, a few housekeeping issues. Are you**  
21 **aware that as a judicial candidate, you are bound by the**  
22 **code of judicial conduct as found in Rule 501 of the South**  
23 **Carolina Appellate Court Rules?**

24                   A. I am aware.

25                   **Q. Since submitting your letter of intent, have you**

1 contacted members of the Commission about your candidacy?

2 A. I have not.

3 Q. Since submitting your letter of intent, have you  
4 sought or received the pledge of any legislator either  
5 prior to this date or pending the outcome of your  
6 screening?

7 A. I have not.

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

11 A. Yes.

12 Q. Have you asked any third parties to contact  
13 members of the General Assembly on your behalf, or are you  
14 aware of anyone attempting to intervene in this process on  
15 your behalf?

16 A. No.

17 Q. Have you reviewed and do you understand the  
18 Commission's guidelines on pledging in S.C. Code Section 2-  
19 19-70(E)?

20 A. I am.

21 MS. FOSTER: I would note for the record  
22 that any concerns raised during the investigation by staff  
23 regarding the candidate were incorporated into the  
24 questioning of the candidate today. And, Mr. Chairman, I  
25 have no further questions.



1                   CHAIRMAN CASKEY: Thank you, ma'am. Do  
2 members of the Commission have questions or comments for  
3 Ms. Barr? Ms. McIver.

4                   MS. MCIVER: Thank you, Mr. Chairman. I  
5 don't think I have any questions. But I did want to point  
6 out I've practiced in the 3rd Judicial Circuit with the Lee  
7 Law Firm. It's not that anymore, but it used to be. And  
8 you certainly enjoy an exceptional reputation in that -- in  
9 that area.

10                   And from my limited experience practicing  
11 law there, I know what it's like to be in a small town  
12 where you do get a broad base of experience. You've done  
13 criminal, civil, family. And you do what comes in. And  
14 your willingness to stick it out, much longer than I did,  
15 20 years in the -- in the courtroom, trying cases in all  
16 areas, is just exceptional. Very noteworthy.

17                   And Shaun Kent, who is also no stranger to  
18 the courtroom, writes in a letter of reference for you --  
19 and this kind of sums it up, publically, much more eloquent  
20 than I will. But I did want to put this in the record:

21                   "Kim combines everything that is good about  
22 the practice of law and being a humanitarian to make the  
23 perfect candidate. I have the unique perspective of  
24 defending criminal cases against her, which as a prosecutor  
25 working alongside her in family court actions, and seeking

1 her advice for civil matters. In layman's terms, she has  
2 it all."

3 So I just wanted to point that out. Because  
4 as I said, I know what it's like to be in a small town and  
5 doing everything, it makes you uniquely qualified for this  
6 position. And it's rare that we see someone with your  
7 level of civil as well as criminal experience.

8 And I just want to thank you for your  
9 willingness to serve in this capacity.

10 MS. BARR: Thank you so much.

11 CHAIRMAN CASKEY: Ms. Blackley.

12 MS. BLACKLEY: Thank you, Mr. Chairman. I  
13 just want to echo what Lucy has stated in regards to all  
14 that you've done.

15 From what I've seen in my little time here  
16 on this commission, you possess everything I think a  
17 candidate should possess, who wants to become a judge. And  
18 I want you to continue to keep that same mind set.

19 You have been just poised and presented  
20 yourself well here today. And I hope that you will ascend  
21 to this position. And thank you for even running. But you  
22 are what we need more of. We want more candidates like you  
23 to present themselves for judgeship.

24 MS. BARR: Thank you so much.

25 MS. BLACKLEY: You're welcome.

1 CHAIRMAN CASKEY: Mr. Strom.

2 MR. STROM: I'll just add dittos to all of  
3 that. I mean, growing up with Judge Newman, who's now  
4 America's judge, and Senator Sabb -- Ronnie, who we all  
5 love -- I mean, there's no two better mentors that you  
6 could have. And I just got your supplemental papers and  
7 read them, and said, "Wow, this woman is really bright and  
8 competent."

9 So I am thankful that you're running. And  
10 you've got a really bright future in the judiciary.

11 MS. BARR: Thank you so much. I appreciate  
12 that. Thank you.

13 CHAIRMAN CASKEY: Senator Rankin.

14 SENATOR RANKIN: Thank you, Mr. Chairman. I  
15 want your husband to know that I asked this judge-want-to-  
16 be, hopefully judge-will-be, now or hereafter, where you,  
17 Mr. Drayton, are from, hoping that you had kinfolk in  
18 Horry. And she says you don't.

19 But I claim them, if ever you need them.  
20 They're wonderful people. One fellow by the name of  
21 William Drayton, a longtime great person down there, a  
22 former classmate of mine.

23 EXAMINATION BY SENATOR RANKIN:

24 Q. Ms. Barr, obviously, you have heard wonderful  
25 things said about you. You present in such a measured,

1 light-but-formal way. And no doubt here today, but  
2 probably everywhere you've served as a -- either prosecutor  
3 or as a litigant, in civil or some criminal defense as  
4 well, perhaps --

5 A. Yes.

6 Q. -- for you. Yeah, so -- and those who have  
7 written about you just say that, loudly and clearly. And  
8 that is class that you have brought to this process in  
9 terms of your demeanor, not just in how you are standing  
10 there, and the composure that you have, but how measured  
11 you are in your responses.

12 You have no doubt had unfavorable rulings against  
13 you -- whether family court, whatever court -- and when the  
14 litigant, particularly in the family court context, doesn't  
15 get it, and is aggrieved by that ruling, whether temporary  
16 or final, how have you defended the judge, or judges, when  
17 you have perhaps scratched your head, too, in how something  
18 was ruled upon?

19 A. If I'm represented a client who did not get the  
20 result that he or she wanted in court, particularly in  
21 family court, I -- and even prior to the ruling being  
22 issued, I like to try to prepare the client for what the  
23 outcome will be.

24 I will tell the client, based on my experience,  
25 this is what I think a judge is likely to rule. But there

1 are no guarantees, particularly in family court.

2           And so once the ruling comes out, one of the  
3 things that I try to take great umbrage in is not bad-  
4 mouthing the process. It's important for me, that people  
5 have respect for the process, for the judges, even if you  
6 don't agree with the outcome.

7           I think for our system to work, people have to  
8 have faith that, well, maybe things didn't go their way,  
9 but they were heard. And so, obviously, there are some  
10 people that you will never be able to explain that to.  
11 They -- you know, they have their theories about why they  
12 lost.

13           And of course I always like to win. But I think  
14 what I try to do is always to explain, well, this is what  
15 could happen, this is the possible range that the judge  
16 could have done.

17           And, generally, I try, to the extent that I can,  
18 resolve certain issues before going into court -- to the  
19 extent I can. Because you then have some control over what  
20 happens in your client's matter. You lose that control,  
21 obviously, when you have the judge to make that decision.

22           And so I -- I guess a very short way of answering  
23 your question is, I prepare the question client,  
24 beforehand, for the particular outcomes. I make sure that  
25 when the outcomes are ruled, that there is a respect for

1 the law and for the judge making the decision.

2 Q. Oftentimes, we will see -- again, as Hope said,  
3 her short time here my -- irrespective of the last eight  
4 years that we've spent since last Monday here -- it seems  
5 eight or nine years -- but the candidates that pass through  
6 seeking appointment and qualification the nomination by  
7 this committee, often don't have the been-there-done-that  
8 box to check that you do, and to my view, every court that  
9 we have, whether it's comp, magistrate's, circuit court,  
10 appellate courts.

11 And so the unique -- as you've heard earlier, the  
12 unique qualifications you have. you have been there and  
13 done that. Whether prosecuting -- you cite one of your --  
14 a murder case that you first prosecuted -- a family court  
15 case -- which, thank God, circuit courts don't get those  
16 appeals.

17 But my point being, effectively, every potential  
18 exposure to the law that someone who would come before you  
19 would hope that you would have, and an ability to relate to  
20 them.

21 And so to the point, rhetorically asked, do you  
22 believe that you are uniquely qualified -- no comment about  
23 your -- there are others seeking this -- but in your role  
24 and in your candidacy?

25 A. I can say that I have been incredibly fortunate

1 with the opportunities that I've had throughout my career,  
2 and I can also say I've taken advantage of those  
3 opportunities.

4 And I deliberately waited to apply to become a  
5 judge, because I wanted to get all of that experience. I'd  
6 always wanted to be a judge since the 9-year-old in family  
7 court. So it's something that I've always wanted, but I  
8 wanted to be prepared for it. And so I do believe that I  
9 am uniquely qualified in that -- in that role.

10 **Q. Your, again, ballot box surveys, though**  
11 **anonymous, effectively endorsed you, with the overwhelming**  
12 **percentages in all the criteria that we are allowed to**  
13 **judge and weigh a candidate's nomination and**  
14 **qualifications.**

15 And so you, I think as Lucy Grey mentioned,  
16 you've the esteem of your peers. And that is a credible  
17 testament to you.

18 A. Thank you, sir.

19 CHAIRMAN CASKEY: Members of the Commission?  
20 Mr. Safran.

21 MR. SAFRAN: I'll try not to re-plow too  
22 much ground. But the thing -- I guess going a little  
23 further with what Senator Rankin said is that -- I'm  
24 impressed by the fact that you decided to have a career  
25 before you decided to make the leap.

1 I'm not in any way so naive as to think that  
2 just -- probably 80, 90 percent of the people who start out  
3 practicing law in those early years, want to talk or think  
4 about being judge.

5 And unfortunately, or fortunately, we see  
6 more of them now who are acting on it at that age, as  
7 opposed to necessarily taking a step back and realizing  
8 that there's a lot to learn before I get there.

9 And it's not just what's in the books.  
10 There is a maturity that has to come. And the only way you  
11 get it is through experience. I mean, I can tell you, I  
12 was no different. If I'd have pursued it when I thought it  
13 the first time, I would have proven to be horrible. And I  
14 think it's because you don't have the life lessons that  
15 come with this. And so I commend you for waiting.

16 I also certainly am very, very impressed by  
17 the fact that you availed yourself of all of these  
18 opportunities that come with a small town practice, to go  
19 to all these other courts.

20 And while, yes, I think somebody was in --  
21 one of the comments saying, yeah, she's great for family  
22 court, I don't know that she's been anywhere else, well,  
23 they don't know you, obviously. Because you've been  
24 elsewhere. And I don't think that the fact that you went  
25 to family court is a negative thing, because you're still



1 on your feet, you're still thinking, you're still having to  
2 deal with a lot of similar issues.

3 And you're dealing with people, oftentimes,  
4 in the worst stages of their lives. So you've got to deal  
5 with that as a judge, no matter what level you're on. And  
6 I think you've certainly more than prepared yourself for  
7 it.

8 And I frankly believe that -- you know, you  
9 -- you're making a good choice in doing it. And I wish you  
10 the best.

11 MS. BARR: Thank you so much.

12 CHAIRMAN CASKEY: Any other comments or  
13 questions?

14 (Hearing none.)

15 EXAMINATION BY CHAIRMAN CASKEY:

16 Q. Ms. Barr, I join in all the positive comments.  
17 And were we here for longer, I would restate them all on my  
18 own.

19 And I say that because I feel the responsibility  
20 to ask you a question that, for reasons that could fill a  
21 book, or volumes of books, our society is at a place right  
22 now, where it will attempt to explain results that it  
23 doesn't like through a political lense or a partisan lense.

24 And it doesn't take too much creativity to  
25 imagine a circumstance, were you to go -- were you to sit

1 on the bench, where you would be required to render a  
2 decision that could then be easily perceived as a partisan  
3 or a political decision.

4 And given your history in your PDQ of making  
5 donations to Democratic candidates, I wanted to give you  
6 the opportunity to -- "innoculate" is not the right word --  
7 but I want to give you a chance, before you take the bench,  
8 to explain to people on the record, why they should not  
9 have that concern with you, and why your devotion to the  
10 law, as it has been manifested throughout your career, and  
11 is remaining with you.

12 A. The position of being a judge for me, personally,  
13 is an important one. And, you know, I stated in my  
14 comments earlier, that for the people to believe in the  
15 process -- or for it to work, people need to believe in the  
16 process.

17 And if I were elected to the bench, I essentially  
18 will have an open-door policy. I want people to feel free  
19 to view trials that I may preside over.

20 One of the things that I think most of my friends  
21 and colleagues know about me, and what more people will  
22 learn about me, should I made it to the bench, is that  
23 there are -- there are things that I feel I have a  
24 conservative leaning toward. I have a conservative views  
25 on certain things and I have liberal views on certain

1 things.

2 My practice has always been that if I were  
3 elected to the bench, that stays out the door. I mean,  
4 that's not a part of my consideration. And I don't think  
5 it should be. I think that when we entrust individuals to  
6 serve in these capacities, we expect that they will enforce  
7 the law as it is.

8 Whether you agree with it or not, our jobs -- or  
9 our jobs as judges is simply to enforce the law. And so  
10 what I would hope that people would see is that a number of  
11 the political contributions that I've made, personally, a  
12 lot of them were to my law partner, who I trust and love.

13 One was to my classmate. One was to the daughter  
14 of one of my good friends. And so I was supporting,  
15 obviously, and will continue to support, those people who  
16 are very important to me.

17 But I do not -- I will not let those  
18 contributions, or how I may feel about those persons  
19 personally, ever impact a decision that I make on the  
20 bench.

21 Q. Thank you for that answer. I think that our  
22 commitment to the rule of law as lawyers, and potentially  
23 as jurists, is paramount. And I applaud you for that. And  
24 I thank you for responding to that.

25 I try to make it a point to ask that question of

1 all candidates who have some nexus -- or at least one that  
2 I can foresee -- to politics, to make sure that we asked  
3 and answered that question. So I appreciate your  
4 indulgence on that.

5 A. Certainly.

6 CHAIRMAN CASKEY: Any other questions from  
7 members of the Commission?

8 (Hearing none.)

9 CHAIRMAN CASKEY: All right. With that,  
10 that will conclude this phase of the screening process, Ms.  
11 Barr.

12 I do need to take an opportunity to remind  
13 you that pursuant to the Commission's evaluative criteria,  
14 the Commission expects candidates to follow the spirit as  
15 well as the letter of the ethics laws, and that we will  
16 view violations or the appearance of impropriety as serious  
17 and potentially deserving of heavy weight in our screening  
18 deliberations.

19 On that note, and as you may know, the  
20 record will remain open until the formal release of the  
21 report. And should the need arise, you could be called  
22 back here to answer any questions.

23 Thank you for offering to serve the State of  
24 South Carolina. And thank you for being here today.

25 MS. BARR: Thank you for having me. You all

1 take care.

2 (Candidate excused.)

3 CHAIRMAN CASKEY: We will stand at ease  
4 until our next candidate is in the room

5 (A recess was taken from a.m. to a.m.)

6 CHAIRMAN CASKEY: Ladies and gentlemen, we  
7 are back on the record, proceeding with our next screening.  
8 Before us, we have Ms. Maryann Blake, who is a candidate  
9 for Seat 8 on the circuit court bench, which is an at-large  
10 seat. Do I have that all correct, Ms. Blake?

11 MS. BLAKE: That is correct.

12 CHAIRMAN CASKEY: If you would please raise  
13 your right hand.

14 WHEREUPON,

15 MARYANN BLAKE, being duly sworn and  
16 cautioned to speak the truth, the whole truth, and nothing  
17 but the truth.

18 CHAIRMAN CASKEY: If you would please take a  
19 look at the documents in front of you.

20 MS. BLAKE: Yes, sir.

21 CHAIRMAN CASKEY: Are those the personal  
22 data questionnaire and the sworn statement that you have  
23 submitted to the Commission?

24 MS. BLAKE: Yes, sir.

25 CHAIRMAN CASKEY: Are there any updates or

1 changes that need to be made?

2 MS. BLAKE: I submitted an update to --  
3 let's see. Not to either of those.

4 CHAIRMAN CASKEY: Okay. Thank you, ma'am.  
5 Do you have any objection to our making these a part of the  
6 record of your sworn testimony today?

7 MS. BLAKE: No objection.

8 CHAIRMAN CASKEY: We'll do that, then.

9 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION  
10 COMMISSION PERSONAL DATA QUESTIONNAIRE OF MARYANN  
11 BLAKE)

12 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION  
13 COMMISSION SWORN STATEMENT OF MARYANN BLAKE)

14 CHAIRMAN CASKEY: The Judicial Merit  
15 Selection Commission has thoroughly investigated your  
16 qualifications for the bench. Our inquiry has focused on  
17 the nine evaluative criteria, and has included a ballot box  
18 survey, a thorough study of your application materials,  
19 verification of your compliance with state ethics laws, a  
20 search of newspaper articles in which your name appears, a  
21 study of previous screenings, and a check for economic  
22 conflicts of interest.

23 We've received no affidavits filed in  
24 opposition to your election, and no witnesses are present  
25 to testify.

1                   If you would like, you could certainly make  
2 any brief opening remarks. Or, we can proceed to questions  
3 from staff counsel.

4                   MS. BLAKE: I'll just make a brief opening  
5 remark. I thank you for having me here today. I deem this  
6 an honor and a privilege to be here. So thank you.

7                   CHAIRMAN CASKEY: Yes, ma'am. And thank  
8 you. With that, I'll recognize Ms. Crater.

9                   MS. CRATER: Hi, Ms. Blake.

10                  MS. BLAKE: Good morning.

11                  MS. CRATER: I note for the record that  
12 based on the testimony contained in the candidate's PDQ,  
13 which has been included in the record with the candidate's  
14 consent, Maryann Blake meets the constitutional and  
15 statutory requirements for this position regarding age,  
16 residence, and years of practice.

17 EXAMINATION BY MS. CRATER:

18                  **Q. Ms. Blake, how do you feel your legal and**  
19 **professional experience thus far renders you qualified and**  
20 **will assist you to be an effective circuit court judge?**

21                  A. Well, in several criteria. I did not take a  
22 traditional path to where I am today. I have practiced in  
23 various areas of the law, not concentrating particularly on  
24 one given avenue, such as environmental law or just civil  
25 litigation.

1           And I have experienced -- legal experience across  
2 the -- across a number of areas, that I believe would be  
3 very beneficial to a circuit court judge.

4           **Q. Thank you. Ms. Blake, the Commission received 48**  
5 **ballot box surveys regarding you, with seven additional**  
6 **comments. The ballot box survey, for example, contained**  
7 **the following positive comments:**

8                   **"Would make a terrific judge. Works harder than**  
9 **anyone I know. And is always prepared and respectful."**

10                   **The only negative comment did not reveal a**  
11 **pattern of negative conduct.**

12                   MS. CRATER: I would note that the  
13 Lowcountry Citizens Committee reported that Ms. Blake is  
14 qualified in the areas of constitutional qualifications,  
15 professional and academic ability, reputation, physical  
16 health, mental stability, and experience, and well  
17 qualified in the areas of ethical fitness, character, and  
18 judicial temperament.

19                   The Lowcountry Citizens Committee report  
20 further noted Ms. Blake had a broad range of civil practice  
21 experience, thin on circuit court practice, was energetic,  
22 compassionate, and a people-pleaser.

23 BY MS. CRATER:

24           **Q. Do you have any comments in regards to those**  
25 **remarks?**



1           A.    Well, again, I am very honored by those remarks.  
2 I just thank you for reading them. And I think they are  
3 all valid. I do appreciate all of my colleagues who made  
4 those comments, and am -- just thank you.

5           **Q.    Just a few housekeeping notes for you, Ms. Blake.**

6           A.    Sure.

7           **Q.    Are you aware that as a judicial candidate, you**  
8 **are bound by the code of judicial conduct as found in Rule**  
9 **501 of the South Carolina Appellate Court Rules?**

10          A.    Yes.

11          **Q.    Since submitting your letter of intent, have you**  
12 **contacted members of the Commission about your candidacy?**

13          A.    No.

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

18          A.    No.

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

22          A.    I am.

23          **Q.    Have you asked any third parties to contact**  
24 **members of the General Assembly on your behalf, or are you**  
25 **aware of anyone attempting to intervene in this process on**

1 your behalf?

2 A. No.

3 Q. Have you reviewed and do you understand the  
4 Commission's guidelines on pledging in South Carolina Code  
5 Section 2-19-70(E)?

6 A. I do.

7 MS. CRATER: Mr. Chairman, I would note for  
8 the record that any concerns raised during the  
9 investigation by staff regarding the candidate were  
10 incorporated into the questioning of the candidate today.  
11 Mr. Chairman, I have no further questions.

12 CHAIRMAN CASKEY: Thank you, ma'am. Do  
13 members of the Commission have questions or comments for  
14 Ms. Blake? Mr. Safran.

15 SENATOR TALLEY: Thank you, Mr. Chairman.

16 EXAMINATION BY MR. SAFRAN:

17 Q. Ms. Blake, we obviously appreciate your being  
18 here. I looked at some of your background. And I'm  
19 impressed by the fact that I know it took a long time to  
20 get a level of education that you've received --

21 A. Yes, sir.

22 Q. -- that would -- and I'm assuming you were  
23 working a lot during that time --

24 A. Yes, sir.

25 Q. -- and I recall you were caring for a family

1 member --

2 A. That's true.

3 Q. -- at another time.

4 A. Yes, sir.

5 Q. And that level of perseverance is very  
6 impressive.

7 A. Thank you.

8 Q. And I see that -- you know, you're practicing  
9 down in Walterboro?

10 A. Yes, sir.

11 Q. And I was in that circuit, practicing probably  
12 when you were an infant. But, you know, I -- it's been a  
13 long time. But, you know, it's a -- it's a good place.  
14 But I think you run into your own experiences down there,  
15 and the fact that you weathered it down there for this  
16 length of time tells me that, you know, you're certainly  
17 not thin-skinned, and that basically you can get along with  
18 people.

19 And I also see there are a lot of people that  
20 really deal with you on a regular basis with the Bar, and  
21 have been highly complimentary. And so it tells me again  
22 that, you know, what you have is an opportunity and an  
23 ability to communicate and to more or less, you know,  
24 exchange with others in a way that they find to be pleasant  
25 as opposed to offensive.

1           **As far as your background, do you get to circuit**  
2 **court down in that area?**

3           A.    To be honest with you, not very often. I have  
4 approached my practice in a different light. A lot of  
5 lawyers go in and say, "I want to be a trial lawyer. I  
6 want to be in the courtroom all the time."

7           Well, where I practice law, there is a lot of  
8 underprivileged people and poverty, and they cannot afford  
9 to go to court. So what I have done in my practice,  
10 especially in the civil part of it, is to try to settle  
11 things without trying to go to court. Now, that doesn't  
12 mean that I don't have the ability to go and argue a case  
13 before a jury and so forth.

14           As you see, I have been a city prosecutor for the  
15 City of Walterboro, for over nine years now, and I have  
16 done that to the best of my ability. I've never lost a  
17 case, so -- but I always approach my practice with the best  
18 interest of my clients in mind.

19           Now, there are several cases that I've got coming  
20 up, that I know I'm going to have to try. And one of those  
21 is going to be in Dorchester County. It's a severe dog-  
22 bite case. So I -- you have to look -- look at the  
23 individual and see what's best for them. I hope I've  
24 answered your question.

25           **Q.    No, and I --**

1           A.    I tend -- I tend to ramble.

2           Q.    Don't worry about that.  But I mean -- I just --  
3 we always want to just kind of ask a little bit --

4           A.    Sure.

5           Q.    -- about more experience --

6           A.    Yes.

7           Q.    -- and I'm assuming you go to some family court  
8 down there?

9           A.    Yes, I do.  Up until this year, family court was  
10 a significant portion of my practice.  And of all things,  
11 I've only had three cases this year.  It kind of goes in a  
12 flow as to what comes through the door, what people need  
13 help with.

14                    I've been in family court a lot over -- and  
15 especially since I went out into private practice in 2020,  
16 totally went out on my own, was in circuit -- was in family  
17 court a lot.

18                    But during the time I was with Woodard and  
19 Butler, I was in just basically every courthouse -- quote,  
20 every courthouse in this state, traveling around doing  
21 summary judgment and motions and so forth.  Because that  
22 was creditor's rights, debt collecting.  So actually being  
23 in court, yes, I've got quite a bit of experience.

24                    But carrying a circuit court case fully through,  
25 arguing before the jury and so forth, very limited.

1 Q. And I'm assuming, I guess, in your experience  
2 because of the focus you've had, you were seeing a lot of  
3 Judge Smoak down there.

4 A. Oh, yes. Yes. Yes.

5 Q. I mean, you all are very fortunate to have him,  
6 actually.

7 A. Yes, we are not looking forward to the day when  
8 he retires from the bench, to a certain extent. He is an  
9 excellent judge, yes.

10 Q. He would be a good person to model it after.

11 A. And I have tried. And he has given me  
12 encouragement along the way about, you know, this and that  
13 and so forth, and how to present things in court. So, yes,  
14 he is a -- an excellent judge, a role model.

15 Q. Well, thank you so much for appearing. And I  
16 appreciate your responses.

17 CHAIRMAN CASKEY: Other members of the  
18 Commission have any questions for Ms. Blake?

19 (Hearing none.)

20 EXAMINATION BY CHAIRMAN CASKEY:

21 Q. Then I'll just ask, Ms. Blake -- and this is to  
22 dovetail on what Mr. Safran asked you a second ago about  
23 judges. Who are some judges that you look at on the  
24 circuit court bench, where you'd like to -- where you  
25 aspire to be, that you respect and you think you might

1 **model yourself after?**

2 A. There are several. Perry Buckner, he actually  
3 goes to the church I go to, I have watched his practice to  
4 a certain extent. But everybody is different.

5 There's also Diane Goodstein, she has been -- not  
6 a friend or so forth, but I've watched her career and some  
7 -- in some aspect, but -- I tend to go back quite a long  
8 ways.

9 And there's also Justice Kaye, who just retired.  
10 I've looked at her career. And she -- I got to know her  
11 quite -- quite a bit during the time I spend on the Board  
12 of Governors.

13 I like the way that she has done her practice and  
14 her ability to move up through the judicial system to the  
15 South Carolina Supreme Court. So I would look at her as a  
16 role model, somebody I do know to a certain extent, and  
17 could reflect my career as a judge based on hers.

18 **Q. I appreciate that. And I wanted to give you an**  
19 **opportunity to offer any other thoughts or words you might**  
20 **have for us this morning, if any.**

21 A. Well, I --

22 **Q. Or, we can wrap up.**

23 A. Well, I have several. I am uniquely qualified to  
24 be a circuit court judge. If you look at it on paper, you  
25 see I did not take the traditional path of graduating from

1 high school, graduating from college, graduating from law  
2 school, and go out into practice.

3 I am the first person to graduate from high  
4 school in my family. My mother did not learn to read and  
5 write until she was 65. I am a very determined person.  
6 But along the way, my parents taught me to look at  
7 individuals and respect them for where they come from and  
8 who they are.

9 Everybody is different. I truly want to help  
10 people. And I have chosen to live in the State of South  
11 Carolina. I have traveled around. I have lived in various  
12 places across this great United States of ours. And I  
13 chose to live in South Carolina because I feel that I can  
14 make a difference here and that I can help.

15 And this role as a judge, even though I don't  
16 have on paper the experience, the being in circuit court  
17 and arguing cases before circuit court judges on a regular  
18 basis, doesn't mean that I don't have the qualities and the  
19 temperament and the abilities to be a circuit court judge  
20 and to carry that judgeship to the ethical and utmost  
21 supreme level that it should be these days.

22 So with that being said, I'll answer any other  
23 questions that the Commission has.

24 CHAIRMAN CASKEY: Thank you, ma'am. And  
25 seeing no more questions, that will conclude this portion



1 of the screening process.

2 I do need to take this 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 the appearance of impropriety as serious and  
7 potentially deserving of heavy weight in our deliberations.

8 So on that note, and as you may know, the  
9 record will remain open until the release of qualify --  
10 until the formal release of the report of qualifications,  
11 and should the need arise, you may be called back for any  
12 further questions.

13 MS. BLAKE: Yes, sir.

14 CHAIRMAN CASKEY: Thank you again for being  
15 here today. And thank you for offering to service to the  
16 bench.

17 MS. BLAKE: Thank you. Thank you for having  
18 me. And everyone please have a good afternoon.

19 CHAIRMAN CASKEY: And same to you.

20 MS. BLAKE: Thank you so much.

21 (Candidate excused.)

22 CHAIRMAN CASKEY: We will stand at ease  
23 until the next candidate. And for those in the room, we  
24 will eat lunch after that.

25 (Off the record.)

1                   CHAIRMAN CASKEY: Ladies and gentlemen, we  
2 are back on the record with our next screening.

3                   Before us we have Judge Russell Blanchard,  
4 who is a candidate for Seat 8 on the circuit court bench,  
5 which is an at-large seat. So I have that all right, Your  
6 Honor?

7                   JUDGE BLANCHARD: That is correct.

8                   CHAIRMAN CASKEY: Thank you so much. If you  
9 would please raise your right hand.

10                  WHEREUPON,

11                  THE HONORABLE RUSSELL A. BLANCHARD, IV,  
12 being duly sworn and cautioned to speak the truth, the  
13 whole truth, and nothing but the truth.

14                  CHAIRMAN CASKEY: Thank you. There should  
15 be some documents in front of you. If you would just have  
16 a look at those, please.

17                  JUDGE BLANCHARD: Yes.

18                  CHAIRMAN CASKEY: Are those the personal  
19 data questionnaire and sworn statement that you have  
20 submitted to the Commission?

21                  JUDGE BLANCHARD: Yes, they are.

22                  CHAIRMAN CASKEY: Are there any updates or  
23 changes that need to be made?

24                  JUDGE BLANCHARD: There is one which is  
25 included as an exhibit here.

1                   CHAIRMAN CASKEY: Do you have any objection  
2 to our entering that as a part of the record of your sworn  
3 testimony?

4                   JUDGE BLANCHARD: No objection.

5                   CHAIRMAN CASKEY: Thank you. We'll have  
6 staff do that.

7                   (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION  
8 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE  
9 HONORABLE RUSSELL A. BLANCHARD, IV)

10                  (EXHIBIT NO. 12 - JUDICIAL MERIT SELECTION  
11 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
12 THE HONORABLE RUSSELL A. BLANCHARD, IV)

13                  (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION  
14 COMMISSION SWORN STATEMENT OF THE HONORABLE  
15 RUSSELL A. BLANCHARD, IV)

16                  CHAIRMAN CASKEY: The Judicial Merit  
17 Selection Commission has thoroughly investigated your  
18 qualifications for the bench. Our inquiry has focused on  
19 the nine evaluative criteria, and has included a ballot box  
20 survey, a thorough study of your application materials,  
21 verification of your compliance with state ethics laws, a  
22 search of newspaper articles in which your name appears, a  
23 study of previous screenings, and a check for economic  
24 conflicts of interest.

25                  We have received no affidavits filed in

1 opposition to your election, and no witnesses are present  
2 to testify.

3 I have noted, however, there is a young lady  
4 behind you, who is here today. Not to testify, but  
5 presumably, in support. If you'd like to introduce her to  
6 the Commission, we'd be happy to meet her.

7 JUDGE BLANCHARD: Yes, thank you. This is  
8 my wife, Jennifer Blanchard, who is here today.

9 CHAIRMAN CASKEY: Jennifer, welcome. Thank  
10 you for being here today as a part of his screening  
11 process.

12 MS. BLANCHARD: Thank you for having me.

13 CHAIRMAN CASKEY: Judge, we'd be happy to  
14 hear any brief opening remarks you may have. Or, we can  
15 proceed directly to questions from staff counsel.

16 JUDGE BLANCHARD: No opening statements. I  
17 just thank you all for all being here. And I look forward  
18 to answering your questions.

19 CHAIRMAN CASKEY: Thank you, sir. At this  
20 time, then, I'll recognize Mr. Triplett.

21 MR. TRIPLETT: Thank you, Mr. Chairman.  
22 Good morning, Mr. Blanchard. How are you?

23 JUDGE BLANCHARD: Doing well. How about  
24 you?

25 MR. TRIPLETT: I note for the record that

1 based on the testimony contained in the candidate's PDQ,  
2 which has been included in the record with the candidate's  
3 consent, Russell A. Blanchard, IV, meets the constitutional  
4 and statutory requirements for this position regarding age,  
5 residence, and years of practice.

6 EXAMINATION BY MR. TRIPLETT:

7 **Q. Mr. Blanchard, why do you want to be a circuit**  
8 **court judge?**

9 A. So I want to be a circuit court because I feel  
10 like it is a new opportunity, or a different way for me to  
11 serve my state and my community. And I also think that  
12 it's something I would genuinely enjoy.

13 I became an attorney, partly because I enjoy  
14 helping people. And I see being a circuit court judge as a  
15 different way or a new way to do that.

16 I've been a municipal judge for the Town of  
17 Allendale for -- I think I'm in my fifth year now. And  
18 what that's shown me is that I genuinely like being a  
19 judge.

20 I enjoy going down to Allendale, and I enjoy  
21 holding court down there. And I think -- I think I --  
22 that's shown me that I certainly would enjoy being a  
23 circuit court judge. Part of the reason I took that job is  
24 because I wanted to learn a little bit about how to be a  
25 judge. I wanted to see what that was like. And that's

1 certainly shown me that I -- that I enjoy it.

2 I think I've got the temperament for it. And,  
3 you know, going back even further in the "why," I had a  
4 teacher many, many years ago, when I was in middle school  
5 that told me she thought I'd be a good judge. And that's  
6 stuck with me.

7 And she's actually stayed -- stayed in touch with  
8 me. I've spoken to some of her classes. And she reminds  
9 me of that. She doesn't know I'm here today, I haven't  
10 talked with her about this yet, but I look forward to  
11 discussing this with her in the future.

12 But that's the -- probably what originally put it  
13 in my mind, many years ago.

14 **Q. Thank you. Judge Blanchard, how would you feel -**  
15 **- how do you feel your legal and professional experience**  
16 **thus far renders you qualified and will assist you to be an**  
17 **effective circuit court judge?**

18 A. So in practice -- I've been in practice now -- I  
19 think I'm going in my fifteenth year in Orangeburg, kind of  
20 in a -- just a general practice. I've done a wide variety,  
21 handled a lot of different issues from transactional  
22 matters, you know, closings, setting up businesses, doing  
23 wills, to litigation.

24 I've litigated cases in probate court. I've  
25 handled real estate disputes, contract disputes. I've

1 handled tons of personal injury cases in circuit court.  
2 I've also handled criminal cases, both in general sessions  
3 and in magistrates and municipal court.

4           So I've done just a wide variety of things. And  
5 I feel like that practice has certainly shown me all kinds  
6 of different areas of the law. Shown me what I like, shown  
7 me what I didn't like, but given me a good knowledge base  
8 that I would bring with me to the bench.

9           And then being in Allendale as a -- as a  
10 municipal judge has obviously given me some good  
11 experience. And that's why I took the job. But I  
12 certainly think I've learned a lot and I've -- you know,  
13 I've got a good mentor down in Allendale, one of the other  
14 judges that is always available to help me on -- in that  
15 area.

16           And I know that if I'm able to take the bench,  
17 that there's some excellent judges that I'll be able to  
18 call on with any kind of questions and issues I have.

19           **Q. Thank you. Judge Blanchard, the Commission**  
20 **received 119 ballot box surveys regarding you, with ten**  
21 **additional comments. All complimentary. The ballot box**  
22 **survey, for example, contained the following positive**  
23 **comments:**

24           **"Best in the field and would be a great judge.**  
25 **He is fair, extremely intelligent, has an amazing**

1 temperament, and will do the right thing. Mr. Blanchard is  
2 knowledgeable and has an excellent temperament. He will  
3 make an excellent judge."

4 MR. TRIPLETT: I would note that the  
5 Lowcountry Citizens Committee reported that Judge Blanchard  
6 is well qualified in the evaluative criteria ethical  
7 fitness, professional and academic ability, character,  
8 reputation, and judicial temperament, and qualified in the  
9 remaining evaluative criteria of constitutional  
10 qualifications, physical health and mental stability.

11 The Lowcountry Citizens Committee noted that  
12 Mr. Blanchard is personable, bright, and a good  
13 communicator.

14 BY MR. TRIPLETT:

15 Q. A few housekeeping items to put on the record.  
16 Judge Blanchard, are you aware that as a judicial  
17 candidate, you are bound by the code of judicial conduct as  
18 found in Rule 501 of the South Carolina Appellate Court  
19 Rules?

20 A. Yes.

21 Q. Since submitting your letter of intent, have you  
22 contacted members of the Commission about your candidacy?

23 A. No.

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



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

3 A. No.

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

7 A. Yes.

8 Q. Have you asked any third parties to contact  
9 members of the General Assembly on your behalf, or are you  
10 aware of anyone attempting to intervene in this process on  
11 your behalf?

12 A. No.

13 Q. Have you reviewed and do you understand the  
14 Commission's guidelines on pledging in South Carolina Code  
15 Section 2-19-70(E)?

16 A. Yes.

17 MR. TRIPLETT: Mr. Chairman, I would note  
18 for the record that any concerns raised during the  
19 investigation by staff regarding the candidate were  
20 incorporated into the questioning of the candidate today.

21 And with that, Mr. Chairman, I have no  
22 further questions.

23 CHAIRMAN CASKEY: Thank you, sir. Members  
24 of the Commission have any questions or comments for Judge  
25 Blanchard?

1 EXAMINATION BY CHAIRMAN CASKEY:

2 Q. Judge, while members may be thinking, I was  
3 reviewing your PDQ, and I did not know that we had a crime  
4 of Breach of Peace of a High and Aggravated Nature.

5 A. We do. It is not used very often, but it was  
6 used in that case. It was -- it was new to me. That was  
7 the first time I'd seen it. But once I started asking some  
8 other attorneys about it, I found some other people that  
9 had dealt with it.

10 Q. Is there a cool way to say it, like BOP -- BOPHAN  
11 or BOPAN? I enjoy this job, because I get to learn new  
12 things every day.

13 CHAIRMAN CASKEY: Members of the Commission?  
14 Senator Rankin.

15 EXAMINATION BY SENATOR RANKIN:

16 Q. Judge, nice to meet you. I always try to find  
17 the unique things here, and I don't always succeed.  
18 Obviously, you have -- you've got great comments on your  
19 candidacy here by people who commented anonymously.

20 But not anonymous is, I guess, your preacher who  
21 has cited your leadership in the church -- you and your  
22 wife's involvement in the church. And as chair of the  
23 deacons, at least once, do you believe that there's any  
24 parallel to church work as a deacon and your job as a judge  
25 now and, if you're successful, getting to the circuit

1 **court?**

2 A. So when I -- what I've seen -- because I've been  
3 chairman, I think, three times, I believe. The first time  
4 I did it, I was young. I was probably in my early  
5 thirties. And the people that I was leading, the other  
6 deacons, were all either my parents' age or older.

7 So I was in a unique position, as a young person  
8 leading this group, that -- you know, I had grown up in  
9 this church, so they all knew me. But it was -- it was  
10 different being in that position of leadership.

11 And I think stepping into a circuit court judge  
12 position, you know, I may be dealing with, again, people --  
13 people that have been attorneys longer than I have, people  
14 that may think they know more than I do.

15 But so I learned a lot in dealing with the people  
16 that I go to church with, as their deacon chair, about how  
17 to handle that and how to -- you know, not be offended if  
18 they thought I was too young for the job. Because I did  
19 the job well.

20 We actually changed the church constitution, I  
21 think, in the second go-round as chairman of the deacons.  
22 And if you've ever been involved in that, that is a  
23 interesting process changing a Baptist church's  
24 constitution. But we were able to get it through.

25 **Q. And at that time, did you include anything that**

1 would have precluded you from serving chair of the deacons  
2 a second term?

3 A. I should have. Because I actually had to serve  
4 two chairmanships, back to back. I think it was -- it was  
5 the chairman before me had to withdraw because her husband  
6 became ill.

7 So I stepped up as chairman to serve the rest of  
8 her term, and then served another year, immediately behind  
9 that. So I had two years in a row. And I probably should  
10 have fixed the constitution to avoid having that happen to  
11 anybody else. But I got through it.

12 Q. And then last, I think you -- well, two actually.  
13 In terms of your mix of practice, you have a very broad  
14 resume -- civil, criminal, and fortunately for you, not  
15 doing domestic. But in terms of being a municipal judge  
16 there's -- we've heard recently by some, head and shoulders  
17 separate and distinct if you become a circuit court judge.

18 But I am curious what you see that you could  
19 bring to the bench that you've been exposed to as a  
20 municipal judge.

21 A. I think probably two big things. One is -- you  
22 know, we -- I've learned a lot being a municipal judge,  
23 about bond-setting. We talk a lot about that at -- the  
24 last CLE I went to, that was really the focus of it was  
25 setting bond. They gave us some great information, some

1 charts, different things that I think circuit court judges  
2 are using on how to set bond. So I think I would bring  
3 that, specific to that issue.

4 And then the other thing is when -- dealing with  
5 the public. You know, as a summary court judge, we are the  
6 -- a lot of times, we are the only judicial -- or judicial  
7 experience that somebody might have as just a member of the  
8 general public.

9 And what I've seen good circuit court judges do  
10 is interact with the general public when they're coming  
11 into court, whether it's as jurors, whether it's as pro se  
12 litigants. I think I'll bring good experience from having  
13 dealt with the public in that capacity to that job.

14 You know, I saw Judge Goodstein, recently, when  
15 she was releasing a jury panel. She explained to that jury  
16 panel that had to sit there for, I don't know, a couple  
17 hours that morning, she explained to them that even though  
18 they were being let go without having sat on a jury, they  
19 had helped in resolving somewhere between thirty and forty  
20 cases that were on that particular roster.

21 And the way she explained it, and the information  
22 she gave them, I felt like it helped them leave with a  
23 positive -- or maybe less negative experience with jury  
24 duty, because most people don't want that. But given that  
25 explanation, I think, certainly helped them.

1           So I would like to bring that similar aspect to  
2 the bench.

3           **Q. Finally, one of your partners, an avid**  
4 **outdoorsman, have you ever hiked any portion of the**  
5 **Appalachian Trail?**

6           A. I have -- well, only a small portion up near  
7 Clingmans Dome. We walked a little bit, the last time we  
8 went up there. I would like to. My wife and I have talked  
9 about that. We still got little kids, though. So that  
10 would --

11          **Q. For the record, your wife is nodding and smiling.**

12          A. She would love to be on the Appalachian Trail.  
13 She's read a bunch of books and we've talked a lot about  
14 it.

15                   CHAIRMAN CASKEY: Representative Jordan.

16                   REPRESENTATIVE JORDAN: Thank you, Mr.  
17 Chairman.

18 EXAMINATION BY REPRESENTATIVE JORDAN:

19          **Q. Mr. Blanchard, I was looking through your letters**  
20 **of recommendation. They're very good. And I always like**  
21 **to see if there are different parts of life, and you've**  
22 **already answered questions about the church. The letter**  
23 **from the solicitor there, is that the assistant solicitor?**

24          A. Is that from Sarah Ford?

25          **Q. Yes.**

1           A.    She was at the time.  She had a -- some personal  
2 family issues, and I think she is not with the solicitor's  
3 office right now.  But I'm not a hundred percent sure on  
4 that.  I think she took at least a leave of absence when  
5 her mother passed away.

6           **Q.    And I was just -- I see that about 20 percent of**  
7 **your practice is criminal; is that right?**

8           A.    That's it.  Yes.  Yes, sir.

9           **Q.    Thank you.**

10                   CHAIRMAN CASKEY:  Any other questions or  
11 comments from members of the Commission for Judge  
12 Blanchard?

13                                   (Hearing none.)

14                   CHAIRMAN CASKEY:  Seeing none, that will  
15 conclude this phase of the screening process.  I certainly  
16 appreciate you being here.

17                   I need to take the opportunity to remind you  
18 that pursuant to the Commission's evaluative criteria, the  
19 Commission expects candidates to follow the spirit as well  
20 as the letter of the ethics laws, and that we will view  
21 violations or the appearance of impropriety as serious and  
22 potentially deserving of heavy weight in the screening  
23 deliberations.

24                   On that note, and as you may know, the  
25 record will remain open until the formal release of the

1 report of qualifications, and should the need arise we  
2 could call you back for further questions.

3 I thank you again for your past serve on the  
4 bench and your offering for future service to the State of  
5 South Carolina.

6 JUDGE BLANCHARD: Thank you very much.

7 CHAIRMAN CASKEY: Thank you for being here.

8 (Candidate excused.)

9 CHAIRMAN CASKEY: That will conclude this  
10 hearing. And we will stand at ease as the next candidate  
11 makes his or her way down.

12 (Off the record.)

13 CHAIRMAN CASKEY: All right. Ladies and  
14 gentlemen, we are back on the record for the evaluation of  
15 our next candidate, Mr. McGee, who is a candidate for Seat  
16 8 of the circuit court bench which is an at-large seat.

17 Do I have that all right?

18 MR. MCGEE: Yes, sir, Mr. Chairman.

19 CHAIRMAN CASKEY: All right. If you would  
20 please raise your right hand.

21 WHEREUPON,

22 T. WILLIAM "BILLY" MCGEE, III, being duly  
23 sworn and cautioned to speak the truth, the whole truth,  
24 and nothing but the truth.

25 CHAIRMAN CASKEY: Thank you. There should



1 be some documents in front of you. If you would take a  
2 second and look at those.

3 MR. MCGEE: Yes, sir. Yes, sir, Mr.  
4 Chairman.

5 CHAIRMAN CASKEY: Are those the personal  
6 data questionnaire and the sworn statement that you've  
7 submitted to the Commission?

8 MR. MCGEE: They are.

9 CHAIRMAN CASKEY: Are there any updates or  
10 changes that need to be made?

11 MR. MCGEE: Not that have been made already.

12 CHAIRMAN CASKEY: Do you have any objection  
13 to us entering those into the record as a part of your  
14 sworn testimony?

15 MR. MCGEE: No, sir, Mr. Chairman.

16 CHAIRMAN CASKEY: Thank you. We'll have  
17 staff do that now.

18 (EXHIBIT NO. 14 - JUDICIAL MERIT SELECTION  
19 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THOMAS  
20 WILLIAM MCGEE, III)

21 (EXHIBIT NO. 15 - JUDICIAL MERIT SELECTION  
22 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
23 THOMAS WILLIAM MCGEE, III)

24 (EXHIBIT NO. 16 - JUDICIAL MERIT SELECTION  
25 COMMISSION SWORN STATEMENT OF THOMAS WILLIAM

1 MCGEE, III)

2 CHAIRMAN CASKEY: The Judicial Merit  
3 Selection Commission has thoroughly investigated your  
4 qualifications for the bench. Our inquiry has 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, if any, and a check for  
10 economic conflicts of interest.

11 We have received no affidavits filed in  
12 opposition to your election, and no witnesses are present  
13 to testify.

14 I notice that someone has come into the room  
15 to join you today.

16 MR. MCGEE: Yes, sir.

17 CHAIRMAN CASKEY: I want to give you an  
18 opportunity to introduce her, if you'd like.

19 MR. MCGEE: Yes, sir, Mr. Chairman. With me  
20 today is my wife, and much better half, Shannon McGee.

21 CHAIRMAN CASKEY: Thank you for being here  
22 today. Glad to have you.

23 Mr. McGee, I would extend to you, an opinion  
24 to make any brief opening remarks you may like. Or, we can  
25 go straight to questioning from staff counsel.

1 MR. MCGEE: Nothing other than, Mr. Chairman  
2 and members of the Commission, I'm very, very honored and  
3 privileged to be here today. I'm happy to answer any  
4 questions anyone has.

5 CHAIRMAN CASKEY: Then I will go ahead and  
6 recognize Ms. Wilkinson for some questions.

7 MS. WILKINSON: Thank you, Mr. Chairman. I  
8 note for the record that based on the testimony contained  
9 in Mr. McGee's PDQ, which has been included in the record  
10 with his consent, Mr. McGee meets the constitutional and  
11 statutory requirements for this position regarding age,  
12 residence, and years of practice.

13 EXAMINATION BY MS. WILKINSON:

14 **Q. Mr. McGee, how do you feel your legal and**  
15 **professional experience thus far renders you qualified and**  
16 **will assist you to be an effective circuit court judge?**

17 A. Yes, ma'am. I have been in private practice for  
18 a little more than 26 years now. During that time period,  
19 I've had a substantial responsibility for complex civil  
20 litigation.

21 I've also had experience on the criminal side of  
22 the -- of cases. And I've done a very large amount of pro  
23 bono work as well. I believe that my experience over that  
24 time period, with those complex cases in all levels of  
25 state -- state and federal court, have greatly prepared me

1 for taking a different role in the judicial system.

2 Q. Mr. McGee, the Commission received 196 ballot box  
3 surveys regarding you, with 46 additional comments. The  
4 ballot box surveys, for example, contained the following  
5 positive comments:

6 "Billy McGee is a seasoned trial attorney. He  
7 has an even-keeled judicial temperament and would make a  
8 fine judge. Billy has handled complex cases, knows  
9 discovery, and is decisive. He would make a superior  
10 judge. He would move a docket. Excellent attorney and  
11 advocate. Extremely knowledgeable and hard-working. Has  
12 the utmost ethical standards and would be an asset to the  
13 judiciary."

14 Although the ballot box was overwhelmingly  
15 positive, four of the written comments did express  
16 concerns. Two of the comments expressed concerns over  
17 criminal experience. How would you respond to those  
18 concerns?

19 A. Yes, ma'am. And of course coming from,  
20 predominantly, the civil side, I recognized as soon as I  
21 decided to submit for candidate -- for candidacy, that it  
22 was something that I would need to address.

23 First of all, I do have some criminal experience.  
24 And just to go over that, somewhat. When I started private  
25 practice in 1997, for approximately ten years I represented

1 dozens and dozens of defendants in the state criminal  
2 courts under the former South Carolina Bar appointment  
3 system.

4 At the time -- it's no longer in place, but at  
5 the time, you would either be on the criminal list or the  
6 family court appointment list. And I was appointed to many  
7 on the criminal list.

8 And also as an associate at that time, I also  
9 handled criminal appointments for many of my other  
10 associates and partners as well, both in Charleston County  
11 and Richland County, and any other county where I may have  
12 been asked to do that.

13 Also, I -- in 2007, I was appointed as a special  
14 assist attorney general by then attorney general, Attorney  
15 Henry McMaster. This was a pro bono program that was  
16 looking for solutions in help prosecuting first -- first  
17 time, first offence criminal domestic violence cases in  
18 counties where the magistrate trials were being handled by  
19 law enforcement officers.

20 The problem that the attorney general identified  
21 at that time was that women, predominantly, that were  
22 victims of CDV were -- were having to go to court and their  
23 cases were being prosecuted by law enforcement officers  
24 that didn't necessarily have the experience or the legal  
25 acumen to handle issues of criminal procedure or evidence.

1           And so what would happen a lot of times is those  
2 folks wouldn't be found guilty. So that it would  
3 constantly stay a first offence for repeat offenders.

4           And so I participated in that program, had  
5 extensive training in prosecution of CDV cases, as well as  
6 criminal procedure and evidence. I tried many of those  
7 cases in mostly rural counties.

8           I also was the point of contact at my law firm,  
9 Nelson Mullins. Lots of other folks were doing that as  
10 well. And so I was kind of in charge of our in-house,  
11 making sure that other people were getting their training  
12 in handling those. So I did handle that as long as the  
13 program was in place and Mr. McMaster, now Governor  
14 McMaster, was attorney general.

15           Also, my practice -- my practice in the last ten  
16 or fifteen years has developed into a very specified area  
17 insofar as a lot of highly regulated industries are  
18 concerned -- banking, securities, and some others. Even  
19 nuclear power plants.

20           And so during that time period, a lot of the  
21 civil cases that I would have, would also involve criminal  
22 -- related criminal investigations or parallel  
23 circumstances investigations by SLED, the FBI, FDIC,  
24 Federal Reserve, states attorney general, the South  
25 Carolina Inspector General, and the specific inspector

1 general for the TARP fund. And so I have during that time  
2 period also been involved in several criminal  
3 investigations in parallel procedures.

4 And then, lastly, since I submitted my  
5 application for this seat, I knew that this would be an  
6 issue and so I've taken several proactive steps to try to  
7 address that part of my practice.

8 I've completed in the last few months in August,  
9 actually, two six and a half hour criminal CLEs from the  
10 South Carolina Bar, the 32nd Annual Criminal Practice in  
11 South Carolina, and the 2023 Criminal Law Practice  
12 Essentials CLE.

13 I've had several substantive meetings and  
14 discussions with three current, sitting circuit court  
15 judges, one former current -- former circuit court, and  
16 three current deputy solicitors to talk about their  
17 concerns, their experiences, some of the things that they  
18 believe are very important for a -- for a judge handling  
19 criminal cases to know. And I followed up on all of the  
20 items that they recommended.

21 I have contacted the solicitor and the public  
22 defender for the 5th Circuit, both of whom were law school  
23 classmates of mine, in an effort to discuss and learn about  
24 their experiences and observations, and their challenges in  
25 their day-to-day criminal practices.

1           And then, lastly, I've reviewed all of the 2023  
2 reported criminal decisions in the South Carolina Advance  
3 Sheets, as well as Judge Coble's South Carolina Trial  
4 Evidence regarding the criminal -- regarding criminal  
5 evidence and criminal procedure in trials.

6           **Q. Thank you, Mr. McGee. Mr. McGee, two of the**  
7 **concerns regarded temperament. How would you address those**  
8 **concerns?**

9           A. I was -- I was upset to think that somebody would  
10 have taken that away -- taken that impression away. And  
11 it's certainly something that I took to heart. I am sure,  
12 after 26 years of litigating in South Carolina, that there  
13 are times that I would have maybe been frustrated or upset.  
14 I can't -- and I can't speak to specific -- specifics  
15 because I'm not sure what instances those would have been.

16           But regardless, I don't think either as a lawyer  
17 or as a judge, certainly, that losing your temper is -- is  
18 a -- is effective or is productive. And so that's  
19 certainly something that I've taken to heart, and certainly  
20 will be mindful of going forward.

21           **Q. Mr. McGee, you indicated in your PDQ, that you**  
22 **currently own a small share of a business entitled Legal**  
23 **Marketing Group, LLC, and that you will tend to that vested**  
24 **interest if you are elected.**

25           You also have reported that the business has



1 failed, and the failed company has brought a lawsuit  
2 against another party that the business believes  
3 contributed to the failure.

4           Could you please explain the nature of your  
5 interest in the company and the nature of the lawsuit.

6           A. Yes, ma'am. This was a business that a law  
7 school classmate of mine asked several of us other  
8 classmates just to pitch in to a business that he was  
9 looking to develop. I did so with some others.

10           My interest would be negligible. Two, three --  
11 I'm not sure exactly what the percentage is. But it's  
12 very, very small. Frankly, I've just kind of had no -- I  
13 had no active interest.

14           I had no operational interest. I had nothing to  
15 do with it. I didn't even know that it had failed until a  
16 few months ago. At that point in my mind, I just wrote it  
17 off as just a bad investment.

18           And then later on, after I submitted, I found out  
19 that there was a lawsuit filed on its behalf. And the  
20 person who was in charge of it, essentially, saying that  
21 the business itself failed because of a -- because of  
22 either a breach of contract or acts or omissions by a  
23 vendor or a party that it had contracted with.

24           I had no idea about anybody involved in it. So  
25 now you're exactly right, the business has failed. And

1 apparently it has sued the person that it believes has  
2 contributed that to failure.

3 I have had absolutely no responsibility or role  
4 in any of the operation of the business or the lawsuit or  
5 anything else. And of course I -- I mean, now that the  
6 business has failed there's -- I'm not sure that there's  
7 anything to divest. But to the extent that there is, I'd  
8 be happy to do so.

9 Q. You also reported in your PDQ, that you were a  
10 plaintiff in a 2013 lawsuit against your insurance company  
11 due to failure to pay a claim. The verdict was issued in  
12 your favor.

13 You also reported in your PDQ, that you were a  
14 plaintiff in a 2014 suit against a home repair contractor  
15 who was paid, but did not complete the work he was  
16 contracted to perform. The case settled and was dismissed  
17 in 2015.

18 Is there anything you wish to add to the record  
19 regarding these lawsuits?

20 A. Just a -- the first one that you identified, the  
21 magistrate's court in 2013, that involved -- we had a -- we  
22 owned -- my wife and I owned a duplex at the time. And  
23 somebody damaged an HVAC unit and stole copper out of it,  
24 and then we filed a claim and they denied it.

25 And so we sued the insurance company and the --

1 it was as bench trial and the magistrate found in our  
2 favor. I think it -- I think it may have been a thousand  
3 dollars. It wasn't very much.

4 And then the next one was, as you mentioned, in  
5 2014 my wife and I were doing some remodeling of a kitchen  
6 and dining room. And we paid the contractor, I don't  
7 remember how much it was, a certain amount to do A, B, and  
8 C. He may have done A.

9 We tried to get him back and he wouldn't return  
10 our phone calls. And so after about six months of chasing  
11 him around, we filed suit. And as soon as we did, we  
12 resolved the case.

13 **Q. Thank you.**

14 A. And it was dismissed. I'm sorry. That one did  
15 not go to trial.

16 MS. WILKINSON: Mr. Chairman, at this time I  
17 would request that we go into executive session.

18 CHAIRMAN CASKEY: On motion of Senator  
19 Rankin, seconded by Senator Talley, the pending question is  
20 going into executive session. All in favor signify by  
21 saying qualify.

22 (At this time the members audibly say "aye.")

23 CHAIRMAN CASKEY: All opposed "nay"?

24 (Hearing none.)

25 CHAIRMAN CASKEY: The "ayes" have it. At

1 this time we'd ask folks who are not supposed to be here to  
2 step out of the room.

3 (Executive session from 11:47 p.m. to 11:58 p.m.)

4 CHAIRMAN CASKEY: Ladies and gentlemen, we  
5 are back on the record. And for the record, while we were  
6 in executive session no decisions were made no votes were  
7 taken. And we will resume with questions from Ms.  
8 Wilkinson.

9 MS. WILKINSON: I would note for the record  
10 that the Midlands Citizens Committee found Mr. McGee  
11 qualified in the criteria of constitutional qualifications,  
12 physical health and mental stability, and found him well  
13 qualified in the evaluative criteria of ethical fitness,  
14 professional and academic ability, character, reputation,  
15 experience, and judicial temperament.

16 The committee states in summary, "Well  
17 qualified."

18 BY MS. WILKINSON:

19 Q. Mr. McGee, we now have some housekeeping issues  
20 to attend to. Are you aware that as a judicial candidate,  
21 you are bound by the code of judicial conduct as found in  
22 Rule 501 of the South Carolina Appellate Court Rules?

23 A. Yes, ma'am.

24 Q. Mr. McGee, since submitting your letter of  
25 intent, have you contacted members of the Commission about

1 **your candidacy?**

2 A. Yes, ma'am. I think I disclosed one. And it was  
3 an inadvertent one to Senator Talley, to whom I'd like to  
4 apologize again for that. I kind of hit the ground  
5 stumbling on that issue.

6 As soon as I turned in my application, the very  
7 first delegation meeting was the Greenville delegation, and  
8 so I sent some of the lawyers that I knew up there, just a  
9 short e-mail saying I'm going to be up there, I'd like to  
10 shake hands and chat with you.

11 I inadvertently sent one to Senator Talley. As  
12 soon as I hit send, I realized that he was on the  
13 Commission I just -- it was late at night, I think it was  
14 past eleven o'clock I was sending these.

15 And I immediately tried to recall it, and figured  
16 out that my firm -- I can recall inter -- intra-office e-  
17 mails but cannot do inter-office -- or external e-mails.  
18 So I immediately sent a followup e-mail to Senator Talley,  
19 a few minutes later, apologizing, asking him that he  
20 disregard that errant e-mail.

21 And then first thing next morning, I sent an e-  
22 mail to Ms. Crawford, letting her know about my mistake,  
23 and sent her copies of what had been sent. And, again,  
24 apologized for it. Deleted -- I had a Excel spreadsheet  
25 with all the legislators on it. And I deleted everybody

1 that was on the JMSC at that time.

2 So I have not had any other than that. And,  
3 again, Senator Talley, I apologize for that.

4 SENATOR TALLEY: No problem at problem at  
5 all, sir. Understood. Thank you.

6 BY MS. WILKINSON:

7 Q. Mr. McGee, since submitting your letter of  
8 intent, have you sought or received the pledge of any  
9 legislator either prior to this date or pending the outcome  
10 of your screening?

11 A. No, ma'am.

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

15 A. Yes, ma'am.

16 Q. Have you asked any third parties to contact  
17 members of the General Assembly on your behalf, or are you  
18 aware of anyone attempting to intervene in this process on  
19 your behalf?

20 A. No, ma'am.

21 Q. Have you reviewed and do you understand the  
22 Commission's guidelines on pledging in South Carolina Code  
23 Section 2-19-70(E)?

24 A. Yes, ma'am.

25 MS. WILKINSON: Mr. Chairman, I would note

1 for the record that any concerns raised during the  
2 investigation by staff regarding Mr. McGee, were  
3 incorporated into the questioning of him today. And I have  
4 no further questions.

5 CHAIRMAN CASKEY: Do members of the  
6 Commission have any questions or comments for Mr. McGee?

7 (Hearing none.)

8 CHAIRMAN CASKEY: Mr. Strom.

9 MR. STROM: Thank you, Mr. Chairman. Mr.  
10 McGee, we don't know each other well, but we lived in the  
11 same neighborhood for a while --

12 MR. MCGEE: Yes, sir.

13 MR. STROM: -- and have a number of mutual  
14 friends. And, you know, I'll tell you, you enjoy an  
15 excellent reputation as a lawyer and as a person. You  
16 know, you're the kind of person -- the kind of intellect  
17 that we want to see on the bench. And I want to thank you  
18 for offering.

19 MR. MCGEE: Thank you very much. I  
20 appreciate that. Yes, sir, Mr. Strom.

21 MR. STROM: Thank you, Mr. Chairman.

22 CHAIRMAN CASKEY: Other comments or  
23 questions? Mr. Safran.

24 MR. SAFRAN: Just briefly.

25 EXAMINATION BY MR. SAFRAN:

1 Q. Mr. McGee, I don't think I've had the pleasure  
2 either.

3 A. Yes, sir.

4 Q. Just with the understanding that we take the  
5 ballot box surveys with a grain of salt, they're anonymous,  
6 hard feelings happen in litigation, just kind of a way of  
7 life. But how do you address maybe some concerns that --  
8 in terms of temperament? And the reason I ask that is not  
9 so much focused on you, personally --

10 A. Yes, sir.

11 Q. -- but it's because we place such a premium on  
12 it. You know, we've had that issue come up, numerous times  
13 over the course of the time I've been here, it is more or  
14 less been considered one of the more important  
15 qualification requirements.

16 Looking at your length of time -- you've got gray  
17 hair. I do too. You remember, basically, periods of time  
18 where we could get in front of judges that, you know, in  
19 our own mind, we think they were rather overbearing at a --  
20 at least at a moment.

21 A. Yes, sir.

22 Q. And so, you know, how do you address that just --  
23 because I want to be fair about it and I want you to be  
24 able to kind of respond.

25 A. Absolutely. And certainly as I -- as I say,



1 those -- those two comments, I don't know what circumstance  
2 they would have been in.

3 But regardless, I don't think that losing --  
4 losing your cool in things like that, not only is it not  
5 the right thing to do, it's certainly not productive in my  
6 view.

7 And I totally agree with you, Mr. Safran. I  
8 remember -- I'm licensed in North Carolina, South Carolina,  
9 and D.C. I've appeared in all those places and come  
10 across a broad spectrum of judges, some that are very  
11 demanding. And there have been many in South Carolina,  
12 state and federal court over the years.

13 As a young lawyer, and now as a -- as a gray-  
14 haired lawyer, I look back at the judges that were that  
15 way, that treated -- that had challenging temperaments. I  
16 think it made things difficult for everyone, all parties on  
17 both sides.

18 And the judges that I really look up to, that I  
19 think are prime examples of what I would like to be, and  
20 what I would like all judges to be like, invariably are the  
21 ones that listen more than they speak; that they treat  
22 everybody fairly from court staff to victims to defendants  
23 to everyone.

24 That's not to say that at some point that a judge  
25 doesn't get fed up and has to take control of the

1 courtroom, but the -- and I clerked for a judge, Duane  
2 Shuler, a long time ago, who is a fantastic -- has a  
3 fantastic judicial temperament, and learned a lot from  
4 that, that you can get parties to do a lot more and be a  
5 lot more effective when you treat them with respect like  
6 that.

7 And so having litigated in state and federal  
8 courts all over the place for the past 24 years, I think  
9 that I've seen that, that can be much more effective and  
10 have a lot more role models, I think, in judges here in  
11 South Carolina, especially that I believe are very  
12 effective by having a very moderate demeanor when it comes  
13 to that.

14 Q. Well, and I say it too. Because, look, I'm sure  
15 I would never win every popularity contest. I'm sure there  
16 would be people that would say I am truly a four-letter  
17 word.

18 But the thing is, is that I think --  
19 unfortunately, what happens sometimes in litigation is not  
20 necessarily in the same context as how you view it as a  
21 judge, and that while we may sometimes have our moment --  
22 and I've had mine, don't question it -- I think, you know,  
23 the judges -- they're the referee. They're not really the  
24 -- you know, one of the boxers.

25 And so, you know, I guess the thing is, is that

1 we've still seen occasions where the judge wants to put the  
2 gloves on, too, and get in the middle of it. And I don't  
3 think it is productive.

4 A. Yes, sir.

5 Q. If you were -- and you've obviously been in front  
6 of a bunch. And I'm not saying it's an exclusive list.  
7 But if you were to give me two or three that you've seen in  
8 South Carolina, that would kind of be ones you'd say, "You  
9 know what, I like the way this guy does it" -- and I think  
10 Duane Shuler was the perfect example.

11 But beyond that, you know, what are the other  
12 ones that kind of have left a positive mark in terms of how  
13 you look at it?

14 A. Sure. And you're exactly right, there's so many.  
15 The one that I appeared before in court by myself for the  
16 first time, it was Judge Tommy Cooper from Manning. And to  
17 me, he is the -- kind of the touchstone when it comes to  
18 everything about a judge.

19 I mean, if I were lucky enough to make it through  
20 this, if I could be a quarter of the judge that Tommy  
21 Cooper is, and enjoy his reputation that he has, that would  
22 -- that would be a tremendous success.

23 I've appeared before Justice James, when he was  
24 over in Sumter County, and he was one of the hardest-  
25 working judges that I've ever worked with.

1 I had several class actions in complex cases that  
2 were -- at the time, you had to be designated "complex" by  
3 the -- by the Chief Justice, and he -- and was told he was  
4 begging for those because he -- he wanted more challenges.

5 Letitia Verdin, up in Greenville, was a fantastic  
6 judge that -- up there. And so there have been -- there  
7 have been -- there have been many.

8 But whenever anybody has asked me that, before,  
9 I've always said that if I was wrongfully accused of  
10 murder, I would want a bench trial in from of Judge Cooper;  
11 but if I was guilty, I would not want a bench trial in  
12 front of Judge Cooper.

13 **Q. Thank you for your responses.**

14 CHAIRMAN CASKEY: Senator Rankin.

15 EXAMINATION BY SENATOR RANKIN:

16 **Q. Mr. McGee, thank you. I want you to know I have**  
17 **a case going against you. And in my world, it is a complex**  
18 **civil litigation case. But then after further reflection,**  
19 **you were not the same Billy McGee.**

20 **A. That's the Greenville Billy McGee.**

21 **Q. Yeah. So early on, I was aware of this**  
22 **candidacy. And I kept waiting for Billy to mention it, and**  
23 **Billy never mentioned it. And to your credit, the real**  
24 **Billy McGee has not mentioned a word to me. And so I want**  
25 **to tell you that he, too, has a great reputation.**

1           A.    He does.  And I'm -- and I'm -- and I'm actually  
2 very thankful for that, that he has a good reputation.

3           **Q.    Yeah.**

4           A.    And I'll tell you -- and I'll tell you much of --  
5 a few of these gray hairs are from sitting in my office, at  
6 three o'clock, and getting a call from some judge's law  
7 clerk, saying, "Yeah, so we are finished early, so we'll  
8 pick a jury tomorrow morning in that case."

9                   And I have absolutely no idea what they're  
10 talking about.  And, fortunately, it was for him and not  
11 me.

12           **Q.    Well, and Mr. Safran's comments about the ballot**  
13 **box surveys, and with a grain of salt, perhaps, did you**  
14 **know that one of yours -- a comment about you, deems you**  
15 **very wise, calm, fair, and knowledgeable of the law, and**  
16 **that we should keep Judge Billy McGee on the bench?**

17           A.    I'm not aware of that one.  But I think that's  
18 probably the best one.

19           **Q.    Perhaps, hopeful prophesy on someone's behalf.**  
20 **You are young, relatively speaking.  Not as young as some,**  
21 **but you are in the early, I guess, got it going on stage of**  
22 **a career.  And I'm not deeming you that young.  You**  
23 **finished law school in '80 -- or in '96, right?**

24           A.    Yes, sir.

25           **Q.    But in terms of not mid-life, because you're just**

1 -- you're below mid-life, unless you're Todd Rutherford.  
2 You have before you, a opportunity to do exceedingly well,  
3 more than you have, having landed, having made partner with  
4 a firm that we all are aware of, with a great reputation in  
5 terms of their civil practice.

6 Why beyond -- not that your answer to the initial  
7 question asked, would you want to do that? But with your  
8 wife listening now, more acutely, why would you give that  
9 up?

10 A. I'm wondering if you were somewhere in our house,  
11 when that question was asked by my wife, the first time.  
12 That's an excellent question. And it's one I wrestled  
13 with, frankly.

14 It would be easier for me to stay where I am. My  
15 firm has been exceedingly supportive of me in this, and  
16 throughout my 24 -- almost 25 years there. I've developed  
17 a practice that I'm very proud of. It's a very challenging  
18 one.

19 But the reason that I got into law in the first  
20 place was because I really enjoyed a variety of things. I  
21 like to always -- you know, you have one case that's a  
22 crane case, you have to learn about that one case -- a  
23 complex case dealing with class actions or financial  
24 structures, different things.

25 And as I've gotten older, and my firm has gotten

1 bigger, and the landscape of legal economics have changed,  
2 the pressure is to specialize more. And that's where I come  
3 to, and that's where my practice is now.

4 And I enjoy it. I know a good bit about it. I  
5 work with great lawyers. But it's not why -- it doesn't  
6 allow me to exercise some muscles that I really like, and  
7 to have -- to constantly learn about different and new  
8 things, and have different experiences and work with  
9 different folks.

10 And so, you know, I didn't want to leave the firm  
11 I'm with to go to another firm; it would just be kind of  
12 the same thing.

13 And so, you know, Judge -- Judge Alex Sanders  
14 used to say you need to change jobs every seven or eight  
15 years, just to kind of renew that. And I certainly --

16 **Q. Let me interrupt you on that point.**

17 A. Sure.

18 **Q. Malcolm Gladwell, I think his name is --**

19 A. Yes.

20 **Q. -- made a very similar point that you made.**

21 A. He says that. And I certainly fell behind that,  
22 being 25 years at my current firm. But again I enjoyed it.  
23 They've been supportive. But I just feel like that it --  
24 that I'm not enjoying it as much as I used to.

25 And that doesn't mean I'm not enjoying it. It's

1 just I want some -- I was looking for something different,  
2 not practicing with a different firm or practicing  
3 different things.

4 And I think that -- that this opportunity would  
5 allow me to get back to some of the things that I really  
6 enjoy.

7 My experience with a -- some with criminal, but  
8 mostly with complex civil cases, trying cases in state and  
9 federal courts, I think that -- that this would really --  
10 and just the thought of it kind of -- it was very nerve-  
11 wracking for me to make that decision. It really was.

12 But it's -- in this whole process, going to all  
13 these meetings and committee meetings, has really been  
14 reinvigorating to me. And, you know, it -- and so I -- I'm  
15 excited about the opportunity to do something different.

16 If it -- you know, they're totally fine -- my law  
17 firm is totally fine and says, "Hey, if it doesn't work  
18 out, we want you to say," and that kind of thing.

19 But this is an opportune -- this is the only  
20 opportunity that I would look at to make a change.

21 **Q. The ding -- and it was a -- an outlier, I would**  
22 **submit to you, in terms of your temperament and your**  
23 **aggressiveness, perhaps, if someone sees you as a hard-**  
24 **charging kind of judge who is balancing a backlog of civil**  
25 **cases, depending on where you are, or a backlog of cases**



1 that the solicitor just won't call to trial, and they need  
2 -- the court administration, or whoever that has this  
3 baseline threshold of 80 percent, breathing down your neck  
4 -- but before you stand someone who is going through a life  
5 event of needing a continuance, not because they practice  
6 that same life event excuse before other judges, but in  
7 terms of the humanity versus the pace to get these numbers  
8 whittled down, how -- what's your expected approach that  
9 you would bring to that?

10 A. Sure. And, you know, one of the things I  
11 mentioned earlier is kind of reaching out, just as  
12 preliminary, to the solicitor and the public defender and  
13 some others, some criminal defense lawyers that I know as  
14 well, to kind of get, you know, what they think the problem  
15 is and what -- and what they think some solutions are.

16 So I first think that I would get everybody  
17 that's involved to try to figure out, you know, this is the  
18 issue that is -- that's here, what are some potential  
19 solutions. I'm going to make the final call. But I, at  
20 least, want to hear what everybody has to say.

21 What I don't like is when a judge kicks something  
22 out indefinitely. If there's going to be -- if their wife  
23 is -- their husband is in surgery, I mean, you've got to  
24 be, you know, human about those types of things. But it's,  
25 okay, you're up for trial on Monday, if you want a

1 continuance, that's fine, let's set it for the following  
2 Monday, or the following Monday after that, I mean, so that  
3 it's not just kicking the can down the road.

4 I think that some of that has led to some of the  
5 pile-up in the -- in the criminal and civil dockets. And,  
6 you know, look, I -- I bring -- I bring a real work ethic,  
7 I believe, to the job. And it won't be because I'm not  
8 prepared and it won't be because I'm not ready to listen to  
9 everybody about it.

10 And so I think that those are two things that I  
11 would be emphasizing. I'm ready to go any time. If you've  
12 got a life event that we can't do, that's fine. But let's  
13 put it on the books and have it set.

14 **Q. Your pro bono work, I wanted to comment as well.**  
15 **Did you get the short straw, and you, sir, are the lucky**  
16 **man that gets to spend -- did you say thirty-five hundred**  
17 **hours?**

18 A. Over -- over my 24 years --

19 **Q. Okay.**

20 A. -- at Nelson Mullins.

21 **Q. So that's an assignment? Or that was something**  
22 **you embraced readily?**

23 A. No, sir. They -- it's not enforced. And I can  
24 tell you that the -- that I certainly won't divulge any  
25 names, but there are plenty of people that don't do pro

1 bono, both in my firm and other firms. But it's something  
2 that I really enjoyed.

3 And I've done -- frankly, I've done more of it as  
4 I've gotten older, because again it gives me an opportunity  
5 to take some different cases and have some different  
6 experiences.

7 One that I've done is we are -- I think at last  
8 check, we -- we were the only firm that's on the U.S. State  
9 Department's list of Hague Convention lawyers in South  
10 Carolina.

11 And I've tried some of those cases here, bench  
12 trials, when a father or a mother will, essentially, kidnap  
13 their -- their child from Brazil or somewhere, and bring  
14 them here, and the left-behind parent can't figure out how  
15 to deal with it, so they contact the State Department.

16 And we've tried some of those cases in federal  
17 court, which are immensely rewarding. And I've used  
18 associates in that, to try to get them some experience as  
19 well.

20 So Wills for Heroes -- there's lots of great  
21 causes. And it allows you, again, to have a variety  
22 instead of just one thing.

23 **Q. Last, the -- I most look forward to doing blank**  
24 **if you were successful, what do you least look forward to**  
25 **if you were successful?**

1           A.    The least successful -- the least -- the least  
2 looking forward to. Well, the judges that I've talked to  
3 said that the least favorite thing that have are discovery  
4 disputes.

5                    However, I can see how that would be the case. I  
6 can see how that those would be very difficult. However, I  
7 feel like that, that's about half of my practice right now.  
8 And so I certainly wouldn't relish it, but I feel like that  
9 I've got a good grasp on it.

10                   But, yeah. Arguing over, you know, individual  
11 discovery requests, while the docket is backing up, is  
12 probably not something that I would choose to do every day.

13           **Q.    And then finally -- the Lord is my witness on**  
14 **this -- in terms of the sense of the Bar and the community**  
15 **state, the nation having higher more amped-up sense of**  
16 **conflict, strife and -- how do you -- what do you see your**  
17 **role as a -- helping that sense of de-escalating conflict?**

18           A.    That's a great question. And I -- and I tell  
19 you, I think for the judiciary, the confidence -- getting  
20 the confidence of the community and confidence of the  
21 victims, the confidence of the defendants and the lawyers,  
22 is critical.

23                    And I think the expectation is fairness and being  
24 heard. And so one of the things that I think would go a  
25 long way toward a small -- a small contribution to that is

1 to listen a lot more.

2 The frustrating part, sometimes when I'm arguing  
3 cases in front of judges when I don't feel I'm being  
4 listened to, I don't feel like I'm being heard, I don't  
5 feel like it's fair. And I hear that from my clients and  
6 everything else.

7 And so one of my challenges, actually, in  
8 transitioning from a -- from an advocate -- from a -- you  
9 know, a lawyer to a judge is to actually listen more and  
10 not just wait for somebody to stop talking so I can start  
11 talking.

12 And so I think that -- that working hard -- and  
13 you have to start from day one to develop a reputation as a  
14 fair -- a fair person on all sides. And that's really what  
15 -- what in my view would be the most important.

16 **Q. All right. Thank you.**

17 CHAIRMAN CASKEY: Other members of the  
18 Commission? Representative Rutherford.

19 REPRESENTATIVE RUTHERFORD: You know, I  
20 almost am reluctant to mention this, since Andy talked  
21 about your grays hairs if you all were contemporaries.

22 But, you know, Billy and I were in elementary  
23 school together. He was in the fifth grade and I was in  
24 the first. I think that's how it went.

25 MR. MCGEE: Can we go back into executive

1 session?

2 REPRESENTATIVE RUTHERFORD: But, you know,  
3 who would have thought back then, while you constantly got  
4 called on by the teacher and called down for talking in  
5 class, that you would be standing in front us. And looking  
6 at all the things that say about you, and reading all about  
7 you, you have done well. And I'm proud of you.

8 MR. MCGEE: Thank you very much. I  
9 appreciate it.

10 CHAIRMAN CASKEY: Any other comments or  
11 questions for Mr. McGee?

12 (Hearing none.)

13 CHAIRMAN CASKEY: Mr. McGee, thank you so  
14 much for being here today. This will conclude this portion  
15 of our screening process.

16 I do need to remind you that pursuant to the  
17 Commission's evaluative criteria, the Commission expects  
18 candidates to follow the spirit as well as the letter of  
19 the ethics laws, and that we will view violations or the  
20 appearance of impropriety as serious and potentially  
21 deserving of heavy weight in the screening deliberations.

22 As you may know, the record will remain open  
23 until the formal release of the report of qualifications,  
24 and should the need arise, we could call you back here to  
25 chat further.

1 Thank you for offering for service to the  
2 state. And this will conclude the screening today.

3 MR. MCGEE: Thank you very much, Mr.  
4 Chairman.

5 CHAIRMAN CASKEY: Thank you for being here.

6 MR. MCGEE: Mr. Chairman, thank you.

7 (Candidate excused.)

8 CHAIRMAN CASKEY: We will proceed with one  
9 more screening before lunch, at the request of members.

10 (Off the record.)

11 CHAIRMAN CASKEY: All right. Ladies and  
12 gentlemen, we will go back on the record. The next  
13 candidate, Ashley McMahan. Did I say that --

14 MS MCMAHAN: McMahan.

15 CHAIRMAN CASKEY: McMahan. It's nice to see  
16 you again.

17 MS MCMAHAN: You too. Congrats.

18 CHAIRMAN CASKEY: Thank you. And we were  
19 here for your screening for Seat 8 of the circuit court  
20 bench, which is an at-large seat. If you would please  
21 raise your right hand.

22 WHEREUPON,

23 ASHLEY MCMAHAN, being duly sworn and  
24 cautioned to speak the truth, the whole truth, and nothing  
25 but the truth.

1                   CHAIRMAN CASKEY: There should be some  
2 documents in front of you. If you would take a second and  
3 look at those.

4                   MS. MCMAHAN: This would be my personal data  
5 questionnaire, and amendment to the personal data  
6 questionnaire, and sworn statement.

7                   CHAIRMAN CASKEY: Are there any changes or  
8 updates that need to be made to those?

9                   MS. MCMAHAN: None that I'm aware of at this  
10 time.

11                  CHAIRMAN CASKEY: Do you have any objection  
12 to our making those a part of the record of your sworn  
13 testimony?

14                  MS. MCMAHAN: I do not.

15                  CHAIRMAN CASKEY: We'll give staff just a  
16 second to do that.

17                               (EXHIBIT NO. 17 - JUDICIAL MERIT SELECTION  
18 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ASHLEY  
19 MCMAHAN)

20                               (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION  
21 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
22 ASHLEY MCMAHAN)

23                               (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION  
24 COMMISSION SWORN STATEMENT OF ASHLEY MCMAHAN)

25                  MS. MCMAHAN: I'm sorry, my sister is on her



1 way. So if she walks in...

2 CHAIRMAN CASKEY: The Judicial Merit  
3 Selection Commission has thoroughly investigated your  
4 qualifications for the bench. Our inquiry has focused on  
5 the 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 any previous screenings, and 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.

14 Do you have any brief opening remarks you  
15 would like to offer? Or, would you prefer to go straight  
16 to questions from staff counsel?

17 MS. MCMAHAN: Just, you know, thank you guys  
18 for doing this and sitting in on this. I know it's been an  
19 arduous task, so I do appreciate you taking the time to do  
20 this.

21 CHAIRMAN CASKEY: I'm happy to do it. With  
22 that, I'll recognize Ms. Trask.

23 MS. TRASK: 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 with

1 the candidate's consent, Ashley McMahan meets the  
2 constitutional and statutory requirements for this position  
3 regarding age, residence, and years of practice.

4 EXAMINATION BY MS. TRASK:

5 **Q. Good afternoon, Ms. McMahan. Why do you want to**  
6 **be a circuit court judge?**

7 A. I wanted to be a circuit court judge ever since I  
8 clerked for Judge Newman -- Clifton Newman. Jocelyn and I  
9 are closer in the same age, so I wouldn't have clerked for  
10 her.

11 But every since I -- that was really my first  
12 sort of experience in the legal world. There's nobody in  
13 my family that is a practicing attorney. And every since  
14 that whole experience, I've just been attracted to it and  
15 wanted to do it.

16 **Q. Thank you. Ms. McMahan, how do you feel your**  
17 **legal and professional experience thus far renders you**  
18 **qualified and will assist you to be an effective circuit**  
19 **court judge?**

20 A. I have -- I was making a list last night of  
21 different types of things that I've done throughout my  
22 professional career. And, you know, obviously, I've done a  
23 fair amount of criminal law. A lot of what circuit court  
24 judges do is criminal law, at least in the courtroom for  
25 the most part.

1           And on top of that, I was just going through some  
2 of the civil work that I've done. But before I get to  
3 that, I've done close to probably 700 or 800 bench trials.  
4 I've had thirty jury trials to verdict. Those are just  
5 ones to verdict.

6           And I've handled close to 400 appeals. So I feel  
7 between those three, you know, bits of experience, that  
8 does give me the experience I need to be a circuit court  
9 judge.

10           But on top of that, I've also handled workers'  
11 comp cases. I've handled family court cases, anything from  
12 divorce, name changes to birth certificate corrections.  
13 I've been in juvenile court, both as the defense and the  
14 prosecutor. I've done cases handling breaches of contract.  
15 I defended against restraining orders. I have not been the  
16 one to file for the restraining order, but I have defended  
17 multiple clients in restraining orders.

18           I've done a fair amount of probate litigation.  
19 I've done federal court civil litigation in either in writs  
20 of mandamus or habeas corpus. Immigration is a civil  
21 matter, although, obviously as you all know, it relates to  
22 federal matters, but -- and I've also done some personal  
23 injury cases, some declaratory judgment actions I currently  
24 have pending.

25           And I think, you know, a combination of all of

1 those together makes me more than qualified to be a judge.

2 Q. Thank you. The Commission received 205 ballot  
3 box surveys regarding you, with 19 additional comments.  
4 The ballot box survey, for example, contained the following  
5 positive comments:

6 "She is a deep thinker and would be very fair and  
7 impartial. She cares deeply about justice and procedure."

8 Another comment noted that, "Ms. McMahan is a  
9 hard worker, extremely smart, and always kind."

10 Two of the written comments expressed concerns  
11 regarding your temperament. What would you like to offer  
12 in response to these concerns about your temperament?

13 A. I understand that feedback regarding my  
14 temperament. However, I have, you know, been consistently  
15 committed to professionalism and continuous personal  
16 improvement throughout my legal career.

17 And I have positively contributed, not only just  
18 to the legal profession and to the Bar, but, you know, in  
19 my own personal growth with interpersonal skills as I've  
20 gotten older.

21 Obviously, the way I was in my twenties is not  
22 how I really am in my mid-forties. Thankfully, with age  
23 comes, you know, a bit more wisdom. You know, but I've  
24 been a member of the South Carolina Bar's leadership  
25 academy.

1 I've been in leadership roles while in the Bar.  
2 I was the 5th Circuit YLD representative for a long time.  
3 I'm current on the executive committee for the Child  
4 Appellate Advocacy.

5 I've written several publications for the Bar.  
6 And, you know, I sort of -- you know, I will take younger  
7 attorneys under my wing. I'm not in the mentoring program,  
8 but I do reach out and try to help people as much as I can  
9 if I know the answer to it, even if it's on Listserv's, or,  
10 you know, in Group Talk or meetings or whatever. You know,  
11 I do try to go out of my way to assist my peers and  
12 everybody else.

13 And so I think sometimes temperament also gets a  
14 little bit confused with passion for representing my  
15 clients. And sometimes in court, you know, it is necessary  
16 -- I'm paid to be there on behalf of my client, or  
17 appointed or -- you know, or hired to there.

18 So it is my role as a -- as a advocate to be  
19 there and advocate there for my client, as passionately as  
20 I can.

21 **Q. You indicated in your PDQ that since your last**  
22 **screening, a lawsuit was filed against you and others in**  
23 **2023, in the District Court, by Mr. Keith Kasyjanski.**  
24 **Please explain the nature or disposition of the lawsuit.**

25 A. Well, I actually discovered Mr. Kasyjanski's

1 lawsuit while looking up this. And Mr. Kasyjanski -- I  
2 have to kind of give you a little bit of background on this  
3 for you to fully understand it. And you might find some  
4 humor in this.

5 But Mr. Kasyjanski was charged with failing to  
6 stop for a blue light. And it was pro se for the vast  
7 majority of that incident -- and this is in Fairfield  
8 County -- and he at one point threatened another coworker's  
9 life because of it.

10 So I had picked up the phone to remind him that  
11 he needed to come to court. So prior to him coming to  
12 court, he then showed up at the paralegal's house and  
13 threatened her and her husband, who's also a police  
14 officer.

15 So at this point, a SLED investigation was  
16 opened. He was charged with, you know, multiple counts of  
17 threatening a public official, and the AG's office took  
18 over the case.

19 And at that time, the chief public defender ended  
20 up stepping up to represent him, because it was clear that  
21 he needed to have a mental evaluation. He did have a  
22 mental evaluation. He was found not competent but likely  
23 to be restored.

24 It was only after I was searching for this, that  
25 I happened to find that case. But we were never served

1 with it. I was never served with the law.

2 As a matter of fact, Riley Maxwell is listed in  
3 there, just under the name Maxwell -- sort of like I guess  
4 he's Arsenio or Cher, and just doesn't need a full name.

5 But so, you know, we have never been served with  
6 it. Mr. Kasyjanski is still undergoing mental health  
7 treatment at this time. And as far as I'm aware, that  
8 federal court case was dismissed.

9 **Q. Thank you, Ms. McMahan.**

10 A. I should add that was also after he threatened to  
11 kill multiple judges too.

12 MS. TRASK: I would note that the Midlands  
13 Citizens Committee represent that Ashley McMahan is  
14 qualified in the evaluative criteria of constitutional  
15 qualifications, character, reputation, physical health,  
16 mental stability, experience, and judicial temperament, and  
17 well qualified in the evaluative criteria of ethical  
18 fitness, and professional and academic ability.

19 The committee commented, "Needs more past  
20 experience, but willing to prepare for future application."

21 BY MS. TRASK:

22 **Q. I have a few housekeeping questions.**

23 A. Sure.

24 **Q. Ms. McMahan, are you aware that as a judicial**  
25 **candidate, you are bound by the code of judicial conduct as**

1 found in Rule 501 of the South Carolina Appellate Court  
2 Rules?

3 A. I am.

4 Q. Since submitting your letter of intent, have you  
5 contacted members of the Commission about your candidacy?

6 A. I have not.

7 Q. Since submitting your letter of intent, have you  
8 sought or received the pledge of any legislator either  
9 prior to this date or pending the outcome of your  
10 screening?

11 A. I have not.

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

15 A. I am.

16 Q. Have you asked any third parties to contact  
17 members of the General Assembly on your behalf, or are you  
18 aware of anyone attempting to intervene in this process on  
19 your behalf?

20 A. I have not, nor am I aware.

21 Q. Have you reviewed and do you understand the  
22 Commission's guidelines on pledging in S.C. Code Section 2-  
23 19-70(E)?

24 A. Yes.

25 MS. TRASK: Mr. Chairman, I would note for



1 the record that any concerns raised during the  
2 investigation by staff regarding the candidate were  
3 incorporated into the questioning of the candidate today.  
4 And, Mr. Chairman, I have no further questions.

5 CHAIRMAN CASKEY: Thank you, ma'am. To  
6 members of the Commission have any questions or comments  
7 for Ms. McMahan? Senator Rankin.

8 EXAMINATION BY SENATOR RANKIN:

9 Q. Ms. McMahan, we met. And I was trying to look at  
10 exactly when you were last here. What year was that?

11 A. It would have been last year, probably sometime  
12 around this same time, I'm guessing.

13 Q. Okay. And forgive me, I have likened days here  
14 to decades, so it's been --

15 A. You are preaching to the choir. I understand.

16 Q. And we appreciate you being here early too.  
17 Pardon me for re-plowing this, perhaps. But you are a --  
18 have your own practice now since January of '22?

19 A. No, I've had my own practice since --

20 Q. Well, I mean --

21 A. -- 2017.

22 Q. A new name. But July '16, it was McMahan Taylor  
23 --

24 A. Yes.

25 Q. All right. And so your term -- your time with

1 **the solicitor's office, you list it as 2017 to present.**

2 A. Yes, that's correct.

3 **Q. You are still what --**

4 A. So I do part-time work for Fairfield County  
5 solicitor's office. It's not a full-time job. It's fair -  
6 - I don't know -- I know Mr. Rutherford's aware of  
7 Fairfield County, and has visited us there. If any of you  
8 have not, I would welcome you.

9 **Q. A beautiful county.**

10 A. I welcome you to come.

11 **Q. My in-laws are from there.**

12 A. But it's not a county that has the need for a lot  
13 of full-time, you know, prosecution-type attorneys and  
14 things like that, just due to the case load. So I am part-  
15 time there. And then I also do my law firm on -- you know,  
16 at the same time.

17 **Q. I should say my in-laws and my wife. So, Trish,**  
18 **please correct the record. And so your role as the**  
19 **assistant solicitor, you are prosecuting what?**

20 A. I prosecute -- and I hate to use the term  
21 "literally" -- I prosecute literally everything. I've  
22 handled everything from juvenile court prosecutions, DUIs.  
23 I did a murder trial in March -- in May. I've done a  
24 couple of murder trials. I've done CSCs, burglaries, a lot  
25 of drug charges.

1           We have a lot of weapons issues up there. A lot  
2 of, like, assault and battery-type cases involving weapons.  
3 I mean, it runs the gamut. I've handled just about  
4 everything, including dogs -- I've prosecuted dog cases.  
5 So I mean --

6           **Q. The role of a circuit court judge in -- and I'm**  
7 **not going to say gatekeeper, but hall monitor and -- to own**  
8 **up -- pick your adjective or pick your -- your title, I**  
9 **guess, that you'd like.**

10           But the conflict between -- largely, more and  
11 more, the criminal docket and folks wanting their cases to  
12 be disposed of and they're not being called by the  
13 solicitor, or for whatever reasons that they're not being  
14 prosecuted timely, your view of what you would do to help  
15 arbitrate and, by the Constitution, to give people their  
16 day in court, how will you, with your solicitor's  
17 experience, bring a unique touch to that?

18           A. Well, I can apply not only my solicitor  
19 experience but also my criminal defense experience to that.  
20 It's sort of a team effort as far as getting the older  
21 cases moved.

22           Obviously, you know, COVID didn't assist with the  
23 backlog at any point. I shouldn't -- Fairfield County is  
24 not -- we are not currently under a backlog, that I'm aware  
25 of. We have some older cases, but we don't have anything

1 probably more than four years old.

2 But depending on which county you're in, and the  
3 amount of cases there are, you have to take into  
4 consideration, one, the amount of attorneys at the  
5 solicitor's office versus the amount of attorneys at the  
6 public defender's office, and attorneys that are, you know,  
7 privately hired.

8 Because people can only do so much at one time.  
9 But at the same time what -- you know, I've seen other  
10 judges do, which I thought was helpful, is sort of to  
11 triage the docket.

12 You know, typically, Judge Gibbons, at least  
13 historically, in the 6th Circuit, we would have some sort  
14 of meeting maybe once a quarter or more regularly where we  
15 would all pull -- you know, each attorney pulls their  
16 fifteen oldest cases; we go through them before the meeting  
17 to see if there's something that we can, you know, give a  
18 fire sale deal on, it would give us time to like -- as a  
19 prosecutor for me to go see if I have, you know, victims  
20 available, if my witnesses are available, and then it would  
21 also give time for that defense attorney to relay any  
22 possible plea offers.

23 And then when we get to that type of meeting, we  
24 usually already kind of have an idea set of which cases are  
25 going to fall off or get moved. And then -- and then at

1 that point, that would be when Judge Gibbons started  
2 setting some of the older ones for trial. That was  
3 actually before the -- the order from Justice Beatty came  
4 out, that we were doing all of that.

5 So I mean, I would think adopting something  
6 similar to that would probably be the best approach -- you  
7 know, hey, let's -- let's have a meeting about the X-amount  
8 -- you know, the hundred oldest cases, split them up and  
9 see what we can do, you know, pick off the low-hanging  
10 fruit first, get all of those scheduled to come into court,  
11 and then, you know, set the other ones for trial.

12 And if they're not ready for trial, then you can  
13 judicially dismiss them and have them restored at a later  
14 time, if available. But that's -- that's what I have  
15 found, anyway, that has been working, at least, for us in  
16 our circuit.

17 **Q. This is your second time coming through and --**  
18 **again from a unique perspective. Do you believe that this**  
19 **is a thorough process, not just today's questions, but**  
20 **every event -- every step along this way? Do you believe**  
21 **that this has been a fair and thorough process?**

22 A. I have different perspectives on it. I've also  
23 been involved -- I was on the JQC for a while with the Bar,  
24 mainly just so I could sort of understand the process. As  
25 far as like someone going through it, to me, yeah, I feel

1 like I have been -- you know, it has been thorough.

2           It depends when you break it up into different  
3 sections, I can understand how maybe the JQC, you know,  
4 doesn't see necessarily in the long run how it fits in.

5           But I feel like it's pretty thorough at least --  
6 I mean, you know, because you've got to get your stuff  
7 together in the beginning, you really -- you know, I've  
8 given my entire life to you guys, essentially, absent, you  
9 know, my blood type or something like that -- which if you  
10 need that, let me know. I'm happy to tell you.

11           And then, you know, to sit in front of the JQC,  
12 and then to have the citizens committee, and then, you  
13 know, to keep going and -- you know, they lecture meeting  
14 with Ms. Trask over here, and going through all that, to me  
15 has been thorough, yes.

16           But, you know, I have a different perspective, I  
17 guess, from the -- those of you on the JMSC. I know there  
18 have been some ad hoc hearings about it, but that's just my  
19 -- my view of how it's been --

20           **Q. Well, and to that point, because that's exactly**  
21 **where I'm headed. There are some -- not all -- solicitors**  
22 **call this an unfair process. And you are a part-time**  
23 **solicitor. Do you agree with that description offered by,**  
24 **effectively, two people who are not in the 15th --**

25           CHAIRMAN CASKEY: Let me interrupt before

1 you answer that, and just say that I don't know that we  
2 need to get her -- or put her in a position to answer that  
3 question here.

4 SENATOR RANKIN: A duly-noted objection  
5 sustained.

6 BY SENATOR RANKIN:

7 Q. My only point to you, has this been in the end,  
8 Ms. McMahan, fair?

9 A. What I have experienced thus far, I believe has  
10 been fair. Obviously, you know, I'm -- I'm only privy to a  
11 certain outside level of involvement. But from what I have  
12 been involved with, it has been seemed fair.

13 SENATOR RANKIN: Thank you. For the record,  
14 he did not object to my asking Chief Justice Kittredge that  
15 question. I'll withdraw the comment.

16 MS. MCMAHAN: I did have the pleasure of  
17 watching both of those hearings, so --

18 CHAIRMAN CASKEY: Well, it is with great  
19 respect and humility that I force myself to put that  
20 objection here, given the fact that Justice Kittredge has a  
21 job right now, and he does not have the potential  
22 ramifications that Ms. McMahan might find herself in.

23 MS. MCMAHAN: If I could just --

24 CHAIRMAN CASKEY: Please.

25 MS. MCMAHAN: -- say something to Senator

1 Rankin. As far as a solicitor getting your -- getting  
2 their cases on there, as far as a defense attorney goes  
3 getting your -- your matter heard.

4 In the places that I have worked, if a  
5 defense attorney or a public defender is asking for a  
6 hearing, I have -- I have no problem setting it at their  
7 request. I know -- personally, in some other places, I  
8 have had difficulty setting things, going through certain  
9 channels.

10 And so that is a little bit frustrating.  
11 And, you know, as a judge, I would hope to sort of  
12 circumvent that a little bit, and say, hey, in all  
13 fairness, if the other side, you know, wants to put  
14 something on the docket, they should certainly be able to  
15 do that.

16 CHAIRMAN CASKEY: Any other questions or  
17 comments for Ms. McMahan?

18 (Hearing none.)

19 CHAIRMAN CASKEY: Ms. McMahan, I think your  
20 sister --

21 MS. MCMAHAN: Yes.

22 CHAIRMAN CASKEY: -- is here with us, so I  
23 want to give you a chance to introduce her.

24 MS. MCMAHAN: This is my sister, Carey  
25 Flowers.



1 MS. FLOWERES: Nice to meet everybody.

2 CHAIRMAN CASKEY: Thank you for being here  
3 today. I appreciate your flexibility and timing. We're  
4 not often ahead of schedule. I don't know if we still are  
5 or not. But nonetheless, we appreciate you being here and  
6 making time to support Ashley in doing this.

7 All right. Seeing no other questions from  
8 members of the Commission, that will conclude this portion  
9 of our screening process.

10 I do need to take this opportunity to remind  
11 you that pursuant to the Commission's evaluative criteria,  
12 the Commission expects candidates to follow the spirit as  
13 well as the letter of the ethics laws, and we will view  
14 violations or the appearance of impropriety as serious and  
15 potentially deserving of heavy weight in the screening  
16 deliberations.

17 On that note, and as you may know, the  
18 record will remain open until the formal release of the  
19 report of qualifications, and you may be called back at  
20 such time if the need arises.

21 Again, thank you being here today. And  
22 thank you for offering for service on the bench for the  
23 State of South Carolina.

24 MS. MCMAHAN: Well, thanks for having me. I  
25 appreciate it.

1 CHAIRMAN CASKEY: Thank you, ma'am.

2 (Candidate excused.)

3 CHAIRMAN CASKEY: At this point, on motion  
4 of Representative Jordan, seconded by Senator Rankin, the  
5 pending question is going into executive session.  
6 All in favor signify by saying qualify.

7 (At this time the members audibly say "aye.")

8 CHAIRMAN CASKEY: All opposed say "nay."

9 (Hearing none.)

10 CHAIRMAN CASKEY: The "ayes" have it. And  
11 we will be in executive session.

12 (Executive session from 12:44 p.m. to 1:37 p.m.)

13 CHAIRMAN CASKEY: Ladies and gentlemen, good  
14 afternoon. We are now back on the record, coming out of  
15 executive session. For the record, while we were in  
16 executive session, no decisions were made and no votes were  
17 taken.

18 We will proceed with our screenings this  
19 afternoon. Next up is Mr. William Vickery Meetze, who is a  
20 candidate for Seat 8 on the circuit court bench, which is  
21 one of the at-large seats.

22 Do I have all of that correct, sir?

23 MR. MEETZE: You do.

24 CHAIRMAN CASKEY: If you would please raise  
25 your right hand.

1 WHEREUPON,

2 WILLIAM VICKERY MEETZE, being duly sworn and  
3 cautioned to speak the truth, the whole truth, and nothing  
4 but the truth.

5 CHAIRMAN CASKEY: This should be some  
6 documents in front of you. If you would take a moment and  
7 review those.

8 MR. MEETZE: Okay.

9 CHAIRMAN CASKEY: Are those the personal  
10 data questionnaire and sworn statement that you submitted  
11 to the Commission?

12 MR. MEETZE: It is.

13 CHAIRMAN CASKEY: Are there any updates or  
14 changes that need to made?

15 MR. MEETZE: No, sir.

16 CHAIRMAN CASKEY: Do you have any objection  
17 to us entering those into the record with your sworn  
18 testimony today?

19 MR. MEETZE: I do not.

20 CHAIRMAN CASKEY: Thank you. We'll give  
21 staff just a second to do that.

22 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION  
23 COMMISSION PERSONAL DATA QUESTIONNAIRE OF WILLIAM  
24 VICKERY MEETZE)

25 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION

1 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
2 WILLIAM VICKERY MEETZE)

3 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION  
4 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
5 WILLIAM VICKERY MEETZE)

6 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION  
7 COMMISSION SWORN STATEMENT OF WILLIAM VICKERY  
8 MEETZE)

9 CHAIRMAN CASKEY: The Judicial Merit  
10 Selection Commission has thoroughly investigated your  
11 qualifications for the bench. Our inquiry has focused on  
12 nine evaluative criteria, and has included a ballot box  
13 survey, a thorough study of your application materials,  
14 verification of your compliance with state ethics laws, a  
15 search of newspaper articles in which your name appears, a  
16 study of previous screenings, and a check of -- a check for  
17 economic conflicts of interest.

18 We have no affidavits filed in opposition to  
19 your election, and there are no witnesses are present to  
20 testify.

21 I notice that there is someone who is  
22 present with you today. And we'd be happy to have you  
23 introduce her to the Commission.

24 MR. MEETZE: Thank you very much. I  
25 appreciate that. And I am very proud to introduce my wife,

1 Anna Meetze.

2 CHAIRMAN CASKEY: Thank you for being here,  
3 Ms. Meetze. I appreciate you making the time -- and I  
4 don't know where we are in the schedule, so I appreciate  
5 your flexibility in scheduling.

6 Mr. Meetze, you're welcome to offer any  
7 brief opening remarks that you would like. Otherwise,  
8 we'll proceed to questions from staff counsel.

9 MR. MEETZE: Thank you. I just would say  
10 that I'm very grateful for the opportunity, and very  
11 appreciative to everybody here for all the work that you do  
12 in this process. It's a very important process in an  
13 effort to make our judiciary as well as our state better.  
14 And I just thank you all for the opportunity.

15 CHAIRMAN CASKEY: Thank you, sir. Now I'll  
16 recognize Ms. Trask.

17 MS. TRASK: Good afternoon, Mr. Meetze.

18 MR. MEETZE: Good afternoon.

19 MS. TRASK: I note for the record that based  
20 on the testimony contained in the candidate's PDQ, which  
21 has been included in the record with the candidate's  
22 consent, William Vickery Meetze meets the constitutional  
23 and statutory requirements for this position regarding age,  
24 residence, and years of practice.

25 EXAMINATION BY MS. TRASK:

1           **Q. Mr. Meetze, why do you want to be a circuit court**  
2 **judge?**

3           A. You know, that's a question I've thought about a  
4 lot over the years. And there's a number of different  
5 reasons.

6                       From a practical standpoint, I would say that  
7 from the way my career has gone, I've been in public  
8 service my entire career, starting in 1998, as a clerk for  
9 a circuit court judge, and have continued as such, and feel  
10 like continuing that in a -- as a circuit court judge is a  
11 natural flow.

12                      I do feel very strongly that with the job that I  
13 have now, I get to work and try to help people. And I  
14 think, as a circuit court judge, is just another  
15 opportunity to do that in both -- both branches of circuit  
16 court.

17                      I think that our judges are the protectors of our  
18 constitution. That's something that I feel very strong  
19 about, and would welcome the opportunity to do that.

20           **Q. Thank you. And you touched on this a little bit,**  
21 **Mr. Meetze, but how do you feel your legal and professional**  
22 **experience thus far renders you qualified and will assist**  
23 **you to be an effective circuit court judge?**

24           A. I've been practicing law in circuit court since  
25 1999. Before that, I clerked for a year for a circuit

1 court judge. And that was the chief administrative judge.  
2 And while I was working for him, and handled a number of  
3 complex litigation cases that were handed to him through  
4 civil court.

5 I tried a number of cases. I got to, obviously,  
6 observe and work on cases with him in that area. Since  
7 1999, I've either been an assistant solicitor or worked in  
8 the public defender's office in circuit court, where I've  
9 tried many, many cases.

10 I have a wealth of trial experience, which I  
11 think helps for both branches. I think that trying cases  
12 in either, they're the same rules of evidence, the same  
13 type of thing like that. So I think trying cases in one  
14 would help be able to preside over cases in the other.

15 I believe that I've certainly had much  
16 involvement in PCR hearings, which is also a part of our  
17 common pleas court. And just feel like, overall, the past  
18 24 years, handling cases in circuit court, exclusively, has  
19 well prepared me for the opportunity to be a circuit court  
20 judge.

21 **Q. The Commission received 87 ballot box surveys**  
22 **regarding you, with 19 additional comments. The ballot box**  
23 **survey, for example, contained the following positive**  
24 **comments:**

25 **"Excellent intellect, character, demeanor and**

1 judgment. An excellent attorney. Would make a wonderful  
2 judge. Highly qualified."

3 Two of the written comments expressed concerns.  
4 One such concern involved your lack of civil experience.  
5 Based on this concern having been raised in your prior  
6 screenings, as well as this ballot box survey, what would  
7 your response be regarding this concern over lack of civil  
8 experience?

9 A. My response to that would be I do not see lack of  
10 civil experience as being a hindrance to performance as a  
11 circuit court judge. I think there's many examples,  
12 currently on our bench, where a judge had experience  
13 exclusively one branch versus the other.

14 I have been in front of a number of judges that  
15 fit that criteria, and feel like all of the ones that I've  
16 been in front of that came to the bench with only  
17 experience in one area have done an excellent job and have  
18 been excellent judges, particularly, when I've obviously  
19 been in front them in general sessions court, and they have  
20 only had experience with lawsuits in common pleas court.  
21 And I've never had any issue with regards to that.

22 Certainly, one name that everybody knows, would  
23 be Justice James was under that circumstance. And I was  
24 fortunate enough to practice in front of him when he was on  
25 the circuit court. And he was an excellent judge for



1 general sessions, even though he had not practiced in  
2 general sessions court as a lawyer.

3 I think that -- so and, again, I think that my  
4 experience as a trial lawyer -- I've always done all my own  
5 research for -- for all my cases. I believe that I'm well  
6 adept to be able to find the law that would be needed and  
7 apply it to the facts of any case in civil court.

8 You know, it's -- I just think that the work that  
9 I've done as a lawyer translates well to effective service  
10 in either branch of circuit court.

11 **Q. Thank you, Mr. Meetze.**

12 MS. TRASK: I would note that the Pee Dee  
13 Citizens Committee reported that Mr. Meetze is qualified as  
14 to the evaluative criteria of constitutional  
15 qualifications, physical health and mental stability, and  
16 well qualified as to the evaluative criteria of ethical  
17 fitness, professional and academic ability, character,  
18 reputation, experience, and judicial temperament.

19 BY MS. TRASK:

20 **Q. I have a few housekeeping questions. Mr. Meetze,**  
21 **are you aware that as a judicial candidate, you are bound**  
22 **by the code of judicial conduct as found in Rule 501 of the**  
23 **South Carolina Appellate Court Rules?**

24 A. I am aware.

25 **Q. Since submitting your letter of intent, have you**

1 contacted members of the Commission about your candidacy?

2 A. I have not.

3 Q. Since submitting your letter of intent, have you  
4 sought or received the pledge of any legislator either  
5 prior to this date or pending the outcome of your  
6 screening?

7 A. I have not.

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

11 A. I am familiar.

12 Q. Have you asked any third parties to contact  
13 members of the General Assembly on your behalf, or are you  
14 aware of anyone attempting to intervene in this process on  
15 your behalf?

16 A. I have not asked anyone to make such contact, nor  
17 am I aware of anyone making any contact on my behalf.

18 Q. Have you reviewed and do you understand the  
19 Commission's guidelines on pledging in South Carolina Code  
20 Section 2-19-70(E)?

21 A. I have reviewed and am aware.

22 MS. TRASK: Mr. Chairman, I would note for  
23 the record that any concerns raised during the  
24 investigation by staff regarding the candidate were  
25 incorporated into the questioning of the candidate today.

1 And, Mr. Chairman, I have no further questions.

2 CHAIRMAN CASKEY: Thank you, ma'am. Members  
3 of the Commission have questions or comments for Mr.  
4 Meetze?

5 (Hearing none.)

6 CHAIRMAN CASKEY: Mr. Meetze --

7 REPRESENTATIVE JORDAN: Mr. Chairman.

8 CHAIRMAN CASKEY: Mr. Jordan.

9 REPRESENTATIVE JORDAN: Thank you, Mr.  
10 Chairman.

11 EXAMINATION BY REPRESENTATIVE JORDAN:

12 Q. Mr. Meetze, of course I know you very well,  
13 having been in Florence all those years, and can comment as  
14 to how everyone looks to you as someone who is truly  
15 knowledgeable. And I think the comments speak for  
16 themselves when it comes to what we look at as far as your  
17 demeanor and temperament.

18 Speak to, I guess, a couple things. If you were  
19 successful in this role, you know, you've got some time to  
20 prepare, what would your mind set be to get yourself ready  
21 to take the bench?

22 A. My mind set would essentially be to just sort of  
23 get into that mode of organization and things that I would  
24 need from that standpoint. You know, I -- you know,  
25 essentially my mind set would be to continue to do what I

1 do now, you know, which is work hard and always be  
2 prepared, know the best you can -- I mean, it's different  
3 as a judge than as a practicing lawyer.

4 But any time I go into court with a case, I try  
5 to know that case backwards and forwards and know the law  
6 surrounding that case. And particularly with regards to  
7 civil cases, where you can review discovery beforehand and  
8 things like that, I would make sure that I know everything  
9 there is to know about the case going into it, so that I  
10 can hopefully answer attorney's questions.

11 And like I said, continue to work as a judge as  
12 I've worked as a lawyer, which is to work hard, treat  
13 people the way they need to be treated, treat people  
14 fairly, and try to ensure that our court runs as  
15 efficiently and effectively as possible, but that everybody  
16 gets to be heard and gets to have a voice.

17 **Q. And so let me -- let me change gears on you a**  
18 **little bit too. Because one of the things we always talk**  
19 **about is -- you know, haven't seen you as a judge,**  
20 **obviously. I'd like to get an idea of what kind of judge**  
21 **you'd be.**

22 You said Justice James. But what are a couple of  
23 other judges -- you've been around a long time, practicing  
24 law as a successful lawyer, and a public defender before  
25 that in the solicitor world. But who are some judges that

1 you look to -- and let me qualify.

2           You can't say Judge Seals, because your wife  
3 worked for Judge Seals for a very long time. So no  
4 softballs there. But who are a couple of judges that you  
5 would look to, to emulate?

6           A. Well, I appreciate that question. And I have  
7 been fortunate enough to work in front of a number of  
8 judges. And the judges that I've enjoyed working in front  
9 of the most are the judges that I consider to be the ones  
10 that have the best temperament, you know.

11           I can't think of going in front of a judge, where  
12 after I was in front of the judge, that I didn't think they  
13 were qualified from an academic standpoint or anything like  
14 that. I've never really had any issues with regards to  
15 judges and whether I thought they were, quote/unquote, you  
16 know, smart enough or whatever to do -- to do the job.

17           And I've never had any issue with regards to a  
18 judge giving a client of mine a sentence that might have  
19 been more than I was hoping for, or more than I expected.  
20 Differing minds can differ on that.

21           And I've certainly been in front of judges that  
22 have given clients of mine sentences where I thought that -  
23 - to myself, man, if I was a judge, I wouldn't have given  
24 them that, kind of thing.

25           So the judges that I have respected the most, and

1 would look to try to emulate, are those that have the  
2 proper temperament, but at the same time have the respect  
3 and proper control of a courtroom.

4           And one name that comes up to me, that I have a  
5 great deal of respect for, is Judge Nettles. Judge Nettles  
6 has always been a very even-tempered judge. But when Judge  
7 Nettles says to the courtroom, "All right, let's have  
8 quiet," you know what he means and everybody gets quiet.

9           He doesn't have to say anything more than that,  
10 and he doesn't say it in a mean or rude way. But that's --  
11 but that's a judge that I think very highly of and -- and  
12 feel like if I could follow his example, that would be  
13 great.

14           And I would also say I feel like Judge Nettles,  
15 as well as others, he's extremely smart. But he doesn't  
16 wear that on a sleeve, so to speak. He doesn't, you know,  
17 flaunt that, but he is. When he rules on a case and all,  
18 he knows what he's doing up there. He's knows the law and  
19 treats people the way they need to be treated.

20           **Q. Well, as I wrap up my questioning as thinking --**  
21 **or thinking of Judge Nettles, I'll simply say "very good."**  
22 **As anybody who's been in court -- in his courtroom, that's**  
23 **how he finishes up most of the time.**

24           A. That's right.

25           **Q. Thank you, sir.**

1           A.     You're welcome.  Thank you.

2                     CHAIRMAN CASKEY:  Other members of the  
3 Commission have questions or comments for Mr. Meetze?

4                             (Hearing none.)

5                     CHAIRMAN CASKEY:  Seeing none then, Mr.  
6 Meetze, this will conclude this portion of our screening  
7 process.

8                     I want to take this opportunity to remind  
9 you that pursuant to the Commission's evaluative criteria,  
10 the Commission expects candidates to follow the spirit as  
11 well as the letter of the ethics laws, and that we will  
12 view violations or the appearance of impropriety as serious  
13 and potentially deserving of heavy weight in the screening  
14 deliberations.

15                     On that note, and as you may know, the  
16 record will remain open until the formal release of the  
17 report of qualifications, and you may be called back at  
18 such time if the need arises.

19                     Again, thank you for offering for an office  
20 in the State of South Carolina, and thank you for being  
21 with us here today.

22                     MR. MEETZE:  Thank you very much.

23                     CHAIRMAN CASKEY:  Thank you.

24                             (Candidate excused.)

25                     CHAIRMAN CASKEY:  We will stand at ease

1 until the next candidate is here.

2 (Off the record.)

3 CHAIRMAN CASKEY: Ladies and gentlemen, we  
4 are back on the record to proceed with our screenings here  
5 this afternoon.

6 Before us now we have Mr. Bruce Wallace, who  
7 is a candidate for Seat 8 on the circuit court bench, which  
8 is an at-large seat. So do I have all of that correct?

9 MR. WALLACE: Yes.

10 CHAIRMAN CASKEY: Would you raise your right  
11 hand.

12 WHEREUPON,

13 R. BRUCE WALLACE, being duly sworn and  
14 cautioned to speak the truth, the whole truth, and nothing  
15 but the truth.

16 CHAIRMAN CASKEY: Thank you, sir. There  
17 should be some documents in front of you. If you will take  
18 a look at those, please.

19 MR. WALLACE: Yes, sir. I have three  
20 documents in front of me.

21 CHAIRMAN CASKEY: Are those the personal  
22 data questionnaire and the sworn statement that you've  
23 submitted to the Commission?

24 MR. WALLACE: I'm just looking right now.

25 CHAIRMAN CASKEY: Take your time.



1 MR. WALLACE: Yes, they do appear to be  
2 complete.

3 CHAIRMAN CASKEY: Are there any updates or  
4 changes that need to be made?

5 MR. WALLACE: Not that I'm aware of.

6 CHAIRMAN CASKEY: Okay. Do you have any  
7 objection to us entering those into the record with your  
8 sworn testimony?

9 MR. WALLACE: I do not.

10 CHAIRMAN CASKEY: Let me give staff an  
11 opportunity to do that.

12 (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION  
13 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ROBERT  
14 BRUCE WALLACE)

15 (EXHIBIT NO. 25 - JUDICIAL MERIT SELECTION  
16 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
17 ROBERT BRUCE WALLACE)

18 (EXHIBIT NO. 26 - JUDICIAL MERIT SELECTION  
19 COMMISSION SWORN STATEMENT OF ROBERT BRUCE  
20 WALLACE)

21 CHAIRMAN CASKEY: The Judicial Merit  
22 Selection Commission has thoroughly investigated your  
23 qualifications for the bench. Our inquiry has focused on  
24 nine evaluative criteria, and has included a ballot box  
25 survey, a thorough study of your application materials,

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

5 We've received no affidavits filed in  
6 opposition to your election, and no witnesses are present  
7 to testify.

8 If you have any brief opening comments you'd  
9 like to make, we're happy to hear those. Otherwise, we'll  
10 proceed to questions from staff counsel.

11 MR. WALLACE: In the interest of time, I'll  
12 waive my opening.

13 CHAIRMAN CASKEY: And I notice that you have  
14 a guest with you. We'd be happy to meet her.

15 MR. WALLACE: Thank you. This is my wife,  
16 Salley Wallace.

17 CHAIRMAN CASKEY: Thank you for being here,  
18 Ms. Wallace. I'm glad you're here. All right. Ms.  
19 Crawford.

20 MS. CRAWFORD: Good afternoon.

21 MR. WALLACE: Good afternoon.

22 MS. CRAWFORD: Mr. Chairman, I note for the  
23 record that based on the testimony contained in the  
24 candidate's PDQ, which has been included in the record with  
25 the candidate's consent, Mr. Wallace meets the

1 constitutional and statutory requirements for this position  
2 regarding age, residence, and years of practice.

3 EXAMINATION BY MS. CRAWFORD:

4 Q. Mr. Wallace, how do you feel your legal and  
5 professional experience renders you qualified and will  
6 assist you to be an effective circuit court judge? And why  
7 do you want to be a circuit court judge?

8 A. Okay. I'll take the first part first. So  
9 Saturday, actually, will be 27 years since I was sworn into  
10 the Bar in South Carolina. My first job was working as a  
11 law clerk to a trial judge.

12 And then after that, I joined a law firm with my  
13 dad, which was the greatest four years of my career thus  
14 far. I got to practice alongside him in circuit court and  
15 federal court, probate court, handling plaintiff's personal  
16 injury, handling legal malpractice defense, and a whole  
17 host of other commercial business litigation.

18 And then at that point, he wanted to retire. I'm  
19 the youngest of six kids, so he was done. And Nexsen Pruet  
20 at that time, now Maynard Nexsen, had an opportunity for me  
21 to come over and be a litigator in their office.

22 And so I joined them and I've practiced  
23 continuously since Nexsen Pruet -- with Nexsen Pruet, now  
24 Maynard Nexsen. And I've enjoyed a wide -- a broad  
25 practice there, both continuing some criminal defense work

1 which I had been doing with my father. That's all sort of  
2 passed away, as you can see from my amendments.

3 I don't have any current criminal defense  
4 experience. But what I do have is a broad-based civil  
5 litigation experience. I've handled cases in every circuit  
6 in the state. I've handled real estate cases, personal  
7 injury cases, insurance cases, business litigation cases,  
8 condemnation cases.

9 I have a wealth of experience and a broad  
10 experience in front of the circuit courts in that regard.  
11 And I think that when I look at sort of the qualities of  
12 the circuit court judges, they tend to come from one of  
13 three different backgrounds; they're either generally a  
14 plaintiff's lawyer, generally civil defense lawyer, or a  
15 criminal lawyer -- either prosecutor or defense.

16 And I'd like to think, without knowing everybody  
17 else's background, I'm somewhat different in that I have  
18 all three. I handle civil plaintiff's cases, I handled  
19 civil defense cases, and I have a background in criminal  
20 defense experience.

21 Just the last three cases I've tried in circuit  
22 court, I was plaintiff's lawyer in one and defense lawyer  
23 in two. And I tried two bench cases, two bench trials, and  
24 one jury trial. And so I've got that breadth of experience  
25 that I think will help me do the job well.

1 I want the job. I know this sounds somewhat  
2 trite, perhaps, but I've always wanted it ever since  
3 working with a trial judge. I've enjoyed the give-and-take  
4 of chambers as they -- as we worked through the problems of  
5 the cases that came before the court.

6 And I have, frankly, always wanted to give back.  
7 As the Commission probably knows, I sought a circuit court  
8 at-large position back in 2014. And I withdrew late in the  
9 process, when our daughter at the time was 9, and I  
10 realized an at-large circuit court judge is a working judge  
11 position, and that required a large time away from home.

12 And at that time, I didn't feel like I could do  
13 the job credibly and raise a family. But now that 9-year-  
14 old is a freshman at Wofford. So we're empty-nesters and  
15 I've got the energy and the time to do the job well. I  
16 look forward to the opportunity to do so.

17 **Q. Thank you, Mr. Wallace. The Commission received**  
18 **182 ballot box surveys regarding you, with 36 additional**  
19 **comments. Some of the positive comments included:**

20 **"Mr. Wallace possesses a judicial temperament and**  
21 **is fair and personable, even as an opponent in litigation.**  
22 **Intellectually curious and rigorous. Bruce possesses the**  
23 **highest ethical standards and is a credit to the Bar, his**  
24 **firm, and his clients. Extremely reliable, punctual, and**  
25 **fair-minded. I can't think of a more qualified candidate**

1 for circuit court judge."

2 And you've touched on this a little bit. The  
3 only concern raised in the ballot box was related to your  
4 experience, or lack thereof, in criminal matters. And you  
5 mentioned it, you said it was some time ago that you had  
6 some criminal experience.

7 Have you done anything, since thinking about this  
8 position, to prepare in the criminal realm?

9 A. I have. So I've always made it a habit, since  
10 graduating law school, to read the advance sheets. Every  
11 Wednesday, they come out. I grabbed a copy either in  
12 paper, back when it was just paper, and since recently all  
13 digital.

14 And I would read through the advance sheets for  
15 all the cases that would effect what I do. So any  
16 insurance cases, any legal malpractice cases, any business  
17 litigation cases, any real estate cases -- which was a good  
18 portion of the advance sheets.

19 Since I announced my candidacy, I expanded that  
20 and have read and consumed every opinion related to  
21 criminal law and criminal procedure. And then if I can  
22 give a plug for the Bar's Big Ticket program. I purchased  
23 a Big Ticket, which is a one-year subscription to on-line  
24 content for the Bar's CLE commission.

25 And I've been -- as I traveled the state for the

1 legislative delegation meetings, I have been consuming  
2 those CLEs. This month alone, I've watched fifteen hours  
3 of criminal law and criminal procedure.

4 **Q. While you're driving?**

5 A. Well, not watched. Listened. Listened not  
6 watched. I apologize. And I'm scheduled to go to  
7 Edgefield tomorrow, and Aiken on Monday, and I'll add  
8 another twelve hours of CLEs for just criminal.

9 And there are 32 programs available through the  
10 Big Ticket, and I'm going to make a dent in all of those,  
11 hopefully, before I ascend the bench.

12 **Q. Thank you, Mr. Wallace. Mr. Wallace, your SLED**  
13 **report indicated that there was a lawsuit filed by a Robert**  
14 **B. Wallace against Viking Cruise lines in 2019. And**  
15 **discuss this -- can you comment on this lawsuit?**

16 A. I can, if you will appreciate the humor behind  
17 it. My father purchased some tickets through Viking, which  
18 is a cruise line. And he was going to go on a river cruise  
19 in Europe.

20 Then COVID hit and he -- they gave him a coupon.  
21 You know, you -- we can't -- we can't sail with you this  
22 year because of COVID. When we're back to normal, take  
23 your coupon and buy a new ticket, right?

24 So the long and short of it, he changed his mind  
25 a couple of times, they changed their mind a couple of

1 times, and then they refused to refund his money. So he  
2 used them in magistrate's court in Charleston County, and  
3 won. They basically paid him some money and gave him the  
4 coupons back.

5 **Q. So this was not you.**

6 A. This was not me. This was my dad. It made for  
7 great conversation at our Friday morning breakfast. But it  
8 was not me.

9 **Q. Okay. Thank you.**

10 MS. CRAWFORD: I would note that Lowcountry  
11 Citizens Committee reported that Mr. Wallace is well  
12 qualified as to the evaluative criteria of ethical fitness,  
13 professional and academic ability, character, reputation,  
14 and judicial temperament. Mr. Wallace was also found  
15 qualified in the evaluative criteria of constitutional  
16 qualifications, physical health, mental stability, and  
17 experience.

18 BY MS. CRAWFORD:

19 **Q. Mr. Wallace, are you aware that as a judicial**  
20 **candidate, you are bound by the code of judicial conduct as**  
21 **found in Rule 501 of the South Carolina Appellate Court**  
22 **Rules?**

23 A. I am aware.

24 **Q. Since submitting your letter of intent, have you**  
25 **contacted members of the Commission about your candidacy?**



1 A. I have not.

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

10 A. I am.

11 Q. Have you asked any third parties to contact  
12 members of the General Assembly on your behalf, or are you  
13 aware of anyone attempting to intervene in this process on  
14 your behalf?

15 A. I have not asked anybody to do so, and I'm not  
16 aware of anybody doing that.

17 Q. Have you reviewed and do you understand the  
18 Commission's guidelines on pledging, as well as South  
19 Carolina Code Section 2-19-70(E)?

20 A. I am.

21 Q. Thank you, Mr. Wallace.

22 MS. CRAWFORD: Mr. Chairman, I note for the  
23 record that any concerns raised during the investigation  
24 regarding this candidate were incorporated into the  
25 questioning. And no further questions.

1                   CHAIRMAN CASKEY: Thank you, ma'am. Members  
2 of the Commission have any comments or questions for Mr.  
3 Wallace? Mr. Jordan.

4                   REPRESENTATIVE JORDAN: Briefly. Thank you,  
5 Mr. Chairman.

6 EXAMINATION BY REPRESENTATIVE JORDAN:

7           Q.    Mr. Wallace, I noticed that you clerked for Judge  
8 Weston Houck. Is that right?

9           A.    I did. Yes.

10          Q.    So Judge Houck was in court in Florence. And I  
11 didn't know him well -- he's friends with my father, and I  
12 came along practicing law as he was sort of closing out.  
13 But some of the stories are kind of legendary about Judge  
14 Houck. I was just wondering what your experience clerking  
15 him -- with him was like.

16          A.    So the reputation he had before I joined him was  
17 somewhat of a stickler for procedure. He instilled in me,  
18 a love and desire to learn and know the rules of evidence.  
19 And he insisted upon that with the lawyers that appeared  
20 before him.

21                   But his reputation tended to trend more towards  
22 somewhat demanding and inflexible with regard to the  
23 lawyers that appeared in front of him. He could be hard.  
24 But to work for, he was amazing. He was a mentor. He was  
25 a genuine, kind person that was interested in my

1 development as a lawyer and as a law clerk. We got along  
2 very well.

3 And I think by the time I joined, that reputation  
4 had mellowed significantly. I never observed him being  
5 rude or strict with a lawyer, or intemperate. But I heard  
6 all those stories every time I -- we'd go from Charleston  
7 to Florence, or a couple -- we did a two-week murder trial  
8 in Florence -- I mean, in Columbia one time.

9 Those stories followed him through the late '90s.  
10 But as a boss and as a mentor, he was amazing.

11 Q. Thank you.

12 CHAIRMAN CASKEY: Any more comments or  
13 questions for Mr. Wallace? Mr. Safran.

14 MR. SAFRAN: Just briefly.

15 EXAMINATION BY MR. SAFRAN:

16 Q. I didn't know your dad. But basically, I heard  
17 coming up -- I mean, he had -- at time -- at times, almost  
18 a legendary status. He was the solicitor down there for  
19 while too -- or was he?

20 A. He was.

21 Q. Yeah. And so he was in the old days, basically,  
22 I think, when you could be a solicitor and have a private  
23 practice. And so he kind of continued on with the private  
24 practice, because he kind of figured out it was the better  
25 option to go.

1           A.    Right.

2           Q.    You went with Nexsen Pruet, I guess, because that  
3 was just kind of a good thing that was available at the  
4 time?

5           A.    Uh-huh.

6           Q.    And I think it says you -- with them, you still  
7 kind of do something on both side of the aisle, so to  
8 speak?

9           A.    Yes, sir.

10          Q.    And it seems like your -- you do a lot of  
11 commercial at this point?  Or do certain kinds of  
12 malpractice defense?  Or is it more than that at this  
13 point?

14          A.    It's definitely more than that.  So I'll give you  
15 an example of three cases we -- I've tried in the last year  
16 or so.  One was legal malpractice defense up in Lexington,  
17 know front of Judge McLeod; one was a real estate dispute  
18 related to covenants, conditions, and restrictions on a  
19 residential real estate property in Georgetown; and one was  
20 a contract dispute between two developers.  And that was  
21 the one where I was the attorney for the plaintiff.

22                        So the real estate is a significant portion of  
23 what I do, real estate disputes, real estate litigation.  
24 But I also handled insurance coverage, some large loss  
25 insurance defense where we represent the defendant in the

1 civil litigation.

2 But in the business dispute aspect, sometimes I  
3 do the plaintiff's side and sometimes I do the defense  
4 side. And business litigation, as most people know, you  
5 don't know who you're going to be representing until you  
6 show up.

7 And so that's more of a fluid practice as far as  
8 plaintiff/defense. And there is a -- I have a healthy  
9 practice involving probate litigation. So that's disputes  
10 involving trusts and wills and whatnot.

11 Q. And we certainly got an earful of that yesterday.

12 A. Yeah.

13 Q. Let me ask this, as far as -- the fact that you  
14 actually would have had three trials in the last several  
15 years, I mean, trials -- at least at the common pleas  
16 stage, are getting fewer and fewer and far between.

17 A. The are.

18 Q. Are those on -- were those done at the state  
19 level or in the federal court?

20 A. Those were all at the state level.

21 Q. Okay. And I guess do you understand -- I guess  
22 because it sounds like you've got your arms elbow-deep,  
23 basically, in terms of your kind of litigation.

24 A. Yes, sir.

25 Q. But you recognize so much of what's going in

1 circuit court right now is effectively serving as a referee  
2 in discovery fights.

3 A. Yes, sir.

4 Q. I mean, that's kind of what it's boiled down to,  
5 hasn't it?

6 A. Well, you know, there's a -- there's obviously  
7 other motions practice. But between the discovery disputes  
8 and the trial -- mode of trial disputes, we're seeing a lot  
9 of arbitration demands. And I've got two on appeal right  
10 now on an arbitration demand.

11 It certainly seems to be a lot of discovery work.  
12 It seems to be a lot of motions practice related to the  
13 depositions or what have you. But I understand that. I've  
14 been engaged in dozens of discovery disputes.

15 Tomorrow, I'm supposed to appear in front of  
16 Judge Dukes on a -- on a motion to compel. So I understand  
17 it. And I don't -- I assume that your question is, Is that  
18 all there is? And if that's all there is, I will do it to  
19 the best of my ability.

20 Q. But is that going to be compelling for you?

21 A. It's the service, I think, that will fulfill me.  
22 The opportunity to serve the state, serve the people of  
23 this state, that's what I think this job entails. That's  
24 the -- that's the initial starting point, if you will.

25 The discovery disputes will each be

1 individualized. The trials will each be individualized.  
2 And I don't want to lose sight of the fact that there will  
3 be criminal trials and criminal pleas.

4 And while I have less current experience with  
5 that, you know, I will promise this commission and the  
6 legislature at large -- the legislature at large, that no  
7 one's going to outwork me to learn how to do that well.

8 But, no, I'm not going to shy away from it just  
9 because it has boiled down to discovery practice.

10 Q. Let me ask --

11 A. That's important.

12 Q. -- just a couple of other quick things. One is,  
13 as somebody who's been doing this for as long as you have,  
14 how do you explain how things have changed so much in terms  
15 of the -- this seemingly mushrooming of all of the  
16 discovery fights.

17 I mean, I don't do civil litigation anywhere  
18 close to that level. I've gotten away from it. I stay  
19 involved to a point, but I don't remember it back in -- 25  
20 years ago, that we got into this depth to where everything  
21 seemed to be a battle over those kind of things.

22 What's caused that? And I guess from the  
23 standpoint as a judge, how do you rein it in?

24 A. So first of all, what's caused it is -- is the  
25 proliferation of digital information, right? You think of

1 anybody -- you're on Facebook, you're on LinkedIn, you're  
2 on Instagram. Instagram's huge, right? That's a -- just  
3 those three accounts alone, if you're active in all three,  
4 it's a tremendous amount of information.

5           And if you think about a personal injury case,  
6 where the permanency of the injury might be at issue, well,  
7 I want to see -- I want to see the plaintiff's Facebook  
8 file. I want to see her Instagram. Is she out ski --  
9 waterskiing while she's complaining of a lower back injury,  
10 right? So that's the first thing.

11           Now, when you talk about a business, you think e-  
12 mails, you think posting for the business from a marketing  
13 standpoint. Again, a proliferation of data, managing the  
14 data becomes an enormous task.

15           But the way to manage it from the court's  
16 perspective is to take it byte-size; what are the major  
17 issues, what are the minor issues, how do you swim through  
18 terabytes of data, for instance. Well, thankfully,  
19 technology is answering that.

20           In one discovery dispute I have, we have the  
21 ability to take all the data, put it through a filter that  
22 will look for keyword searches. So the minute you add a  
23 keyword search, you have -- you have taken a mound of data  
24 and, hopefully, made it into a manageable amount of data,  
25 both for yourself as the party holding the documents, and



1 the party looking for the documents.

2 Q. So it's basically a sign of the times.

3 A. It is a sign of the times.

4 Q. And let me ask one last thing -- and I say this  
5 without, you know, any embarrassment. Judge Houck is the  
6 only judge I've ever appeared in front of, in almost 40  
7 years, that scared me. And, basically, he was, you know,  
8 certainly somebody that got your attention.

9 And, you know, you've obviously seen that. And  
10 one thing that we basically have focused on as a group over  
11 the course of time, is on the one hand, never diminishing a  
12 judge's opportunity to maintain control in a courtroom, but  
13 at the same time kind of making people aware that  
14 temperament is something that is considered to be a very  
15 big component of the whole process.

16 And, again, federal judges are different. We  
17 know that. I worked for one myself.

18 A. Right.

19 Q. And so the point is, what do you take from that  
20 experience, good or bad, and try to translate into what you  
21 would want to do as far as how you would run a courtroom?

22 A. So if I may make a two-part --

23 Q. Sure.

24 A. -- answer to that. The first one is, Judge Houck  
25 had a philosophy that he -- when he was a private lawyer,

1 before he ascended to the bench, he came to court prepared.  
2 He knew what the witnesses were going to say, he knew what  
3 the documents were going to say, and he prepared and spoke  
4 that way and presented his case that way.

5 He has told me, he expects nothing less of the --  
6 of the lawyers that appear before him, whether it was for a  
7 motion or whether it was for trial; they had to be  
8 prepared.

9 He said you need to know the rules of evidence,  
10 because the rules evidence dictate what gets entered into  
11 the record at a trial. Well, that dictates what you look  
12 for and that dictates what you get, ultimately, in  
13 discovery.

14 So knowing the rules made the case run smoothly.  
15 Being prepared made the presentation of evidence effective  
16 for your client. So those were his sort of basic rules.

17 To your point about being afraid to appear in  
18 front of him. I don't think anybody should -- a lawyer  
19 should be afraid to appear in front of a judge. And so in  
20 that regard, he and I would probably disagree. And I think  
21 he thought that was an effective way to encourage lawyers  
22 to be prepared.

23 He never said that to me, but I -- by  
24 observation, he seemed to be okay with that reputation.  
25 For myself, I think back to -- and this is the second part

1 of your question. My first hearing was in front of Judge  
2 Dennis.

3 I was a -- just gotten out of -- off the bench  
4 with Judge Houck. I was with my dad, I walked in. The  
5 only thing in my briefcase was a bottle of Pepto-Bismol. I  
6 was so nervous, but I was prepared. And so I argued my  
7 motion and Judge Dennis ruled, and I moved on.

8 And that's sort of what I think a judge should  
9 do, give a nervous lawyer an opportunity to present his or  
10 her argument in full, to listen fully, but then render a  
11 decision that is clear and well-reasoned. That's what the  
12 courts of this state do, 95 percent of the time.

13 We get well-reasoned decisions. We get an  
14 opportunity to be heard. And that's what I would bring to  
15 the judiciary. That's the kind of courtroom I would like  
16 to preside over, and plan to preside over.

17 **Q. Thank you very much for your responses. And I**  
18 **appreciate your offering.**

19 A. Thank you.

20 CHAIRMAN CASKEY: Other comments or  
21 questions from members of the Commission? Chairman Rankin.

22 SENATOR RANKIN: Mr. Wallace -- thank you,  
23 Mr. Chairman. Mr. Wallace, the very judge you spoke of,  
24 with your bottle of Pepto-Bismol, has written a letter on  
25 your behalf. Which obviously is a testament to your

1 performance that day -- maybe for merely not opening the  
2 briefcase and taking a slug of the Pepto-Bismol. But also  
3 a local attorney that I know well, who -- Brad Waring, I  
4 think is it Waring?

5 MR. WALLACE: Yes, sir.

6 SENATOR RANKIN: -- a letter on your behalf,  
7 includes a quote from Gene Connell in Surfside. And so to  
8 the point of your maintaining a great rapport with those  
9 who you're doing battle with, for Gene to say it, who might  
10 I his own regard be an aggressive guy in a great way, that  
11 is a compliment to you.

12 So you, obviously, are well qualified with  
13 your past and those who say -- speak to your current  
14 behavior in battle. So thank you.

15 MR. WALLACE: Thank you.

16 CHAIRMAN CASKEY: Any other comments or  
17 questions?

18 (Hearing none.)

19 CHAIRMAN CASKEY: Mr. Wallace, I'll say  
20 this, I don't believe that we've had occasion to get to  
21 know one another. And there are, obviously, limitations  
22 with any anonymous feedback mechanisms, and the ballot box  
23 is no different. Certainly not perfect, but it is a --  
24 I've found to be a very useful tool in that, you know,  
25 where there's a trend, you know, there's certainly

1 something there.

2                   And I can say, I think without exception, as  
3 I made my way through all of these comments, they  
4 universally speak to your intellect, to your temperament,  
5 to your experience and your skill as a lawyer, as well as  
6 your qualities and characteristics as a person.

7                   So I say that to say that I think you should  
8 very proud of the reputation that you've earned over the  
9 course of your career and in your life. It certainly is  
10 one of those things that, you know, in a time when it seems  
11 the Bar, and perhaps more under attack, to see somebody who  
12 has distinguished himself as a member of our profession.  
13 So I thank you for that.

14                   I will say -- I'm going to share this  
15 thought with the others who have not been in the criminal  
16 courtroom of late. If you are successful, and perhaps even  
17 -- it may be of some benefit to spend some time in plea  
18 court, to just see how that operates under different  
19 judges. Because it might help you -- because once you  
20 formally put on that robe, everything will change  
21 drastically.

22                   And so I would just encourage you to,  
23 perhaps, avail yourself of that opportunity if that's  
24 something that you're interested in.

25                   MR. WALLACE: Thank you.

1                   CHAIRMAN CASKEY: Yes, sir. Seeing no  
2 further questions or comments, this will conclude this  
3 portion of our screening process.

4                   I need to take this opportunity to remind  
5 you that pursuant to the Commission's evaluative criteria,  
6 the Commission expects candidates to follow the spirit as  
7 well as the letter of the ethics laws, and that we will  
8 view violations or the appearance of impropriety as serious  
9 and potentially deserving of heavy weight in screening  
10 deliberations.

11                   On that note, and as you may know, the  
12 record will remain open until the formal release of the  
13 report of qualifications, and you may be called back at  
14 such time if the need arose.

15                   Again, thank you for being here today. And  
16 thank you for offering for service to the State of South  
17 Carolina.

18                   MR. WALLACE: Thank you all very much.

19                   CHAIRMAN CASKEY: Thank you for being here.

20                   (Candidate excused.)

21                   CHAIRMAN CASKEY: We will stand at ease  
22 until the next candidate is here.

23                   (Off the record.)

24                   CHAIRMAN CASKEY: Good afternoon, ladies and  
25 gentlemen. We are back on the record to proceed with the

1 balance of our screenings here this afternoon.

2           The next candidate we have before us is Mr.  
3 Chadwick -- Chad Smith, a candidate for Seat 3 on the  
4 family court bench for the 16th Judicial Circuit. Do I  
5 have that right, Mr. Smith?

6           MR. SMITH: That is correct.

7           CHAIRMAN CASKEY: All right. Thank you for  
8 being here. If you would please raise your right hand.

9           WHEREUPON,

10           R. CHADWICK "CHAD" SMITH, being duly sworn  
11 and cautioned to speak the truth, the whole truth, and  
12 nothing but the truth.

13           CHAIRMAN CASKEY: Thank you. There should  
14 be some documents in front of you. If you'd please take an  
15 opportunity to look at those.

16           MR. SMITH: Yes, sir.

17           CHAIRMAN CASKEY: Are those the personal  
18 data questionnaire and the sworn statement that you have  
19 submitted to the Commission?

20           MR. SMITH: They are.

21           CHAIRMAN CASKEY: Are there any updates or  
22 corrections needed?

23           MR. SMITH: No, sir.

24           CHAIRMAN CASKEY: Do you have any objection  
25 to our entering them onto -- into the record as a part of

1 your sworn testimony?

2 MR. SMITH: No objection.

3 CHAIRMAN CASKEY: Thank you. Let me give  
4 staff a moment to do that.

5 (EXHIBIT NO. 33 - JUDICIAL MERIT SELECTION  
6 COMMISSION PERSONAL DATA QUESTIONNAIRE OF RICHARD  
7 CHADWICK SMITH)

8 (EXHIBIT NO. 34 - JUDICIAL MERIT SELECTION  
9 COMMISSION SWORN STATEMENT OF RICHARD CHADWICK  
10 SMITH)

11 CHAIRMAN CASKEY: The Judicial Merit  
12 Selection Commission has thoroughly investigated your  
13 qualifications for the bench. Our inquiry has focused on  
14 the nine evaluative criteria, and has included a ballot box  
15 survey, a thorough study of your application materials,  
16 verification of your compliance with state ethics laws, a  
17 search of newspaper articles in which your name appears, a  
18 study of previous screenings, and a check for economic  
19 conflicts of interest.

20 We have received no affidavits filed in  
21 opposition to your election, and no witnesses are present  
22 to testify.

23 If you have any brief opening remarks, we'd  
24 be happy to hear those. Otherwise, we will proceed with  
25 questions from staff counsel.



1 MR. SMITH: Yes, sir. Just very briefly,  
2 Chairman Caskey and members of the Commission. Thank you  
3 for the opportunity to be here. I would also like to thank  
4 Erin Crawford, Trey Walpole, and Lindi Putnam, just for  
5 their many courtesies throughout this entire process. And  
6 I will be glad to answer any questions you may have.

7 CHAIRMAN CASKEY: Thank you, sir. At this  
8 time, I'd recognize Mr. Wapole.

9 MR. WAPOLE: Thank you, Mr. Chairman. Mr.  
10 Smith, it's good to see you again. Would you please state  
11 for the record, the city and circuit in which you reside.

12 MR. SMITH: Yes. Rock Hill, South Carolina.  
13 And it's in the 16th Judicial Circuit.

14 MR. WAPOLE: Mr. Chairman, I note for the  
15 record that based on the testimony contained in the  
16 candidate's PDQ, which has been included in the record with  
17 the candidate's consent, Mr. R. Chadwick Smith meets the  
18 constitutional and statutory requirements for this position  
19 regarding age, residence, and years of practice.

20 EXAMINATION BY MR. WAPOLE:

21 Q. Mr. Smith, why do you want to serve as a family  
22 court judge, and why do you feel that your legal and  
23 professional experience qualify and will assist you to be  
24 an effective judge?

25 A. I have, and always have, had a very great respect

1 for our judicial system, for the integrity of our judicial  
2 system. And as an attorney, I can obviously have an impact  
3 on my client.

4 Obviously, now in my position with DSS, as impact  
5 with a government agency. But I believe that by serving as  
6 a family court judge, I would have the opportunity to have  
7 a greater impact on families and childhood. Not only  
8 across South Carolina, but in my home community.

9 And I believe that the experience that I have, my  
10 experience in private practice, handling virtually every  
11 type of action that comes before the family court, my now-  
12 ten years experience with DSS, three years as the managing  
13 attorney for DSS in York County, that I have the  
14 qualifications, I believe I have the temperament and the  
15 character to serve on the family court bench.

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

20 A. The only area of potentially additional  
21 preparation would probably be in the field of juvenile  
22 cases before the family court.

23 Although, with DSS, I have become more and more  
24 involved with those type cases. Because oftentimes, we  
25 encounter cases that a juvenile could potentially be

1 released from the custody of DJJ, but a parent is not there  
2 to take physical custody of the child, and the child ends  
3 up being placed into emergency protective custody. And it  
4 ends up then being a dually involved youth that I, just  
5 personally, handle those cases myself.

6 So I have become the attorney in our office who  
7 works very closely with DJJ in those dually involved cases.  
8 But I can certainly see haven't additional training with  
9 that, because have -- although I have handled those cases,  
10 that has not been the majority of my practice.

11 **Q. Mr. Smith, could you please briefly describe your**  
12 **experience in handling complex contested family court**  
13 **matters, and specifically discuss your experience with the**  
14 **financial aspects of family court work.**

15 A. Sure. I have, when I was in private practice,  
16 handled cases that we were probably fighting over the pots  
17 and the pans-type case, and then had cases where we were  
18 dealing with millions of dollars in assets and retirement  
19 accounts, and in business valuations of companies, family-  
20 owned businesses.

21 And I dealt with those type cases for  
22 approximately twelve years. As a certified family court  
23 mediator, I dealt with those type cases. And my mind set  
24 was, obviously, from a financial standpoint, the stakes  
25 were very high with high income clients.

1           But ultimately, the same rules, the same statutes  
2 all apply in those type cases. But I certainly feel  
3 comfortable handling those type of cases.

4           Q.    Mr. Smith, the Commission received 147 ballot box  
5 surveys regarding you, with 13 additional comments. The  
6 ballot box survey, for example, contained the positive  
7 comments:

8                   "Chad is extremely smart and capable. He's even-  
9 keeled, kind, and thoughtful both to others and to his  
10 work. Chad hears to listen and does not listen to speak.  
11 He would be a great family court judge. He's an attorney  
12 of the highest order of morals and competence. His  
13 knowledge of family court, and his many years of dedicated  
14 service with the Department of Social Services, will make  
15 him an outstanding family court judge."

16           Mr. Smith, you were named in a lawsuit in 2010 as  
17 a result of a quiet title foreclosure action in York County  
18 --

19           A.    Yes.

20           Q.    -- Court of Common Pleas. Could you please  
21 explain the nature and disposition of the lawsuit?

22           A.    I could. That was a lawsuit that my great-aunt  
23 had given a house and real property in Rock Hill to my  
24 mother and to me. There was a cloud on the title, because  
25 the house had been within her family for probably 80 or 90

1 years. We had to file a suit to -- a quiet title action to  
2 clear up the title to that.

3 And, ultimately, my mother and I received clear  
4 title to the property. I can't remember -- it was shortly  
5 after that, maybe a year -- I think it was about a year --  
6 that my mother and I sold the property. And we do not  
7 retain any ownership or any rights to the property at all.  
8 But that's what that was.

9 **Q. Thank you.**

10 MR. WAPOLE: I would note that the Piedmont  
11 Citizens Committee found Mr. Smith top be well qualified as  
12 to the evaluative criteria of ethical fitness, professional  
13 and academic ability, character, reputation, experience,  
14 and judicial temperament, and qualified in the evaluative  
15 criteria of constitutional qualifications, physical health  
16 and mental stability.

17 The committee made the following related  
18 comment: "Mr. Smith has many years of experience in family  
19 court, handling a wife variety -- a wide range of issues."  
20 Excuse me.

21 "He's well versed in relevant areas of law  
22 and well attuned to the particular challenges that face  
23 litigants and practitioners in that court. All of this  
24 experience has given him the judgment, insight, and  
25 humility required of a successful family court judge, and

1 the committee believes that he would serve well in that  
2 role."

3 BY MR. WAPOLE:

4 Q. Mr. Smith, a few housekeeping issues. Are you  
5 aware that as a judicial candidate, you are bound by the  
6 code of judicial conduct as found in Rule 501 of the South  
7 Carolina Appellate Court Rules?

8 A. I am.

9 Q. Since submitting your letter of intent, have you  
10 contacted members of the Commission about your candidacy?

11 A. I have not.

12 Q. Mr. Smith, Are you familiar with Section 2-19-70,  
13 including the limitations on contacting members of the  
14 General Assembly regarding your screening?

15 A. I am.

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

20 A. I have not.

21 Q. Mr. Smith, have you asked any third parties to  
22 contact members of the General Assembly on your behalf, or  
23 are you aware of anyone attempting to intervene in this  
24 process on your behalf?

25 A. No, I have not. And I am not aware of anyone who

1 has done that on my behalf.

2 Q. Have you reviewed and do you understand the  
3 Commission's guidelines on pledging in South Carolina Code  
4 Section 2-19-70(E)?

5 A. I do.

6 MR. WAPOLE: I would note for the record  
7 that any concerns raised during the investigation regarding  
8 the candidate were incorporated into the questioning of the  
9 candidate today. Mr. Chairman, I have no further  
10 questions.

11 CHAIRMAN CASKEY: Thank you, sir. To  
12 members of the Commission have any questions or comments  
13 for Mr. Smith? Mr. Strom.

14 MR. STROM: Thank you, Mr. Chairman.

15 EXAMINATION BY MR. STROM:

16 Q. I was just looking at your career path. It's a  
17 little unusual that people -- the solicitor's office and  
18 then private practice for about ten years, and then at DSS.

19 A. Yes, sir.

20 Q. Tell me about that.

21 A. How did that happening?

22 Q. Yeah. How did that happen?

23 A. How did that happen?

24 Q. Yeah.

25 A. When I was still in private practice, I began

1 doing some contract work for DSS. And I think I did that  
2 for probably about a year. And I had anticipated at  
3 potentially some point running for the family court. And  
4 there happened to be an opportunity with DSS, and I thought  
5 that would give me an opportunity to broaden my experience,  
6 given the fact that -- of course family court judges not  
7 only hear divorces and custody and adoption and those type  
8 cases, but also many, many DSS cases as well. So that was  
9 my mind set with that.

10 Q. Do you still enjoy that?

11 A. It depends on the day. But I do. I do. It has  
12 -- it has its own challenges every day.

13 Q. You know, these guys are tired of hearing me say  
14 this, but I don't do family court. And I look at the  
15 comments from the lawyers to try to figure out what kind of  
16 family court judge somebody's going to be.

17 Because, you know, a family court judge, as you  
18 know, has broad discretion. You have a temporary hearing,  
19 you decide whether the children are going here --

20 A. Yes.

21 Q. -- or the children going here, where the money's  
22 going here or the money is going there. That sets the  
23 tone, many times, for the case. And then ultimately, if  
24 the case is tried, you've got broad discretion.

25 A. Yes.



1 Q. You know, when we're evaluating somebody to be a  
2 circuit judge, there's a jury there on both sides. And so  
3 we're looking for temperament, we're looking for the  
4 ability the run a courtroom.

5 A. Right.

6 Q. But we don't have to think, okay, where -- where  
7 do they fall, judgment-wise, and things, you know. Are  
8 they going to be all about the daddy, all about the momma?

9 And what we see in most races is lots of comments  
10 from fellow lawyers who practice with them in that private  
11 arena, and they'll say that Candidate A is an excellent  
12 lawyer, and I've litigated with him many times, and their  
13 view on the law and the way they settle cases is  
14 appropriate, and we think that, that's somebody we'd feel  
15 comfortable, you know, taking our case where they're  
16 basically Solomon --

17 A. Right.

18 Q. -- in front of them.

19 A. Right.

20 Q. And we're not getting that from the other two in  
21 your race, or in your -- in your comments here either.  
22 Help me with that.

23 A. Okay. My view is -- and when you talked about a  
24 temporary hearings, I have always thought -- and when I was  
25 in private practice, I thought in my opinion, I think

1 that's probably one of the most difficult things a family  
2 court judge can do.

3 Because, ultimately, litigants are coming in,  
4 you're receiving, you know, an eight-page affidavit with  
5 probably sixty attachments of text messages, of Facebook,  
6 of this and that, and one affidavit is alleging the  
7 mother's terrible, the other affidavit, the father is  
8 terrible. And I have said --

9 **Q. And one may have a much stronger lawyer that**  
10 **writes much better affidavits than the other side?**

11 A. Very true. Very true. And I have said that if I  
12 were elected to the bench, I could envision those type  
13 hearings being hearings that I would probably begin with  
14 taking under advisement.

15 Because I am the type person that I don't just  
16 skim things. I like to literally read every word. And  
17 when a temporary hearing is scheduled for fifteen minutes,  
18 or even thirty minutes, to me making that type of decision  
19 -- for example, if the issues are custody, alimony, who's  
20 going to stay in the marital home, those issues I want to  
21 think through and evaluate the evidence that has been  
22 presented.

23 Because, ultimately, I believe my responsibility  
24 is to make the right decision and to make the right  
25 decision that would be in the best interest of the

1 children. So I do think those -- those particular  
2 hearings, I believe, would be very tough.

3 And I always was -- when I handled those type  
4 cases, I always felt like, gosh, how can a judge make a  
5 decision this quickly? Now, I'm sure after judges have  
6 been on the bench for a while, you get a better feel for  
7 that.

8 But I do think -- I think with anything I have  
9 handled, my view is I try to be fair to everybody. I don't  
10 just say, okay, well, because it's mom, she gets custody,  
11 or because it's dad, he gets custody.

12 And I think the fact that once my wife and I had  
13 children, I found probably just by force and just by  
14 circumstance, dads can do a lot of things too. And that's  
15 -- now, my wife probably had to guide me in doing those  
16 things. But I try to be fair.

17 **Q. Thank you.**

18 MR. STROM: Thank you, Mr. Chairman.

19 CHAIRMAN CASKEY: Yes, sir. Senator Talley.

20 EXAMINATION BY SENATOR TALLEY:

21 **Q. Mr. Smith, good to see you again.**

22 A. You too.

23 **Q. I want to just kind of where you and Mr. Strom**  
24 **were exchanging. And to your point, you know, one of those**  
25 **most frustrating things for a lawyer, but more importantly**

1 for that lawyer's client, is you put a whole lot of time  
2 and effort into a temporary hearing packet, gathering  
3 evidence, knowing the impact that decision's going to have  
4 that day and into the future, and then sometimes the judge  
5 doesn't even look at it --

6 A. Right.

7 Q. -- you know, just for whatever reason, doesn't  
8 even look at it.

9 A. Right.

10 Q. So on one hand, I'm very glad to hear you say  
11 what you said. But the "but" is, in York County you might  
12 hear eighty temporary hearings in a week. If you take all  
13 of those under advisement, brother, you ain't going to have  
14 a life.

15 A. No. No. And I can appreciate that, yes.

16 Q. So you understand what I'm saying.

17 A. I do. And I think -- and I should have prefaced  
18 that with if it's a case I need to take under advisement,  
19 then I would certainly have my own deadline of, okay, by  
20 the end of this week, I'm going to issue a decision.

21 Because understanding they are in court for a  
22 temporary hearing and they need temporary relief quickly.  
23 But at the same time, knowing that a temporary order, a lot  
24 of times sets the tone for the entire case.

25 Q. It's not very temporary.

1           A.    Right.  And I remember -- I guess I'm showing my  
2 age, the days where, you know, you walk out and you had a  
3 great temporary order, and I -- you tell my -- I'd tell my  
4 client we could sit on it.  We don't need to do anything.

5                    Now, obviously, that was before the 365 day rule.  
6 But it can set the entire tone for a case.  So sometimes I  
7 always found some attorneys did not, in my opinion, seem to  
8 have the idea of the importance of a temporary hearing.  To  
9 me, that's an extremely important hearing.

10           Q.    No doubt.  Let me ask you, you brought the 365  
11 day rule up.  What do you think about scheduling orders in  
12 family court?  Because a lot of times now -- and  
13 notwithstanding the pandemic and what that did to the court  
14 system.  But, you know, a lot of times now, we're seeing  
15 cases that just linger.

16           A.    Right.

17           Q.    Some to the point you made, you got a good  
18 temporary order, what am I worried about?  Just ride the  
19 train.  But others where, you know, people are asking to  
20 extend the 365.

21                    The flip of that is, you go to a temporary  
22 hearing and a judge says, "You all mediate this case within  
23 sixty days," and you've got to have time for a guardian to  
24 do his or her work, you've got to --

25           A.    Right.

1           Q.    -- have time to get businesses evaluated,  
2 exchange discovery and things like that.

3           A.    Right.

4           Q.    And I'll just tell you, I think that's something  
5 we need to look at more in the family court. Because I  
6 think that will keep those cases on track and the lawyers  
7 in particular.

8           A.    Right. And I think it would, because I think --  
9 and I'm -- I'm just the type person that I have to have  
10 deadlines that, okay, within sixty days, this needs to be  
11 done.

12                   And I think, you know, with family court cases,  
13 they need -- they don't need to get stagnant. They never  
14 seem to improve with age. And they need to move along.

15                   And certainly understand your point of this case  
16 needs to be mediated, well, the mediator we want to have is  
17 already booked out for three months, so it's going to, you  
18 know, slow that down.

19                   But I do think scheduling orders would be a good  
20 idea, because it keeps a case moving, it makes the lawyers  
21 accountable. And I almost kind of equate it to the  
22 children who are in foster care, of we have got to move  
23 this case because these children need permanence in their  
24 lives.

25                   And the same thing with a divorce case of we've

1 got to bring some finality to this. So I would not have an  
2 issue with that at all.

3 Q. The last question. General thoughts on  
4 determining alimony. You know, obviously, child  
5 supplemental is set by a formula, and there's sort of some  
6 known quantity there. But a lot of temporary hearings that  
7 could be resolved, potentially, are not because of the  
8 alimony issue alone --

9 A. Right.

10 Q. -- because, you know, there's no set formula.

11 A. Right.

12 Q. What are your general thoughts about that?

13 A. I'll say that sometimes alimony, I think, is akin  
14 to the Wild West of some judges have ideas about it. And,  
15 you know, I -- I've heard various different formulas of,  
16 you know, the length of the marriage, the disparity of the  
17 income, and we subtract that and come up with a percentage  
18 and this type thing.

19 You know, I think those cases are obviously very,  
20 very fact-specific. And I don't know that every case where  
21 the allegation is of -- you know, it's plead that "we want  
22 alimony" is always an alimony case. You know, obviously,  
23 all of the thirteen factors with alimony have to come into  
24 consideration with that.

25 But I do -- it would certainly be helpful if

1 there were guidelines. I don't know if that is possible,  
2 just because there are so many other factors that go into  
3 that.

4 But it certainly would be helpful to have more  
5 guidance than just, you know, okay -- you know, I always  
6 hear the rule of thumb, okay, it's a ten-year marriage,  
7 there's this disparity in income, it's automatic alimony.

8 Because I had a case -- and this has been, gosh,  
9 at least ten years ago -- where they had very, very similar  
10 incomes, both -- both professional people, and my client  
11 ended up receiving -- it was a minimum amount, like three  
12 hundred dollars a month.

13 But it was permanent periodic alimony. And I  
14 told my client, I said, "We're going to end up getting a  
15 notice of appeal. Because they're going to appeal this."

16 And they did. And we said we'll do away with the  
17 alimony, because she didn't need alimony. And, ultimately,  
18 the Court of Appeals reversed on the alimony issue, which  
19 in all honesty, they should have.

20 And so, again, those are tough cases. And just  
21 in passing, after the case was over, the judge mentioned to  
22 me, he said, you know, "After I saw the Court of Appeals  
23 reversed me, I shouldn't have awarded alimony, but you made  
24 the husband look so bad, I awarded alimony."

25 So it's a very difficult -- difficult area.



1           **Q.    Thank you for taking that question.**

2           A.    Yes.

3                   CHAIRMAN CASKEY:  Thank you, sir.  Any other  
4 questions or comment for Mr. Smith?

5                                   (Hearing none.)

6                   CHAIRMAN CASKEY:  Seeing none then, Mr.  
7 Smith, this will end this part of the screening process.

8                   I do need to take a moment to remind you  
9 that pursuant to the Commission's evaluative criteria, the  
10 Commission expects candidates to follow the spirit as well  
11 as the letter of the ethics laws, and that we will view  
12 violations or the appearance of impropriety as serious and  
13 potentially deserving of very heavy weight in the screening  
14 deliberations.

15                   And so on that note, and as you may know,  
16 the record will remain open until the formal release of the  
17 report of qualifications, and you could be called back at  
18 such time if the need were to arise.

19                   MR. SMITH:  Yes, sir.

20                   CHAIRMAN CASKEY:  Thank you for being here  
21 today.

22                   MR. SMITH:  Thank you.

23                   CHAIRMAN CASKEY:  And thank you for offering  
24 for service to the State of South Carolina.

25                   MR. SMITH:  Thank you.  Thank you.

1 (Candidate excused.)

2 CHAIRMAN CASKEY: We will stand at ease as  
3 we await our next candidate.

4 (Off the record.)

5 CHAIRMAN CASKEY: Ladies and gentlemen, we  
6 will go back on the record, then, as we continue our  
7 screening process. Before us, we have Ms. Erin Urquhart,  
8 if in saying that correctly --

9 MS. URQUHART: You got it.

10 CHAIRMAN CASKEY: -- who is a candidate for  
11 Seat 3 on the family court for the 16th Judicial Circuit.  
12 Is all that right so far?

13 MS. URQUHART: You've got it. Yes, sir.

14 CHAIRMAN CASKEY: All right. If you would  
15 please raise your right hand.

16 WHEREUPON,

17 ERIN K. URQUHART, being duly sworn and  
18 cautioned to speak the truth, the whole truth, and nothing  
19 but the truth.

20 CHAIRMAN CASKEY: Thank you, ma'am. There  
21 should be some documents in front of you. If you'd take a  
22 look at those.

23 MS. URQUHART: Yes, sir.

24 CHAIRMAN CASKEY: Are those the personal  
25 data questionnaire and the sworn statement that you have

1 submitted to the Commission?

2 MS. URQUHART: They are. Yes, sir.

3 CHAIRMAN CASKEY: Are there any updates or  
4 changes that need to be made?

5 MS. URQUHART: Not other than those  
6 submitted yesterday. They're in here.

7 CHAIRMAN CASKEY: All right. Fantastic. Do  
8 you have any objection to our making these documents part  
9 of the record of your sworn testimony?

10 MS. URQUHART: No objection.

11 CHAIRMAN CASKEY: We'll give staff just a  
12 minute to do that.

13 (EXHIBIT NO. 35 - JUDICIAL MERIT SELECTION  
14 COMMISSION PERSONAL DATA QUESTIONNAIRE OF ERIN  
15 URQUHART)

16 (EXHIBIT NO. 36 - JUDICIAL MERIT SELECTION  
17 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF  
18 ERIN URQUHART)

19 (EXHIBIT NO. 37 - JUDICIAL MERIT SELECTION  
20 COMMISSION SWORN STATEMENT OF ERIN URQUHART)

21 (EXHIBIT NO. 38 - JUDICIAL MERIT SELECTION  
22 COMMISSION AMENDED SWORN STATEMENT OF ERIN  
23 URQUHART)

24 CHAIRMAN CASKEY: The Judicial Merit  
25 Selection Commission has thoroughly investigated your

1 qualifications for the bench. Our inquiry has focused on  
2 the nine evaluative criteria, and has included a ballot box  
3 survey, a thorough study of your application materials,  
4 verification of your compliance with state ethics laws, a  
5 search of newspaper articles in which your name appears, a  
6 study of any previous screenings, and a check for economic  
7 conflicts of interest.

8 We have received no affidavits filed in  
9 opposition to your election, and no witnesses are present  
10 to testify.

11 I see that you have a guest that's come with  
12 you.

13 MS. URQUHART: I do.

14 CHAIRMAN CASKEY: If you'd like to introduce  
15 her, we'd be happy to meet her.

16 MS. URQUHART: This is Leah Lindsay. She's  
17 been my best friend since third grade. And she lives here  
18 in Columbia, teaches at the University of South Carolina in  
19 the Spanish department.

20 CHAIRMAN CASKEY: Bienvenidos. All right.

21 If you have any brief opening remarks, we'd  
22 be happy to hear those. Otherwise, we can proceed directly  
23 to questions from counsel.

24 MS. URQUHART: Nothing other than to just  
25 say I'm thankful to be here. I'm grateful to you guys.

1 It's an honor.

2 CHAIRMAN CASKEY: Brevity is underrated.

3 MS. URQUHART: Well, I could -- no, I won't.  
4 I won't.

5 CHAIRMAN CASKEY: Ms. Starnes.

6 MS. STARNES: Good afternoon, Ms. Urquhart.  
7 Would you please state for the record, the city and circuit  
8 in which you reside.

9 MS. URQUHART: Rock Hill is where I reside.  
10 And it's the 16th Circuit.

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

17 EXAMINATION BY MS. STARNES:

18 **Q. Ms. Urquhart, why do you want to serve as a**  
19 **family court judge, and why do you feel that your legal and**  
20 **professional experience qualify you and will assist you to**  
21 **be an effective judge?**

22 A. Well, I think -- I think I'll be a really great  
23 judge. I've practiced my entire adult career in the family  
24 court. I specifically love the family court because it  
25 brings the things that I like together, which would be

1 practicing law and resolving conflicts for people who need  
2 it the most, who are -- not that all litigants in all  
3 courts don't need resolution, but specifically families who  
4 are in the deepest pits of conflict, and who have children  
5 who need to get those conflicts resolved very quickly so  
6 that they can get back to the business of growing up.

7 I really value the law for the legislatures that  
8 work -- legislators that work hard to put those laws  
9 together, put them in place, and then they need somebody  
10 who can fairly and reasonably apply those laws to the  
11 conflicts so that they can get resolution.

12 I've spent, as I said, my entire career in family  
13 court and I specifically love serving both as a mediator to  
14 resolve conflicts, but also as a guardian ad litem. So  
15 that -- I've seen a lot of different aspects of the family  
16 court sort of from -- from the youngest to the oldest.

17 I've done everything from simple divorces to very  
18 complex financial property division cases, lots of custody  
19 disputes. It runs -- it runs pretty well the gamut of  
20 anything in the private family court.

21 **Q. Thank you. Ms. Urquhart, 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. Sure. I have not much direct experience with the

1 juvenile justice system, which -- which does take up a  
2 small percentage of what goes on in family court, but is  
3 certainly a requirement of the job. Thankfully, a lot of  
4 that is statutory and something I think I can bone-up on.

5 Likewise, I have participated quite a bit with  
6 DSS cases. But the bulk of my background is in the private  
7 family court. And, again, DSS is largely statutory.

8 So those -- those rules -- getting up to speed  
9 with how those -- those cases will work, I think, will --  
10 you know, been able to do the things I put my mind to. I  
11 don't see that boning-up on the DJJ and the DSS statutes  
12 would be an unreachable goal for me. It's something that I  
13 believe I could do.

14 **Q. Thank you. Would you please briefly describe**  
15 **your experience in handling those complex contested family**  
16 **court matters that you referenced earlier, and specifically**  
17 **discuss your experience with the financial aspects of**  
18 **family court work.**

19 A. Sure. So your question was just my experience  
20 with them?

21 **Q. Yes.**

22 A. Okay. So I guess it would start with the Rule 20  
23 requirement of the family court rules that require a  
24 financial declaration be filed in every case -- in private  
25 cases. Those are essential documents, they're available

1 through court administration.

2 I take a lot of pride in the financial  
3 declarations that I prepare for my clients. The rules  
4 require that you include your client's documentation of  
5 income and things like that, and itemization of the marital  
6 estate.

7 And a lot of those I find from opposing counsel  
8 are either missing or inadequate, and it gives the judge --  
9 they're starting handicapped when that doesn't happen. So  
10 I think that's really important.

11 Once we identify what a marital estate is, it  
12 contains, and whether or not there are any disputes about  
13 what is marital or what is not, that's when we start  
14 getting into how quickly and how easily it can be divvied  
15 up in kind, as the rules and statutes require.

16 And so I've handled the division of property in  
17 nearly every case. It's a rare case that comes through,  
18 that doesn't involve some financial matter, where it's  
19 child support or alimony or the division of property.

20 And on appeal, I've been involved with the  
21 division closely-held businesses, family businesses,  
22 bankruptcy -- from high asset cases to bankruptcy cases.  
23 That case actually involved, I think, attorneys fees.  
24 Which we always joke are near and dear to our hearts. So  
25 the gamut, really, of financial matters in family court.



1           Q.    Thank you.  Ms. Urquhart, the Commission received  
2 105 ballot box surveys regarding you, with 16 additional  
3 comments, most of which were positive.  Such comments  
4 include:

5                   "I cannot say enough good things about Erin  
6 Uqhuhart.  She is thoughtful and ethical.  She is a hard  
7 worker and is kind.  Erin is an outstanding litigator and  
8 practitioner in domestic law."

9                   The South Carolina Bar's Judicial Qualifications  
10 Committee, however, expressed some concerns about your  
11 reputation in their report.  Would you please tell us what  
12 you think your reputation is among your peers and fellow  
13 members of the Bar.

14           A.    I'd love to.  I think it's -- I think it's quite  
15 good.  I have colleagues at the Bar, who sometimes have  
16 difficulty relating to certain other of our colleagues, and  
17 I feel very grateful most of the time, that I don't have a  
18 pile of enemies that -- you know, that I have stacked up in  
19 a corner.

20                   I don't often feel like I have to navigate that.  
21 I suspect -- and based on the things that we have  
22 discussed, and what I understand from the JQC, my law  
23 partner has been a longtime practitioner in the state.  The  
24 day that I met him and interviewed with him, he said, "You  
25 don't have to adopt my enemies."

1           And I've always been very grateful for that. I  
2 never felt like I had to follow in his footsteps. In fact,  
3 to the contrary. I've been able to build my own reputation  
4 for myself.

5           I don't -- I mean, while we are forever  
6 connected, in that I've worked with him for so many years,  
7 and I'll never be able to separate myself from him entirely  
8 -- and don't want to, frankly -- I feel like my reputation  
9 is separate from his. And anyone who says otherwise, I  
10 think, probably just has not worked with me directly.

11           **Q. What response would you offer to the concern**  
12 **noted on the Bar report?**

13           A. On the Bar report, about reputation? Well, I  
14 find it puzzling. It's hard to say with no detail to what  
15 that refers, entirely. So it's sort of -- it's a difficult  
16 target to try to address. It was surprising, especially  
17 based on what I understood to be a lot of favorable  
18 responses.

19           So I -- I have a difficult time addressing that.  
20 Not that I'm -- not that I don't want to. Just I'm not  
21 sure what it is.

22           **Q. Thank you. Ms. Urquhart, you indicated in your**  
23 **PDQ, that you may have a pecuniary interest in a lawsuit**  
24 **for a collection that was filed in June of 2023. Would you**  
25 **please explain the nature and the status of the lawsuit?**

1           A.    Sure.  It's pending.  I believe that it is  
2 waiting to be scheduled for ADR.  And it is a simple  
3 collection suit by my firm against a former client for a  
4 fee of, I think, twelve hundred -- I'm sorry -- twelve  
5 thousand dollars.  It may be twelve thousand five hundred,  
6 but somewhere along those lines.

7           **Q.    Thank you.**

8                       MS. STARNES:  Mr. Chairman, I would now ask  
9 that we go into executive session to discuss a legal  
10 matter.

11                      CHAIRMAN CASKEY:  On motion from Senator  
12 Talley, seconded by Representative Jordan, the pending  
13 question is going into executive session.  All in favor  
14 signify by saying qualify.

15                      (At this time the members audibly say "aye.")

16                      CHAIRMAN CASKEY:  All opposed "nay"?

17                      (Hearing none.)

18                      CHAIRMAN CASKEY:  The "ayes" have it.  We  
19 will now go into executive session.  And I'll ask all those  
20 folks who are not supposed to be here, if they would kindly  
21 exit the room for just a few minutes.

22                      (Executive session from 3:58 p.m. to 4:11 p.m.)

23                      CHAIRMAN CASKEY:  We are back on the record  
24 as we recommence with the screening for -- the screening of  
25 Ms. Urquhart.  I recognize Ms. Starnes.

1 BY MS. STARNES:

2 Q. Ms. Urquhart, in response to Question No. 45 of  
3 your PDQ, you indicated that on July 19th, 2019, there was  
4 an incident which resulted in a guilty plea. Would you  
5 please tell us what that guilty pleas was.

6 A. Sure. I plead guilty to a DUAC, or a driving  
7 with an unlawful alcohol concentration.

8 Q. Thank you.

9 MS. STARNES: I would note that the Piedmont  
10 Citizens Committee reported that Ms. Urquhart is well  
11 qualified as to the evaluative criteria of ethical fitness,  
12 professional and academic ability, character, reputation,  
13 and judicial temperament, and qualified in the evaluative  
14 criteria of constitutional qualifications, physical health,  
15 mental stability, and experience.

16 The committee also stated Ms. Urquhart  
17 struck the committee as an enthusiastic and talented  
18 lawyer, who has handled well a wide range of issues in the  
19 family court. The committee rated her qualified rather  
20 than well qualified in the area of experience, however,  
21 because, "We do not believe that her experience is as broad  
22 as some of the other candidates running for this seat.  
23 Nevertheless, we believe that she is an able lawyer who  
24 would serve well as a judge."

25 BY MS. STARNES:

1 Q. I have just a few housekeeping issues to go  
2 through with you, and then I will turn you over to the  
3 members of the Commission. Ms. Urquhart, are you aware  
4 that as a judicial candidate, you are bound by the code of  
5 judicial conduct as found in Rule 501 of the South Carolina  
6 Appellate Court Rules?

7 A. Yes, ma'am.

8 Q. And, Ms. Urquhart, since submitting your letter  
9 of intent, have you contacted members of the Commission  
10 about your candidacy?

11 A. I have not.

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

15 A. I am.

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

20 A. No, ma'am.

21 Q. Have you asked any third parties to contact  
22 members of the General Assembly on your behalf, or are you  
23 aware of anyone attempting to intervene in this process on  
24 your behalf?

25 A. I have not. And I am not aware of any.

1           **Q.    Have you reviewed and do you understand the**  
2 **Commission's guidelines on pledging in South Carolina Code**  
3 **Section 2-19-70(E)?**

4           A.    Yes, ma'am.

5                   MS. STARNES:  I would just note for the  
6 record that any concerns raised during the investigation  
7 regarding the candidate were incorporated into the  
8 questioning of her today.  Mr. Chairman, I have no further  
9 questions.

10                   CHAIRMAN CASKEY:  Thank you, ma'am.  Do  
11 members of the Commission have any questions or comment?  
12 Senator Talley.

13                   SENATOR TALLEY:  Thank you, Mr. Chairman.  
14 EXAMINATION BY SENATOR TALLEY:

15           **Q.    Ms. Urquhart, nice to see you.**

16           A.    And you.

17           **Q.    I just have a general question.  You touched on**  
18 **it, being in private practice.  But, you know, one of the**  
19 **things as family court judge you would be faced with,**  
20 **numerous times a day, are temporary hearings.  And so,**  
21 **again, generally speaking, how would you approach those**  
22 **hearings?**

23           A.    I think one of the things that I want people to  
24 come into my courtroom to say about me is that you better  
25 be prepared.  I would like, to the greatest extent

1 possible, for represented clients to come in with completed  
2 financial declarations, affidavits ready to submit, all the  
3 required paperwork, so that we can get to the business of  
4 putting the legal band-aids in place for families that  
5 needs them.

6 Obviously, that -- that courtesy is going to have  
7 to have some wiggle room when it comes to pro se clients.  
8 But as a lawyer -- and I think all lawyers love a judge who  
9 will rule.

10 I think establishing precisely what the issues  
11 are, and putting in place a resolution to those specific  
12 issues, would -- as quickly as possible is though -- is the  
13 best way to manage those. You know, get some resolution for  
14 folks so they can move on to the later stages of  
15 litigation.

16 Does that answer your question?

17 Q. It does. Yes, ma'am. Thank you. And one other  
18 question, and this could follow -- I'm not sure why you  
19 would, but we do down here from time to time -- alimony is  
20 an issue that comes up.

21 A. Right.

22 Q. And as you well know, much different than child  
23 support in how that's done. What are your -- what are your  
24 thoughts on that, given that you don't have a --

25 A. No calculator.

1           **Q.    -- statute or anything to go look at that**  
2 **provides you much guidance or any formula? How would you**  
3 **approach that?**

4           A.    As a judge, I think how you approach it is make  
5 sure you understand those factors as thoroughly as  
6 possible. Ask -- if not offered into evidence, you ask  
7 questions to get some factual evidence in test -- in  
8 testimony from parties about each of those factors, and  
9 then to the greatest extent possible, make sure that you  
10 address them in your rulings as to the length of the  
11 marriage, age of the parties, ability to earn.

12                   Just as many of those things as you can so that,  
13 one, it survives the appellate review. And then more  
14 importantly, I think some -- some tracking system of the  
15 alimony cases that have been ruled upon by the appellate  
16 courts.

17                   Not that you can backwards-engineer a calculator  
18 out of appellate court decisions, but they do provide  
19 guidance. That's what the case law is there for. So  
20 following the statute, within detailed orders, making  
21 specific findings from -- from the testimony and other  
22 evidence, and be as precise as I can.

23           **Q.    Thank you for taking the question.**

24                   CHAIRMAN CASKEY: Any other questions from  
25 members of the Commission?



1 (Hearing none.)

2 CHAIRMAN CASKEY: Seeing none then, Ms.  
3 Urquhart, this will conclude this portion of our screening  
4 process.

5 I do need to take this opportunity, though,  
6 to remind you that pursuant to the Commission's evaluative  
7 criteria, the Commission expects candidates to follow the  
8 spirit as well as the letter of the ethics laws, and that  
9 we will view violations or the appearance of impropriety as  
10 serious and potentially deserving of heavy weight in our  
11 screening deliberations.

12 And so on that note, and as you may know,  
13 the record will remain open until the formal release of the  
14 qualifications report, and you could be called back at such  
15 time if that need were to arise.

16 So thank you for being here today. And  
17 thank you for offering for judicial service to the State of  
18 South Carolina.

19 MS. URQUHART: Thank you. Would be glad to.

20 CHAIRMAN CASKEY: Have a great day.

21 MS. URQUHART: And you.

22 CHAIRMAN CASKEY: Thank you so much.

23 (Candidate excused.)

24 CHAIRMAN CASKEY: With no further business  
25 on the agenda for today, we will stand adjourned until the

1 next mt, which is on Monday after Thanksgiving, November  
2 27th at 9 a.m. Thank you all. And Happy Thanksgiving.

3 (OFF THE RECORD AT 4:18 P.M.)  
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IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 22ND DAY OF NOVEMBER 2023.



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PATRICIA G. BACHAND, COURT REPORTER  
MY COMMISSION EXPIRES MARCH 8, 2027

<hr/> <b>1</b> <hr/>	158:4 160:13 177:11 180:10	166:4 189:3	<b>22nd</b> 13:6	<b>365</b> 172:5,10,20
<b>1</b> 10:10	<b>17</b> 103:17	<b>20</b> 32:15 70:6 122:22 182:22	<b>23</b> 123:6	<b>37</b> 178:19
<b>10</b> 45:12	<b>18</b> 103:20	<b>2004</b> 25:7	<b>24</b> 89:8 93:16	<b>38</b> 178:21
<b>105</b> 184:2	<b>182</b> 140:18	<b>2007</b> 76:13	97:18 126:18 136:12	<b>3:58</b> 186:22
<b>10:29</b> 30:5	<b>19</b> 103:23 107:3 126:22	<b>2010</b> 28:18 163:16	<b>25</b> 93:16 94:22 136:15 150:19	<b>3rd</b> 26:2 32:6
<b>10:39</b> 30:5	<b>19-70(E)</b> 31:19 111:23	<b>2013</b> 28:19 81:10,21	<b>26</b> 74:18 79:12 136:18	<hr/> <b>4</b> <hr/>
<b>11</b> 58:7	<b>196</b> 75:2	<b>2014</b> 81:14 82:5 140:8	<b>27</b> 28:4 138:9	<b>40</b> 152:6
<b>119</b> 62:20	<b>1997</b> 75:25	<b>2015</b> 28:21,23,24,25 29:2 81:17	<b>27th</b> 193:2	<b>400</b> 106:6
<b>11:47</b> 83:3	<b>1998</b> 125:8	<b>2016</b> 25:8 28:20,22 29:1	<b>28</b> 25:2	<b>45</b> 187:2
<b>11:58</b> 83:3	<b>1999</b> 125:25 126:7	<b>2017</b> 112:21 113:1	<b>296</b> 12:4	<b>46</b> 75:3
<b>12</b> 25:13 58:10	<b>19th</b> 187:3	<b>2019</b> 142:14 187:3	<hr/> <b>3</b> <hr/>	<b>48</b> 47:4
<b>12:44</b> 121:12	<b>1:37</b> 121:12	<b>2020</b> 52:15	<b>3</b> 158:3 177:11	<b>48-hour</b> 15:22
<b>13</b> 58:13 163:5	<hr/> <b>2</b> <hr/>	<b>2022</b> 13:6	<b>31</b> 12:5	<b>498</b> 20:3
<b>14</b> 11:16 72:18	<b>2</b> 10:13	<b>2023</b> 13:13 78:11 79:1 108:23 185:24	<b>32</b> 142:9	<b>4:11</b> 186:22
<b>147</b> 163:4	<b>2-</b> 31:18 111:22	<b>205</b> 107:2	<b>32nd</b> 78:10	<b>4:18</b> 193:3
<b>15</b> 72:21	<b>2-19-70</b> 15:19 31:8 48:19 64:4 85:12 111:12 129:8 144:7 165:12 188:12	<b>20th</b> 13:13	<b>33</b> 159:5	<hr/> <b>5</b> <hr/>
<b>15th</b> 117:24	<b>2-19-70(E)</b> 16:12 49:5 64:15 85:23 129:20 144:19	<b>21</b> 122:25	<b>34</b> 159:8	<b>500</b> 18:12
<b>16</b> 72:24 112:22 184:2		<b>22</b> 112:18 123:3	<b>35</b> 178:13	<b>501</b> 30:22 48:9 63:18 83:22 111:1 128:22 143:21 165:6 188:5
<b>167</b> 28:3			<b>36</b> 140:18 178:16	
<b>16th</b>				

<p><b>58</b> 12:2</p> <p><b>59</b> 12:2</p> <p><b>5th</b> 78:22 108:2</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 22:19</p> <p><b>65</b> 55:5</p> <p><b>6th</b> 115:13</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 22:22</p> <p><b>700</b> 106:3</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 21:19 22:25 44:9 57:4 71:16 102:19 121:20 135:7</p> <p><b>80</b> 39:2 92:23 96:3 163:25</p> <p><b>800</b> 106:3</p> <p><b>80s</b> 17:5,7,9</p> <p><b>87</b> 126:21</p>	<hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 45:9 140:9 193:2</p> <p><b>9-year-</b> 140:13</p> <p><b>9-year-old</b> 38:6</p> <p><b>90</b> 39:2 163:25</p> <p><b>90s</b> 17:6,11 146:9</p> <p><b>95</b> 154:12</p> <p><b>96</b> 92:23</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>a.m.</b> 30:5 44:5 193:2</p> <p><b>abilities</b> 28:8 55:19</p> <p><b>ability</b> 12:18 15:9 30:15 37:19 47:15 50:23 51:12,16 54:14 63:7 83:14 110:18 128:17 143:13 149:19 151:21 164:13 168:4 187:12 191:11</p> <p><b>absence</b> 19:17 70:4</p> <p><b>absent</b> 117:8</p> <p><b>absolutely</b> 81:3 87:25 92:9</p>	<p><b>academic</b> 15:9 30:15 47:15 63:7 83:14 110:18 128:17 132:13 143:13 164:13 187:12</p> <p><b>academy</b> 107:25</p> <p><b>accolades</b> 19:24</p> <p><b>accountable</b> 173:21</p> <p><b>accounts</b> 151:3 162:19</p> <p><b>accused</b> 91:9</p> <p><b>acting</b> 39:6</p> <p><b>action</b> 161:11 163:17 164:1</p> <p><b>actions</b> 32:25 91:1 93:23 106:23</p> <p><b>active</b> 80:13 151:3</p> <p><b>acts</b> 80:22</p> <p><b>acumen</b> 76:25</p> <p><b>acutely</b> 93:8</p> <p><b>ad</b> 117:18 181:14</p> <p><b>add</b> 34:2 81:18 110:10 142:7 151:22</p> <p><b>added</b> 14:10</p>	<p><b>addition</b> 28:14</p> <p><b>additional</b> 12:5 28:4 47:5 62:21 75:3 107:3 126:22 140:18 161:17, 19,20 162:8 163:5 181:22,24 184:2</p> <p><b>address</b> 14:5 75:22 78:7 79:7 87:7,22 185:16 191:10</p> <p><b>addressing</b> 185:19</p> <p><b>Adebisi</b> 13:8,12,20</p> <p><b>adept</b> 128:6</p> <p><b>adjective</b> 114:8</p> <p><b>adjourned</b> 192:25</p> <p><b>administration</b> 14:2 96:2 183:1</p> <p><b>administrative</b> 126:1</p> <p><b>adopt</b> 184:25</p> <p><b>adopted</b> 27:16</p> <p><b>adopting</b> 116:5</p> <p><b>adoption</b> 26:15 167:7</p> <p><b>adoptive</b> 27:16</p> <p><b>ADR</b> 186:2</p> <p><b>adult</b></p>	<p>180:23</p> <p><b>advance</b> 79:2 141:10,14, 18</p> <p><b>advantage</b> 38:2</p> <p><b>advice</b> 17:19 33:1</p> <p><b>advisement</b> 169:14 171:13, 18</p> <p><b>Advocacy</b> 108:4</p> <p><b>advocate</b> 75:11 100:8 108:18,19</p> <p><b>affidavit</b> 169:4,6,7</p> <p><b>affidavits</b> 10:25 11:2 23:11 45:23 58:25 73:11 104:11 123:18 137:5 159:20 169:10 179:8 190:2</p> <p><b>afford</b> 51:8</p> <p><b>afraid</b> 153:17,19</p> <p><b>afternoon</b> 17:16 18:10 56:18 105:5 121:14,19 124:17,18 135:5 137:20,21 157:24 158:1 180:6</p> <p><b>AG's</b> 109:17</p> <p><b>age</b> 11:16,18 12:7,</p>
---	---	--	--	---

<p>17 13:3 24:18 26:17 39:6 46:15 60:4 66:6 74:11 105:3,9 107:22 124:23 138:2 160:19 172:2 173:14 180:16 191:11</p> <p><b>agency</b> 161:5</p> <p><b>agenda</b> 192:25</p> <p><b>Aggravated</b> 65:4</p> <p><b>aggressive</b> 155:10</p> <p><b>aggressiveness</b> 95:23</p> <p><b>aggrieved</b> 35:15</p> <p><b>agree</b> 36:6 42:8 88:7 117:23</p> <p><b>ahead</b> 9:2 74:5 120:4</p> <p><b>Aiken</b> 142:7</p> <p><b>aisle</b> 147:7</p> <p><b>akin</b> 174:13</p> <p><b>alcohol</b> 187:7</p> <p><b>Alex</b> 94:13</p> <p><b>Ali</b> 13:7,20</p> <p><b>alimony</b> 169:19 174:4,8, 13,22,23 175:7, 13,17,18,23,24 183:19 190:19</p>	<p>191:15</p> <p><b>allegation</b> 174:21</p> <p><b>alleged</b> 12:17</p> <p><b>alleging</b> 169:6</p> <p><b>Allendale</b> 60:17,20 62:9, 13</p> <p><b>allowed</b> 38:12</p> <p><b>alongside</b> 32:25 138:14</p> <p><b>amazing</b> 62:25 145:24 146:10</p> <p><b>AMENDED</b> 58:11 72:22 103:21 123:1,4 136:16 178:17, 22</p> <p><b>amendment</b> 22:23 103:5</p> <p><b>amendments</b> 139:2</p> <p><b>America's</b> 34:4</p> <p><b>amount</b> 26:24,25 74:22 82:7 105:23 106:18 115:3,4, 5 151:4,24 175:11</p> <p><b>amped-up</b> 99:15</p> <p><b>Andy</b> 10:2 100:20</p> <p><b>Andy's</b> 19:4</p> <p><b>Anna</b></p>	<p>124:1</p> <p><b>announced</b> 141:19</p> <p><b>Annual</b> 78:10</p> <p><b>anonymous</b> 38:11 65:20 87:5 155:22</p> <p><b>anonymously</b> 65:19</p> <p><b>answering</b> 36:22 59:18 151:19</p> <p><b>anticipated</b> 167:2</p> <p><b>anymore</b> 32:7</p> <p><b>apologize</b> 11:1 19:16 84:4 85:3 142:6</p> <p><b>apologized</b> 84:24</p> <p><b>apologizing</b> 84:19</p> <p><b>Appalachian</b> 69:5,12</p> <p><b>apparently</b> 81:1</p> <p><b>appeal</b> 14:23 15:2 149:9 175:15 183:20</p> <p><b>appeals</b> 14:22 15:3 37:16 106:6 175:18,22</p> <p><b>appearance</b> 20:22 43:16 56:6 70:21 101:20 120:14 134:12 157:8 176:12 192:9</p>	<p><b>appeared</b> 26:22 29:5 88:9 90:15,23 145:19,23 152:6</p> <p><b>appearing</b> 53:15</p> <p><b>appears</b> 10:22 23:8 45:20 58:22 73:8 104:8 123:15 137:2 159:17 179:5</p> <p><b>appellate</b> 30:23 37:10 48:9 63:18 83:22 108:4 111:1 128:23 143:21 165:7 188:6 191:13, 15,18</p> <p><b>applaud</b> 42:23</p> <p><b>application</b> 10:20 12:21 23:6 45:18 58:20 73:6 78:5 84:6 104:6 110:20 123:13 136:25 159:15 179:3</p> <p><b>apply</b> 38:4 114:18 128:7 163:2 181:10</p> <p><b>appointed</b> 76:6,13 108:17</p> <p><b>appointment</b> 37:6 76:2,6</p> <p><b>appointments</b> 76:9</p> <p><b>appreciative</b> 124:11</p>	<p><b>approach</b> 51:17 96:8 116:6 189:21 191:3,4</p> <p><b>approached</b> 51:4</p> <p><b>approximately</b> 75:25 162:22</p> <p><b>April</b> 13:13 28:22</p> <p><b>arbitrate</b> 114:15</p> <p><b>arbitration</b> 149:9,10</p> <p><b>arduous</b> 104:19</p> <p><b>area</b> 28:14 32:9 51:2 62:15 77:16 126:6 127:17 161:20 175:25 187:20</p> <p><b>areas</b> 25:19 28:11 32:16 46:23 47:2,14,17 62:6 161:16 164:21 181:21</p> <p><b>arena</b> 168:11</p> <p><b>argue</b> 51:12</p> <p><b>argued</b> 154:6</p> <p><b>arguing</b> 52:25 55:17 99:10 100:2</p> <p><b>argument</b> 154:10</p> <p><b>arise</b> 21:3 43:21 56:11 71:1</p>
--	---	---	--	--

101:24 176:18 192:15 <b>arises</b> 120:20 134:18 <b>arms</b> 148:22 <b>arose</b> 157:14 <b>Arsenio</b> 110:4 <b>articles</b> 10:22 23:8 45:20 58:22 73:8 104:8 123:15 137:2 159:17 179:5 <b>ascend</b> 33:20 142:11 <b>ascended</b> 153:1 <b>Ashley</b> 102:13,23 103:18,22,24 105:1 110:13 120:6 <b>aspect</b> 54:7 69:1 148:2 <b>aspects</b> 162:14 181:15 182:17 <b>aspire</b> 53:25 <b>assault</b> 25:17 114:2 <b>Assembly</b> 15:21 16:6 31:10,13 48:21, 24 64:6,9 85:14, 17 111:14,17 129:10,13 144:9,12 165:14,22	188:14,22 <b>asset</b> 12:14 24:8 75:12 183:22 <b>assets</b> 162:18 <b>assignment</b> 97:21 <b>assist</b> 24:23 26:18 46:20 61:16 74:16 76:14 105:18 108:11 114:22 125:22 138:6 160:23 180:20 <b>assistant</b> 25:8,12,20,23, 25 29:7 69:23 113:19 126:7 <b>associate</b> 76:8 <b>associates</b> 76:10 98:18 <b>assume</b> 149:17 <b>assuming</b> 49:22 52:7 53:1 <b>assured</b> 27:4 <b>at-large</b> 21:19 44:9 57:5 71:16 102:20 121:21 135:8 140:8,10 <b>attachments</b> 169:5 <b>attack</b> 156:11 <b>attempt</b> 40:22	<b>attempting</b> 16:7 31:14 48:25 64:10 85:18 111:18 129:14 144:13 165:23 188:23 <b>attend</b> 83:20 <b>attention</b> 152:8 <b>attorney</b> 14:21 60:13 75:6,10 76:14, 20 77:14,24 105:13 115:15, 21 119:2,5 127:1 147:21 155:3 161:2,13 162:6 163:11 <b>attorney's</b> 131:10 <b>attorneys</b> 12:10 26:8 65:8 66:13 108:7 113:13 115:4,5, 6 172:7 183:23 <b>attracted</b> 105:14 <b>attributes</b> 19:24 <b>attuned</b> 164:22 <b>audibly</b> 29:23 82:22 121:7 186:15 <b>August</b> 29:1 78:8 <b>automatic</b> 175:7 <b>avail</b> 156:23	<b>availed</b> 39:17 <b>avenue</b> 46:24 <b>avid</b> 69:3 <b>avoid</b> 67:10 <b>await</b> 177:3 <b>awarded</b> 175:23,24 <b>aware</b> 14:3 16:7 29:12 30:21,24 31:14 48:7,25 63:16 64:10 83:20 85:18 91:21 92:17 93:4 103:9 110:7,24 111:18,20 113:6 114:24 128:21, 24 129:14,17,21 136:5 143:19,23 144:13,16 152:13 165:5, 23,25 188:3,23, 25 <b>aye</b> 29:23 82:22 121:7 186:15 <b>ayes</b> 30:1 82:25 121:10 186:18 <hr/> <b>B</b> <hr/> <b>back</b> 17:4,23 18:13 21:2,16 27:14 30:6 39:7 43:22 44:7 54:7 56:11	57:2 61:3 67:4 71:2,14 82:9 83:5 88:14 95:5 100:25 101:3,24 102:12 120:19 121:14 134:17 135:4 140:6,8 141:12 142:22 143:4 150:19 151:9 153:25 157:13,25 176:17 177:6 181:6 186:23 192:14 <b>background</b> 49:18 51:1 109:2 139:17,19 182:6 <b>backgrounds</b> 139:13 <b>backing</b> 99:11 <b>backlog</b> 95:24,25 114:23,24 <b>backwards</b> 131:5 <b>backwards-</b> <b>engineer</b> 191:17 <b>bad</b> 18:5 80:17 152:20 175:24 <b>bad-</b> 36:3 <b>balance</b> 158:1 <b>balancing</b> 95:24 <b>ballot</b> 10:19 12:5 23:5 28:4,5 38:10
---	---	--	--	---

<p>45:17 47:5,6 58:19 62:20,21 73:5 75:2,4,14 87:5 92:12 104:5 107:2,4 123:12 126:21, 22 127:6 136:24 140:18 141:3 155:22 159:14 163:4,6 179:2 184:2</p> <p><b>band-aids</b> 190:4</p> <p><b>banking</b> 77:18</p> <p><b>bankruptcy</b> 183:22</p> <p><b>Baptist</b> 66:23</p> <p><b>Bar</b> 20:15 50:20 76:2 78:10 99:14 107:18 108:1,5 116:23 138:10 140:23 156:11 184:13, 15 185:12,13</p> <p><b>Bar's</b> 107:24 141:22, 24 184:9</p> <p><b>Barr</b> 21:18,20,21,25 22:6,10,13,18, 21,24 23:1,18, 24 24:2,17,21 26:12 28:3,16, 18,23,24 30:11, 13,20 32:3 33:10,24 34:11, 24 40:11,16 43:11,25</p> <p><b>base</b></p>	<p>32:12 62:7</p> <p><b>based</b> 14:24 24:15 35:24 46:12 54:17 60:1 74:8 104:24 124:19 127:5 137:23 160:15 180:12 184:21 185:17</p> <p><b>baseline</b> 96:3</p> <p><b>basic</b> 153:16</p> <p><b>basically</b> 50:17 52:19 87:17 143:3 146:16,21 148:23 152:2,7, 10 168:16</p> <p><b>basis</b> 15:3 50:20 55:18</p> <p><b>battery-type</b> 114:2</p> <p><b>battle</b> 150:21 155:9,14</p> <p><b>BBQ</b> 18:9</p> <p><b>bears</b> 19:4</p> <p><b>Beatty</b> 116:3</p> <p><b>beautiful</b> 113:9</p> <p><b>been-there- done-that</b> 37:7</p> <p><b>began</b> 29:13 166:25</p> <p><b>begging</b> 91:4</p>	<p><b>begin</b> 169:13</p> <p><b>beginning</b> 117:7</p> <p><b>behalf</b> 16:6,8 31:13,15 48:24 49:1 64:9, 11 80:19 85:17, 19 92:19 108:16 111:17,19 129:13,15,17 144:12,14 154:25 155:6 165:22,24 166:1 188:22,24</p> <p><b>behave</b> 26:11</p> <p><b>behavior</b> 155:14</p> <p><b>belief</b> 12:10</p> <p><b>believed</b> 11:17</p> <p><b>believes</b> 80:2 81:1 165:1</p> <p><b>bench</b> 10:18 21:20 23:4 24:8 28:1 41:1,7,17,22 42:3,20 44:9 45:16 53:8,24 56:16 57:4 58:18 62:8,16 67:19 69:2 71:4, 16 73:4 82:1 86:17 91:10,11 92:16 98:11 102:20 104:4 106:3 120:22 121:20 123:11 127:12,16 130:21 135:7</p>	<p>136:23 139:23 142:11 153:1 154:3 158:4 159:13 161:15 169:12 170:6 179:1</p> <p><b>beneficial</b> 47:3</p> <p><b>benefit</b> 156:17</p> <p><b>Betsy</b> 19:2</p> <p><b>better-known</b> 12:22</p> <p><b>Bienvenidos</b> 179:20</p> <p><b>big</b> 67:21 141:22,23 142:10 152:15</p> <p><b>bigger</b> 94:1</p> <p><b>Billy</b> 71:22 75:6,8 91:19,20,22,23, 24 92:16 100:22</p> <p><b>birth</b> 106:12</p> <p><b>bit</b> 10:9 52:3,23 54:11 60:24 69:7 94:4 107:23 108:14 109:2 119:10,12 125:20 131:18 141:2 182:5</p> <p><b>bite</b> 51:22</p> <p><b>bits</b> 106:7</p> <p><b>Blackley</b> 33:11,12,25</p>	<p><b>Blake</b> 44:8,10,11,15, 20,24 45:2,7,11, 13 46:4,9,10,14, 18 47:4,13,20 48:5 49:14,17 53:18,21 56:13, 17,20</p> <p><b>Blanchard</b> 57:3,7,11,17,21, 24 58:4,9,12,15 59:7,8,12,16,22, 23 60:3,7 61:14 62:19 63:1,5,12, 16 64:25 69:19 70:12 71:6</p> <p><b>blank</b> 98:23</p> <p><b>blood</b> 117:9</p> <p><b>blue</b> 109:6</p> <p><b>Board</b> 54:11</p> <p><b>body</b> 29:21</p> <p><b>boiled</b> 149:4 150:9</p> <p><b>bond</b> 67:25 68:2</p> <p><b>bond-setting</b> 67:23</p> <p><b>bone-up</b> 182:4</p> <p><b>boning-up</b> 182:11</p> <p><b>bono</b> 74:23 76:15 97:14 98:1</p> <p><b>book</b> 18:1 40:21</p>
---	--	--	--	--



<b>booked</b> 173:17	<b>boy</b> 19:8,10	32:12 47:20 67:13 88:10 138:24 139:9 167:18,24 187:21	81:4,6 138:17 139:7 141:16 148:2,4 151:11, 12 162:19 181:6 190:3 192:24	65:19 75:21 84:1 91:22 111:5 129:1 141:19 143:25 165:10 188:10
<b>books</b> 39:9 40:21 69:13 97:13	<b>Brad</b> 155:3	<b>branch</b> 127:13 128:10	<b>businesses</b> 61:22 162:20 173:1 183:21	<b>candidate</b> 9:3,4 16:16,17 19:23 21:10,13, 19 28:8,10 30:21 31:23,24 32:23 33:17 44:2,4,8 48:7 49:9,10 56:21, 23 57:4 63:17 64:19,20 71:8, 10,15 75:21 83:20 102:7,13 110:25 112:2,3 121:2,20 128:21 129:24,25 134:24 135:1,7 140:25 143:20 144:24 157:20, 22 158:2,3 165:5 166:8,9 168:11 177:1,3, 10 188:4 189:7 192:23
<b>BOP</b> 65:10	<b>branches</b> 125:15 126:11	<b>broad-based</b> 139:4	<b>Butler</b> 52:19	
<b>BOPAN</b> 65:11	<b>Brazil</b> 98:13	<b>broaden</b> 167:5	<b>buy</b> 142:23	
<b>BOPHAN</b> 65:10	<b>breach</b> 65:4 80:22	<b>Brooks</b> 28:21	<b>byte-size</b> 151:16	
<b>born</b> 11:19	<b>breaches</b> 106:14	<b>brother</b> 171:13	<b>C</b>	
<b>boss</b> 146:10	<b>breadth</b> 139:24	<b>brothers</b> 27:19	<b>calculator</b> 190:25 191:17	
<b>Boston</b> 28:23	<b>break</b> 117:2	<b>brought</b> 23:16 35:8 80:1 172:10	<b>call</b> 9:2 25:11 62:18 71:2 92:6 96:1, 19 101:24 117:22	
<b>bottle</b> 154:5,24	<b>breakfast</b> 143:7	<b>Brown</b> 29:1	<b>called</b> 21:2 43:21 56:11 101:4 114:12 120:19 134:17 157:13 176:17 192:14	
<b>bound</b> 30:21 48:8 63:17 83:21 110:25 128:21 143:20 165:5 188:4	<b>breathing</b> 96:3	<b>Bruce</b> 135:6,13 136:14,17,19 140:22	<b>calling</b> 27:14	
<b>box</b> 10:19 12:5 23:5 28:4,5 37:8 38:10 45:17 47:5,6 58:19 62:20,21 73:5 75:2,4,14 87:5 92:13 104:5 107:3,4 123:12 126:21,22 127:6 136:24 140:18 141:3 155:22 159:14 163:4,6 179:2 184:2	<b>Brevity</b> 180:2	<b>Buckner</b> 54:2	<b>calls</b> 82:10	<b>candidate's</b> 24:15,16 38:13 46:12,13 60:1,2 104:25 105:1 124:20,21 137:24,25 160:16,17 180:13,14
<b>boxers</b> 89:24	<b>briefcase</b> 154:5 155:2	<b>build</b> 185:3	<b>calm</b> 92:15	<b>candidates</b> 20:20 33:22 37:5 41:5 43:1, 14 56:4 70:19 101:18 120:12 134:10 157:6 176:10 187:22
	<b>briefly</b> 86:24 145:4 146:14 160:1 162:11 182:14	<b>building</b> 18:8	<b>campaign</b> 23:21	
	<b>bright</b> 34:7,10 63:12	<b>bulk</b> 182:6	<b>candidacy</b> 15:17 24:11 31:1 37:24 48:12 63:22	
	<b>bring</b> 62:8 67:19 68:2, 12 69:1 96:9 97:6 98:13 114:17 154:14 174:1	<b>bunch</b> 69:13 90:6		
	<b>brings</b> 180:25	<b>burglaries</b> 113:24		
	<b>broad</b>	<b>buried</b> 15:2		
		<b>business</b> 17:16 79:22,25 80:2,6,8,21,25		

<p>192:7  <b>candidly</b>                  24:7  <b>capable</b>                  28:7 163:8  <b>capacities</b>                  42:6  <b>capacity</b>                  29:7 33:9 68:13  <b>care</b>                  11:23 19:8,14                  44:1 173:22  <b>career</b>                  27:23 38:1,24                  41:10 54:6,10,                  17 92:22 105:22                  107:16 125:7,8                  138:13 156:9                  166:16 180:23                  181:12  <b>cares</b>                  107:7  <b>Carey</b>                  119:24  <b>caring</b>                  49:25  <b>Carolina</b>                  16:11 21:5 28:1                  30:23 43:24                  48:9 49:4 54:15                  55:11,13 63:18                  64:14 71:5 76:2                  77:25 78:10,11                  79:2,3,12 83:22                  85:22 88:8,11                  89:11 90:8                  98:10 107:24                  111:1 120:23                  128:23 129:19                  134:20 138:10                  143:21 144:19                  157:17 160:12</p>	<p>161:8 165:7                  166:3 176:24                  179:18 184:9                  188:5 189:2                  192:18  <b>carry</b>                  55:20  <b>carrying</b>                  52:24  <b>case</b>                  14:9 25:14                  37:14,15 51:12,                  17,22 52:24                  65:6 81:16                  82:12 91:17,18                  92:8 93:21,22,                  23 99:5 109:18,                  25 110:8 113:14                  128:7 131:4,5,6,                  9 133:17 151:5                  153:4,14 162:17                  167:23,24                  168:15 171:18,                  24 172:6,22                  173:15,20,23,25                  174:20,22                  175:8,21 182:24                  183:17,23                  191:19  <b>cases</b>                  14:6,8 15:1                  25:4,5,17,18,24                  26:5 29:5,14                  32:15,24 51:19                  52:11 55:17                  61:24 62:1,2                  68:20 74:22,24                  75:8 76:17,23                  77:5,7,21 78:19                  91:1 95:8,25                  98:5,11,16                  100:3 106:11,                  14,23 114:2,4,</p>	<p>11,21,25 115:3,                  16,24 116:8                  119:2 126:3,5,6,                  9,11,13,14,18                  128:5 131:7                  139:5,6,7,8,18,                  19,21,23 140:5                  141:15,16,17                  147:15 161:22,                  24,25 162:5,7,9,                  16,17,21,23                  163:2,3 167:8                  168:13 170:4                  172:15 173:6,12                  174:19 175:20                  181:18 182:6,9,                  25 183:22                  191:15  <b>Caskey</b>                  9:1,9,15,19,23                  10:3,6,16 11:8                  16:19 18:21                  20:6,12 21:8,11,                  15,22 22:3,7,11,                  15 23:2,23                  24:12 29:19,24                  30:1,6 32:1                  33:11 34:1,13                  38:19 40:12,15                  43:6,9 44:3,6,                  12,18,21,25                  45:4,8,14 46:7                  49:12 53:17,20                  55:24 56:14,19,                  22 57:1,8,14,18,                  22 58:1,5,16                  59:9,13,19                  64:23 65:1,13                  69:15 70:10,14                  71:7,9,13,19,25                  72:5,9,12,16                  73:2,17,21 74:5                  82:18,23,25</p>	<p>83:4 86:5,8,22                  91:14 100:17                  101:10,13                  102:5,8,11,15,                  18 103:1,7,11,                  15 104:2,21                  112:5 117:25                  118:18,24                  119:16,19,22                  120:2 121:1,3,8,                  10,13,24 122:5,                  9,13,16,20                  123:9 124:2,15                  130:2,6,8 134:2,                  5,23,25 135:3,                  10,16,21,25                  136:3,6,10,21                  137:13,17 145:1                  146:12 154:20                  155:16,19                  157:1,19,21,24                  158:7,13,17,21,                  24 159:3,11                  160:2,7 166:11                  170:19 176:3,6,                  20,23 177:2,5,                  10,14,20,24                  178:3,7,11,24                  179:14,20                  180:2,5 186:11,                  16,18,23 189:10                  191:24 192:2,                  20,22,24  <b>catch</b>                  14:7  <b>category</b>                  14:1  <b>caused</b>                  150:22,24  <b>cautioned</b>                  9:13 22:1 44:16                  57:12 71:23                  102:24 122:3</p>	<p>135:14 158:11                  177:18  <b>CDV</b>                  76:22 77:5  <b>celebrated</b>                  24:2  <b>certificate</b>                  106:12  <b>certified</b>                  162:22  <b>Chad</b>                  158:3,10 163:8,                  10  <b>Chadwick</b>                  158:3,10 159:7,                  9 160:17  <b>chair</b>                  65:22 66:16                  67:1  <b>chairman</b>                  9:1,9,15,19,23                  10:3,6,16 11:8,                  10 16:17,19,23                  18:18,21 20:5,6,                  12 21:8,11,15,                  22 22:3,7,10,11,                  15 23:2,19,23                  24:12 29:16,19,                  24 30:1,6 31:24                  32:1,4 33:11,12                  34:1,13,14                  38:19 40:12,15                  43:6,9 44:3,6,                  12,18,21,25                  45:4,8,14 46:7                  49:7,11,12,15                  53:17,20 55:24                  56:14,19,22                  57:1,8,14,18,22                  58:1,5,16 59:9,                  13,19,21 64:17,                  21,23 65:1,13</p>
---	--	--	--	---

66:3,21 67:5,7 69:15,17 70:10, 14 71:7,9,13,18, 19,25 72:4,5,9, 12,15,16 73:2, 17,19,21 74:1,5, 7 82:16,18,23, 25 83:4 85:25 86:5,8,9,21,22 91:14 100:17 101:10,13 102:4,5,6,8,11, 15,18 103:1,7, 11,15 104:2,21, 23 111:25 112:4,5 117:25 118:18,24 119:16,19,22 120:2 121:1,3,8, 10,13,24 122:5, 9,13,16,20 123:9 124:2,15 129:22 130:1,2, 6,7,8,10 134:2, 5,23,25 135:3, 10,16,21,25 136:3,6,10,21 137:13,17,22 144:22 145:1,5 146:12 154:20, 21,23 155:16,19 157:1,19,21,24 158:7,13,17,21, 24 159:3,11 160:2,7,9,14 166:9,11,14 170:18,19 176:3,6,20,23 177:2,5,10,14, 20,24 178:3,7, 11,24 179:14,20 180:2,5,11 186:8,11,16,18,	23 189:8,10,13 191:24 192:2, 20,22,24 <b>chairmanships</b> 67:4 <b>challenges</b> 78:24 91:4 100:7 164:22 167:12 <b>challenging</b> 88:15 93:17 <b>chambers</b> 140:4 <b>chance</b> 41:7 119:23 <b>change</b> 94:14 95:20 131:17 156:20 <b>changed</b> 66:20 94:1 142:24,25 150:14 <b>changing</b> 66:23 <b>channels</b> 119:9 <b>character</b> 15:9 28:9 30:15 47:17 63:7 83:14 110:15 126:25 128:17 143:13 161:15 164:13 187:12 <b>characteristics</b> 156:6 <b>charge</b> 25:12,21 77:10 80:20 <b>charged</b> 109:5,16 <b>charges</b> 113:25	<b>charging</b> 95:24 <b>Charles</b> 13:7,25 <b>Charleston</b> 76:10 143:2 146:6 <b>charts</b> 68:1 <b>chasing</b> 82:10 <b>chat</b> 84:10 101:25 <b>check</b> 10:23 23:9 37:8 45:21 58:23 73:9 98:8 104:9 123:16 137:3 159:18 179:6 <b>Cher</b> 110:4 <b>chief</b> 91:3 109:19 118:14 126:1 <b>child</b> 25:17 98:13 108:3 162:2 174:4 183:19 190:22 <b>childhood</b> 27:5 161:7 <b>children</b> 27:17 167:19,21 170:1,13 173:22,23 181:4 <b>choice</b> 40:9 <b>choir</b> 112:15 <b>choose</b> 99:12	<b>chore</b> 19:13 <b>chose</b> 55:13 <b>chosen</b> 55:10 <b>church</b> 54:3 65:21,22, 24 66:9,16,20 69:22 <b>church's</b> 66:23 <b>circuit</b> 21:20 24:23,25 26:3,10 32:6 37:9,15 44:9 46:20 47:3,21 50:11 51:1 52:16,24 53:24 54:24 55:16,17, 19 57:4 60:7,9, 14,23 61:17 62:1 65:25 66:11 67:17 68:1,9 71:16 74:16 78:14,15, 22 102:19 105:6,7,18,23 106:8 108:2 114:6 115:13 116:16 121:20 125:1,9,10,14, 15,23,24,25 126:8,18,19 127:11,25 128:10 135:7 138:6,7,14 139:5,10,12,21 140:7,10 141:1 149:1 158:4 160:11,13 168:2 177:11 180:7,10	<b>circumstance</b> 40:25 88:1 127:23 170:14 <b>circumstances</b> 77:23 <b>circumvent</b> 119:12 <b>cite</b> 37:13 <b>cited</b> 65:21 <b>citizens</b> 13:25 15:7 28:1 30:13 47:13,19 63:5,11 83:10 110:13 117:12 128:13 143:11 164:11 187:10 <b>city</b> 17:10 51:14,15 160:11 180:7 <b>civil</b> 24:25 32:13 33:1,7 35:3 46:24 47:20 51:10 67:14 74:19 75:20 77:21 91:18 93:5 95:8,24 97:5 106:2,19, 20 126:4 127:4, 7,10 128:7 131:7 139:4,14, 18,19 148:1 150:17 <b>claim</b> 34:19 81:11,24 <b>class</b> 35:8 91:1 93:23 101:5 <b>classes</b> 61:8
---	--	---	---	---

<p><b>classmate</b> 34:22 42:13 80:7</p> <p><b>classmates</b> 78:23 80:8</p> <p><b>CLE</b> 67:24 78:12 141:24</p> <p><b>clear</b> 14:1 27:15 109:20 154:11 164:2,3</p> <p><b>clerk</b> 14:10,16,17,24 92:7 125:8 138:11 146:1</p> <p><b>clerked</b> 89:1 105:8,9 125:25 145:7</p> <p><b>clerking</b> 145:14</p> <p><b>clerks</b> 13:16 14:10</p> <p><b>CLES</b> 78:9 142:2,8</p> <p><b>client</b> 35:19,22,24 36:23 108:16,19 132:18 153:16 161:3 171:1 172:4 175:10,14 186:3</p> <p><b>client's</b> 36:20 183:4</p> <p><b>clients</b> 51:18 100:5 106:17 108:15 132:22 140:24 162:25 183:3 190:1,7</p> <p><b>Clifton</b> 105:8</p>	<p><b>Clingmans</b> 69:7</p> <p><b>close</b> 106:3,6 150:18</p> <p><b>closed</b> 13:17 28:18,20, 22,23,25 29:1</p> <p><b>closely</b> 162:7</p> <p><b>closely-held</b> 183:21</p> <p><b>closer</b> 105:9</p> <p><b>closing</b> 145:12</p> <p><b>closings</b> 61:22</p> <p><b>cloud</b> 163:24</p> <p><b>co-counsel</b> 25:4</p> <p><b>Coble's</b> 79:3</p> <p><b>code</b> 16:11 30:22 31:18 48:8 49:4 63:17 64:14 83:21 85:22 110:25 111:22 128:22 129:19 143:20 144:19 165:6 166:3 188:4 189:2</p> <p><b>colleagues</b> 41:21 48:3 184:15,16</p> <p><b>collecting</b> 52:22</p> <p><b>collection</b> 185:24 186:3</p> <p><b>college</b> 27:7 55:1</p>	<p><b>Columbia</b> 146:8 179:18</p> <p><b>combination</b> 11:22 106:25</p> <p><b>combines</b> 32:21</p> <p><b>comfortable</b> 163:3 168:15</p> <p><b>commend</b> 39:15</p> <p><b>comment</b> 19:3 37:22 47:10 92:14 97:14 107:8 118:15 130:13 142:15 164:18 176:4 189:11</p> <p><b>commented</b> 65:19 110:19</p> <p><b>comments</b> 12:6,12,16 16:20 17:25 19:22 20:10 23:15,25 28:5,6 32:2 39:21 40:12,16 41:14 47:6,7,24 48:4 49:13 62:21,23 64:24 65:18 70:11 75:3,5,15, 16 86:6,22 88:1 92:12 101:10 107:3,5,10 112:6 119:17 126:22,24 127:3 130:3,15 134:3 137:8 140:19 145:2 146:12 154:20 155:16 156:3 157:2 163:5,7 166:12 167:15 168:9,21</p>	<p>184:3</p> <p><b>commercial</b> 138:17 147:11</p> <p><b>commission</b> 9:3,21 10:11,14, 17 12:4 15:17 16:20 19:1 20:9, 20 21:7 22:9,20, 23 23:1,3,19 26:16 28:3 31:1 32:2 33:16 38:19 43:7,14 44:23 45:10,13, 15 47:4 48:12 49:13 53:18 55:23 56:4 57:20 58:8,11, 14,17 59:6 62:19 63:22 64:24 65:13 70:11,19 72:7, 19,22,25 73:3 74:2 75:2 83:25 84:13 86:6 100:18 101:17 103:18,21,24 104:3 107:2 111:5 112:6 120:8,12 122:11,23 123:1,4,7,10,23 126:21 129:1 130:3 134:3,10 135:23 136:13, 16,19,22 140:7, 17 141:24 143:25 145:2 150:5 154:21 157:6 158:19 159:6,9,12 160:2 163:4 165:10 166:12 176:10 178:1,</p>	<p>14,17,20,22,25 184:1 188:3,9 189:11 191:25 192:7</p> <p><b>Commission's</b> 16:11 20:19 31:18 43:13 49:4 56:3 64:14 70:18 85:22 101:17 111:22 120:11 129:19 134:9 144:18 157:5 166:3 176:9 189:2 192:6</p> <p><b>commitment</b> 42:22</p> <p><b>committed</b> 107:15</p> <p><b>committee</b> 15:7 22:13 30:13 37:7 47:13,19 63:5, 11 83:10,16 95:13 108:3 110:13,19 117:12 128:13 143:11 164:11, 17 165:1 184:10 187:10,16,17,19</p> <p><b>common</b> 14:6 25:3,5 126:17 127:20 148:15 163:20</p> <p><b>communicate</b> 50:23</p> <p><b>communicator</b> 63:13</p> <p><b>community</b> 17:4 27:25 60:11 99:14,20 161:8</p>
---	---	---	---	---

<b>comp</b> 37:9 106:11	35:10	<b>confidence</b> 99:19,20,21	30:17 46:14	<b>content</b> 141:24
<b>companies</b> 162:19	<b>conceivable</b> 25:14	<b>conflict</b> 99:16,17 114:10	47:14 60:3 63:9	<b>contest</b> 89:15
<b>company</b> 80:1,5 81:10,25	<b>conceive</b> 15:3	181:4	74:10 83:11	<b>contested</b> 162:12 182:15
<b>compassionate</b> 47:22	<b>concentrating</b> 46:23	<b>conflicts</b> 10:24 23:10	105:2 110:14	<b>context</b> 35:14 89:20
<b>compel</b> 149:16	<b>concentration</b> 187:7	45:22 58:24	124:22 128:14	<b>continuance</b> 96:5 97:1
<b>compelling</b> 149:20	<b>concern</b> 41:9 127:4,5,7	73:10 104:10	138:1 143:15	<b>continue</b> 11:13,25 12:24
<b>competence</b> 163:12	141:3 185:11	123:17 137:4	160:18 164:15	27:24 33:18
<b>competent</b> 34:8 109:22	<b>concerned</b> 77:18	159:19 179:7	180:15 187:14	42:15 130:25
<b>complaining</b> 151:9	<b>concerns</b> 12:17,20 16:15	181:1,5,11,14	<b>consumed</b> 141:20	131:11 177:6
<b>complete</b> 81:15 136:2	31:22 49:8	<b>confused</b> 108:14	<b>consuming</b> 142:1	<b>continued</b> 125:9 146:23
<b>completed</b> 78:8 190:1	64:18 75:16,18	<b>Congrats</b> 102:17	<b>contact</b> 16:5 31:12	<b>continuing</b> 11:22 12:25
<b>complex</b> 74:19,24 75:8	78:17 79:7,8	<b>connected</b> 185:6	48:23 64:8 77:8	125:10 138:25
91:1,2,17 93:23	86:1 87:7	<b>Connell</b> 155:7	85:16 98:15	<b>continuous</b> 107:15
95:8 126:3	107:10,12 112:1	<b>consent</b> 24:17 46:14	111:16 129:12,	<b>continuously</b> 138:23
162:12 181:18	127:3 129:23	60:3 74:10	16,17 144:11	<b>contract</b> 61:25 80:22
182:15	144:23 166:7	105:1 124:22	165:22 188:21	106:14 147:20
<b>compliance</b> 10:21 23:7	184:10 189:6	137:25 160:17	<b>contacted</b> 15:16 31:1	167:1
45:19 58:21	<b>conclude</b> 20:16 21:11	180:14	48:12 63:22	<b>contracted</b> 80:23 81:16
73:7 104:7	43:10 55:25	<b>conservative</b> 41:24	78:21 83:25	<b>contractor</b> 81:14 82:6
123:14 137:1	70:15 71:9	<b>consideration</b> 42:4 115:4	111:5 129:1	<b>contrary</b> 185:3
159:16 179:4	101:14 102:2	174:24	143:25 165:10	<b>contributed</b> 80:3 81:2
<b>compliment</b> 155:11	120:8 134:6	<b>considered</b> 87:14 152:14	188:9	107:17
<b>complimentary</b> 50:21 62:21	157:2 192:3	<b>consistently</b> 107:14	<b>contacting</b> 15:20 31:9	<b>contribution</b> 99:25
<b>component</b> 152:15	<b>condemnation</b> 139:8	<b>constantly</b> 77:3 94:7 101:3	48:20 64:5	<b>contributions</b> 42:11,18
<b>composure</b>	<b>conditions</b> 147:18	<b>constitution</b> 66:20,24 67:10	85:13 111:13	
	<b>conduct</b> 30:22 47:11	114:15 125:18	129:9 144:8	
	48:8 63:17	<b>constitutional</b> 15:12 24:17	165:13 188:13	
	83:21 110:25		<b>contained</b> 24:15 28:5	
	128:22 143:20		46:12 47:6 60:1	
	165:6 188:5		62:22 74:8 75:4	
			104:24 107:4	
			124:20 126:23	
			137:23 160:15	
			163:6 180:12	
			<b>contemporaries</b> 100:21	

<p><b>control</b> 36:19,20 88:25 133:3 152:12</p> <p><b>Convention</b> 98:9</p> <p><b>conversation</b> 143:7</p> <p><b>cool</b> 65:10 88:4</p> <p><b>Cooper</b> 90:16,21 91:10, 12</p> <p><b>copies</b> 22:14 84:23</p> <p><b>copper</b> 81:23</p> <p><b>copy</b> 141:11</p> <p><b>corner</b> 184:19</p> <p><b>corpus</b> 106:20</p> <p><b>correct</b> 9:6,7 21:20 29:15 44:10,11 57:7 113:2,18 121:22 135:8 158:6</p> <p><b>corrections</b> 106:12 158:22</p> <p><b>correctly</b> 177:8</p> <p><b>corridor</b> 18:13</p> <p><b>council</b> 17:10</p> <p><b>counsel</b> 11:6 24:1 25:4, 19 46:3 59:15 73:25 104:16 124:8 137:10 159:25 179:23</p>	<p>183:7</p> <p><b>counties</b> 76:18 77:7</p> <p><b>counts</b> 109:16</p> <p><b>county</b> 9:5 13:20 14:21 25:9,12 26:21 28:21 51:21 76:10,11 90:24 109:8 113:4,7,9, 12 114:23 115:2 143:2 161:13 163:17 171:11</p> <p><b>couple</b> 19:22 68:16 113:24 130:18 131:22 132:4 142:25 146:7 150:12</p> <p><b>coupon</b> 142:20,23</p> <p><b>coupons</b> 143:4</p> <p><b>court</b> 12:9 13:7,13 14:2,3,10,22,24 15:3 21:20 24:23,25 25:3, 15 26:3,8,10,11 29:3 30:23 32:25 35:13,14, 20,21 36:1,18 37:8,9,14 38:7 39:22,25 44:9 46:20 47:3,21 48:9 51:2,9,11 52:7,9,14,17,23, 24 53:13,24 54:15,24 55:16, 17,19 57:4 60:8, 9,14,21,23</p>	<p>61:17,24 62:1,3 63:18 66:1,11 67:17 68:1,5,9, 11 71:16 74:16, 25 76:6,22 78:14,15 81:21 83:22 88:12,22 90:15 96:2 98:17 102:19 105:6,7,19,23 106:8,11,13,19 108:15,23 109:11,12 110:8 111:1 113:22 114:6,16 116:10 121:20 125:1,9, 10,14,16,23,24 126:1,4,8,17,18, 19 127:11,19, 20,25 128:2,7, 10,23 131:4,14 133:22 135:7 138:6,7,14,15 139:12,22 140:5,7,10 141:1 143:2,21 145:10 148:19 149:1 153:1 156:18 158:4 160:22 161:6, 11,15,18,22 162:12,14,22 163:11,13,15,20 164:19,23,25 165:7 167:3,6, 14,16,17 169:2 171:21 172:12, 13 173:5,12 175:18,22 177:11 180:19, 24 181:13,16, 20,23 182:2,7, 16,18,23 183:1,</p>	<p>25 187:19 188:6 189:19 191:18</p> <p><b>court's</b> 151:15</p> <p><b>courteous</b> 12:9</p> <p><b>courtesies</b> 160:5</p> <p><b>courtesy</b> 190:6</p> <p><b>courthouse</b> 13:16 18:6 52:19,20</p> <p><b>courtroom</b> 18:7 26:15,21 32:15,18 51:6 89:1 105:24 133:3,7,22 152:12,21 154:15 156:16 168:4 189:24</p> <p><b>courts</b> 25:5 37:10,15 39:19 76:2 89:8 95:9 139:10 154:12 181:3 191:16</p> <p><b>covenants</b> 147:18</p> <p><b>coverage</b> 147:24</p> <p><b>COVID</b> 114:22 142:20, 22</p> <p><b>coworker's</b> 109:8</p> <p><b>crane</b> 93:22</p> <p><b>Crater</b> 46:8,9,11,17 47:12,23 49:7</p>	<p><b>Crawford</b> 84:22 137:19, 20,22 138:3 143:10,18 144:22 160:4</p> <p><b>creativity</b> 40:24</p> <p><b>credible</b> 38:16</p> <p><b>credibly</b> 140:13</p> <p><b>credit</b> 20:15 91:23 140:23</p> <p><b>creditor's</b> 52:22</p> <p><b>crime</b> 65:3</p> <p><b>crimes</b> 25:16</p> <p><b>criminal</b> 24:25 25:14 32:13,24 33:7 35:3 62:2 67:14 70:7 74:21 75:17,23 76:1,5, 7,9,17,25 77:6, 21,22 78:2,9,10, 11,19,25 79:2,4, 5 95:7 96:13 97:5 105:23,24 114:11,19 138:25 139:3, 15,19 141:4,6,8, 21 142:3,8 150:3 156:15</p> <p><b>criteria</b> 10:19 15:8,12 20:19 23:5 30:14,17 38:12 43:13 45:17 46:21 56:3</p>
---	--	--	--	--

58:19 63:6,9 70:18 73:5 83:11,13 101:17 104:5 110:14,17 120:11 123:12 127:15 128:14, 16 134:9 136:24 143:12,15 157:5 159:14 164:12, 15 176:9 179:2 187:11,14 192:7	170:11 <b>daddy</b> 168:8 <b>dads</b> 170:14 <b>damaged</b> 81:23 <b>data</b> 9:20 10:11 22:8, 20,23 44:22 45:10 57:19 58:8,11 72:6,19, 22 103:4,5,18, 21 122:10,23 123:1,4 135:22 136:13,16 151:13,14,18, 21,23,24 158:18 159:6 177:25 178:14,17 <b>date</b> 16:2 31:5 48:16 64:1 85:9 111:9 129:5 144:4 165:18 188:18 <b>daughter</b> 42:13 140:9 <b>day</b> 18:4,14 20:3 25:1 53:7 65:12 99:12 100:13 114:16 155:1 167:11,12 171:4 172:5,11 184:24 189:20 192:20 <b>day-to-day</b> 78:25 <b>days</b> 55:21 112:13 146:21 172:2,23 173:10	<b>de-escalating</b> 99:17 <b>deacon</b> 65:24 66:16 <b>deacons</b> 65:23 66:6,21 67:1 <b>dead</b> 15:1 <b>deadline</b> 171:19 <b>deadlines</b> 173:10 <b>deal</b> 40:2,4 50:20 98:15 115:18 133:5 <b>dealing</b> 40:3 66:12,15 68:4 93:23 162:18 <b>dealt</b> 13:24 65:9 68:13 162:21,23 <b>dear</b> 183:24 <b>debate</b> 26:4 <b>debt</b> 52:22 <b>decades</b> 112:14 <b>decide</b> 167:19 <b>decided</b> 17:16 24:4 38:24,25 75:21 <b>decision</b> 36:21 37:1 41:2, 3 42:19 95:11 154:11 169:18, 24,25 170:5	171:20 <b>decision's</b> 171:3 <b>decisions</b> 25:1 28:13 30:9 79:2 83:6 121:16 154:13 191:18 <b>decisive</b> 75:9 <b>declaration</b> 182:24 <b>declarations</b> 183:3 190:2 <b>declaratory</b> 106:23 <b>decline</b> 12:18 <b>dedicated</b> 28:7 163:13 <b>Dee</b> 15:6 28:14 30:12 128:12 <b>deem</b> 46:5 <b>deeming</b> 92:22 <b>deems</b> 92:14 <b>deep</b> 107:6 <b>deepest</b> 181:4 <b>deeply</b> 107:7 <b>defendant</b> 28:17 147:25 <b>defendants</b> 76:1 88:22 99:21 <b>defended</b>	35:16 106:15,16 <b>defender</b> 78:22 96:12 109:19 119:5 131:24 <b>defender's</b> 115:6 126:8 <b>defending</b> 32:24 <b>defense</b> 35:3 96:13 106:13 114:19 115:21 119:2,5 138:16,25 139:3,14,15,19, 20,22 147:12, 16,25 148:3 <b>delegation</b> 84:7 142:1 <b>deleted</b> 84:24,25 <b>deliberately</b> 38:4 <b>deliberations</b> 20:24 43:18 56:7 70:23 101:21 120:16 134:14 157:10 176:14 192:11 <b>demand</b> 149:10 <b>demanding</b> 88:11 145:22 <b>demands</b> 12:18 149:9 <b>demeanor</b> 35:9 89:12 126:25 130:17 <b>Democratic</b> 41:5 <b>denied</b> 81:24
<hr/> <b>D</b> <hr/>				
<b>D.C.</b> 88:9 <b>dad</b> 138:13 143:6 146:16 154:4				

<b>Dennis</b> 154:2,7	<b>determined</b> 55:5	<b>direct</b> 181:25	<b>disposed</b> 114:12	115:11 119:14
<b>dent</b> 142:10	<b>determining</b> 174:4	<b>directly</b> 59:15 179:22	<b>disposition</b> 13:8,14,21	<b>dockets</b> 97:5
<b>denying</b> 14:14	<b>develop</b> 80:9 100:13	185:10	108:24 163:21	<b>doctor</b> 12:22
<b>department</b> 98:15 163:14	<b>developed</b> 77:16 93:16	<b>disagree</b> 153:20	<b>dispute</b> 147:17,20 148:2	<b>documentation</b> 183:4
179:19	<b>developers</b> 147:20	<b>disclosed</b> 84:2	151:20	<b>documents</b> 9:16 10:7 22:4,
<b>Department's</b> 98:9	<b>development</b> 146:1	<b>discovered</b> 108:25	<b>disputes</b> 61:25 99:4	16 44:19 57:15
<b>depending</b> 95:25 115:2	<b>devotion</b> 41:9	<b>discovery</b> 75:9 99:3,11	147:23 148:9	72:1 103:2
<b>depends</b> 117:2 167:11	<b>Diane</b> 54:5	131:7 149:2,7,	149:7,8,14,25	122:6 135:17,20
<b>depositions</b> 149:13	<b>dictate</b> 153:10	11,14,25 150:9,	181:19 183:12	151:25 152:1
<b>Depression</b> 11:19,20	<b>dictates</b> 153:11,12	16 151:20	<b>disregard</b> 84:20	153:3 158:14
<b>depth</b> 150:20	<b>differ</b> 132:20	153:13 173:2	<b>distinct</b> 67:17	177:21 178:8
<b>deputy</b> 14:10,17 78:16	<b>difference</b> 55:14	<b>discretion</b> 167:18,24	<b>distinguished</b> 20:14 156:12	182:25
<b>describe</b> 162:11 182:14	<b>Differing</b> 132:20	<b>discuss</b> 78:23 142:15	<b>district</b> 13:6,12 108:23	<b>dog</b> 114:4
<b>description</b> 117:23	<b>difficult</b> 88:16 99:6	162:13 182:17	<b>dittos</b> 34:2	<b>dog-</b> 51:21
<b>deserving</b> 20:23 43:17	185:15,19	186:9	<b>divest</b> 81:7	<b>dogs</b> 114:4
56:7 70:22	<b>difficulty</b> 119:8 184:16	<b>discussed</b> 184:22	<b>division</b> 181:18 183:16,	<b>dollars</b> 82:3 162:18
101:21 120:15	<b>digital</b> 141:13 150:25	<b>discussing</b> 61:11	19,21	175:12 186:5
134:13 157:9	<b>diminishing</b> 152:11	<b>discussions</b> 78:14	<b>divorce</b> 106:12 173:25	<b>Dome</b> 69:7
176:13 192:10	<b>ding</b> 95:21	<b>dismiss</b> 116:13	<b>divorces</b> 167:7 181:17	<b>domestic</b> 67:15 76:17
<b>designated</b> 91:2	<b>dining</b> 82:6	<b>dismissed</b> 13:10 29:9	<b>divulge</b> 97:24	184:8
<b>desire</b> 145:18		81:16 82:14	<b>divvied</b> 183:14	<b>donations</b> 41:5
<b>detail</b> 185:14		110:8	<b>DJJ</b> 162:1,7 182:11	<b>door</b> 42:3 52:12
<b>detailed</b> 191:20		<b>dismissing</b> 14:18	<b>docket</b> 25:24 75:10	<b>Dorchester</b> 51:21
		<b>disparity</b> 174:16 175:7	99:11 114:11	<b>doubt</b> 35:1,12 172:10
		<b>displayed</b> 27:1		<b>dovetail</b> 53:22
				<b>dozens</b>



76:1 149:14	<b>e-mail</b>	<b>education</b>	<b>eloquent</b>	<b>enforced</b>
<b>drastically</b>	84:9,18,20	49:20	32:19	97:23
156:21	<b>e-mails</b>	<b>effect</b>	<b>else's</b>	<b>enforcement</b>
<b>Drayton</b>	84:17	141:15	139:17	76:19,23
23:20 34:17,21	<b>earful</b>	<b>effective</b>	<b>embarrassment</b>	<b>engaged</b>
<b>driving</b>	148:11	24:23 46:20	152:5	149:14
142:4 187:6	<b>earlier</b>	61:17 74:16	<b>embraced</b>	<b>enjoy</b>
<b>drug</b>	19:4 27:4 37:11	79:18 89:5,9,12	97:22	32:8 60:12,13,
113:25	41:14 96:11	105:18 125:23	<b>emergency</b>	20,22 61:1
<b>DSS</b>	182:16	128:9 138:6	162:3	65:11 86:14
161:4,12,13,23	<b>early</b>	153:15,21	<b>emphasizing</b>	90:21 94:4 95:6
166:18 167:1,4,	17:6,7,8,9,10	160:24 180:21	97:11	167:10
8 182:6,7,11	27:8 39:3 66:4	<b>effectively</b>	<b>empty-nesters</b>	<b>enjoyed</b>
<b>DUAC</b>	91:21 92:7,21	37:17 38:11	140:14	93:20 94:22
187:6	112:16	117:24 131:15	<b>emulate</b>	98:2 132:8
<b>dually</b>	<b>earn</b>	149:1	132:5 133:1	138:24 140:3
162:4,7	191:11	<b>efficiently</b>	<b>encounter</b>	<b>enjoying</b>
<b>Duane</b>	<b>earned</b>	131:15	161:25	94:24,25
89:1 90:10	156:8	<b>effort</b>	<b>encourage</b>	<b>enjoys</b>
<b>due</b>	<b>ease</b>	78:23 114:20	153:21 156:22	12:11
81:11 113:14	21:12 44:3	124:13 171:2	<b>encouragement</b>	<b>enormous</b>
<b>DUIS</b>	56:22 71:10	<b>eight-page</b>	53:12	151:14
113:22	134:25 157:21	169:4	<b>end</b>	<b>ensure</b>
<b>Dukes</b>	177:2	<b>eighty</b>	18:22 118:7	131:14
149:16	<b>easier</b>	171:12	171:20 175:14	<b>entails</b>
<b>duly</b>	93:14	<b>elbow-deep</b>	176:7	149:23
9:13 21:25	<b>easily</b>	148:22	<b>ended</b>	<b>entered</b>
44:15 57:12	41:2 183:14	<b>elected</b>	29:14 109:19	153:10
71:22 102:23	<b>eat</b>	25:10 41:17	175:11	<b>entering</b>
122:2 135:13	56:24	42:3 79:24	<b>endorsed</b>	58:2 72:13
158:10 177:17	<b>echo</b>	169:12	38:11	122:17 136:7
<b>duly-noted</b>	33:13	<b>election</b>	<b>ends</b>	158:25
118:4	<b>economic</b>	11:3 23:12	162:2,4	<b>enthusiastic</b>
<b>duplex</b>	10:23 23:9	45:24 59:1	<b>enemies</b>	187:17
81:22	45:21 58:23	73:12 104:12	184:18,25	<b>entire</b>
<b>duty</b>	73:10 104:9	123:19 137:6	<b>energetic</b>	117:8 125:8
68:24	123:17 137:3	159:21 179:9	47:21	160:5 171:24
	159:18 179:6	<b>elementary</b>	<b>energy</b>	172:6 180:23
	<b>economics</b>	100:22	140:15	181:12
	94:1	<b>eleven</b>	<b>enforce</b>	<b>entitled</b>
	<b>Edgefield</b>	84:14	42:6,9	79:22
	142:7			
<b>E</b>				
<b>e-</b>				
84:16,21 151:11				

<p><b>entrust</b> 42:5</p> <p><b>environmental</b> 46:24</p> <p><b>envision</b> 169:12</p> <p><b>equate</b> 173:21</p> <p><b>Equity</b> 9:5</p> <p><b>Erin</b> 160:4 177:7,17 178:14,18,20,22 184:5,7</p> <p><b>errant</b> 84:20</p> <p><b>essential</b> 182:25</p> <p><b>essentially</b> 41:17 80:20 98:12 117:8 130:22,25</p> <p><b>Essentials</b> 78:12</p> <p><b>establishing</b> 190:10</p> <p><b>estate</b> 61:25 139:6 141:17 147:17, 19,22,23 183:6, 11</p> <p><b>esteem</b> 38:16</p> <p><b>et al</b> 28:18,20,22,23, 25 29:1</p> <p><b>ethic</b> 97:6</p> <p><b>ethical</b> 15:8 30:14 47:17 55:20 63:6 75:12</p>	<p>83:13 110:17 128:16 140:23 143:12 164:12 184:6 187:11</p> <p><b>ethics</b> 10:21 20:21 23:7 43:15 45:19 56:5 58:21 70:20 73:7 101:19 104:7 120:13 123:14 134:11 137:1 157:7 159:16 176:11 179:4 192:8</p> <p><b>Europe</b> 142:19</p> <p><b>evaluate</b> 169:21</p> <p><b>evaluated</b> 173:1</p> <p><b>evaluating</b> 168:1</p> <p><b>evaluation</b> 71:14 109:21,22</p> <p><b>evaluative</b> 10:19 15:8,12 20:19 23:5 30:14 43:13 45:17 56:3 58:19 63:6,9 70:18 73:5 83:13 101:17 104:5 110:14,17 120:11 123:12 128:14,16 134:9 136:24 143:12, 15 157:5 159:14 164:12,14 176:9 179:2 187:11,13 192:6</p> <p><b>even-</b></p>	<p>163:8</p> <p><b>even-keeled</b> 75:7</p> <p><b>even-tempered</b> 133:6</p> <p><b>event</b> 14:6 96:5,6 97:12 116:20</p> <p><b>evidence</b> 76:25 77:6 79:4, 5 126:12 145:18 153:9,10,15 169:21 171:3 191:6,7,22</p> <p><b>EXAMINATIO N</b> 11:11 16:24 24:20 34:23 40:15 46:17 49:16 53:20 60:6 65:1,15 69:18 74:13 86:25 91:15 105:4 112:8 124:25 130:11 138:3 145:6 146:15 160:20 166:15 170:20 180:17 189:14</p> <p><b>examples</b> 88:19 127:11</p> <p><b>exceedingly</b> 93:2,15</p> <p><b>Excel</b> 84:24</p> <p><b>excellent</b> 53:9,14 62:17 63:2,3 75:10 86:15 93:12 126:25 127:1, 17,18,25 168:11</p>	<p><b>exception</b> 156:2</p> <p><b>exceptional</b> 32:8,16</p> <p><b>exchange</b> 50:24 173:2</p> <p><b>exchanging</b> 170:24</p> <p><b>excited</b> 95:15</p> <p><b>exclusive</b> 90:6</p> <p><b>exclusively</b> 126:18 127:13</p> <p><b>excuse</b> 17:9 96:6 164:20</p> <p><b>excused</b> 21:10 44:2 56:21 71:8 102:7 121:2 134:24 157:20 177:1 192:23</p> <p><b>executive</b> 29:17,22 30:2,4, 5,7,8 82:17,20 83:3,6 100:25 108:3 121:5,11, 12,15,16 186:9, 13,19,22</p> <p><b>exercise</b> 11:23 94:6</p> <p><b>exhibit</b> 10:10,13 22:19, 22,25 45:9,12 57:25 58:7,10, 13 72:18,21,24 103:17,20,23 122:22,25 123:3,6 136:12, 15,18 159:5,8 178:13,16,19,21</p>	<p><b>exit</b> 186:21</p> <p><b>expanded</b> 141:19</p> <p><b>expect</b> 42:6</p> <p><b>expectation</b> 99:23</p> <p><b>expected</b> 96:8 132:19</p> <p><b>expects</b> 20:20 43:14 56:4 70:19 101:17 120:12 134:10 153:5 157:6 176:10 192:7</p> <p><b>experience</b> 15:10 24:6,22 26:13,14,17,19 27:2,25 28:11 30:16 32:10,12 33:7 35:24 38:5 39:11 46:19 47:1,16,21 52:5, 23 53:1 55:16 61:15 62:11 68:7,12,23 74:15,21,23 75:17,23 76:24 83:15 95:7 98:18 105:12, 14,17 106:7,8 110:16,20 114:17,19 125:22 126:10 127:4,8,10,12, 17,20 128:4,18 138:5 139:4,5,9, 10,20,24 141:4, 6 143:17 145:14 150:4 152:20</p>
---	---	---	--	--

156:5 160:23 161:9,10,12 162:12,13 164:13,18,24 167:5 180:20 181:25 182:15, 17,19 187:15, 20,21	<b>external</b> 84:17 <b>extremely</b> 62:25 75:11 107:9 133:15 140:24 163:8 172:9	105:23 106:18 107:6 113:5 116:21 118:8, 10,12 140:21 170:9,16	163:11,13,15,25 164:18,25 167:3,6,14,16, 17 169:1 172:12 173:5,12 177:11 180:19,23,24 181:12,15,20,23 182:2,7,15,18, 23 183:21,25 187:19 189:19	98:16 106:19,22 110:8 138:15 148:19 152:16
<b>experienced</b> 19:23 47:1 118:9	<b>F</b>	<b>fair-minded</b> 140:25	181:12,15,20,23 182:2,7,15,18, 23 183:21,25 187:19 189:19	<b>fee</b> 186:4
<b>experiences</b> 50:14 78:17,24 94:8 98:6	<b>face</b> 164:22	<b>Fairfield</b> 109:7 113:4,7 114:23	<b>family-</b> 162:19	<b>feedback</b> 107:13 155:22
<b>explain</b> 13:8,13,21 36:10,14 40:22 41:8 80:4 108:24 150:14 163:21 185:25	<b>Facebook</b> 151:1,7 169:5	<b>fairly</b> 88:22 131:14 181:10	<b>fan</b> 18:23	<b>feel</b> 18:5 24:21 26:16 27:24 28:2 40:19 41:18,23 42:18 46:18 55:13 60:9 61:14,15 62:5 74:14 94:23 99:7,8 100:3,4,5 105:16 106:6 116:25 117:5 125:9,12,18,21 126:17 127:15 133:12,14 138:4 140:12 160:22 163:2 168:14 170:6 180:19 184:17,20 185:8
<b>explained</b> 68:15,17,21	<b>faced</b> 189:19	<b>fairness</b> 99:23 119:13	<b>fantastic</b> 89:2,3 91:5 178:7	<b>feelings</b> 87:6
<b>explanation</b> 68:25	<b>fact</b> 38:24 39:17,24 49:19 50:15 110:2 118:20 148:13 150:2 167:6 170:12 185:2	<b>faith</b> 36:8	<b>father</b> 98:12 139:1 142:17 145:11 169:7	<b>fees</b> 183:23
<b>exposed</b> 67:19	<b>fact-specific</b> 174:20	<b>fall</b> 115:25 168:7	<b>favor</b> 29:22 81:12 82:2,20 121:6 186:13	<b>favorite</b> 99:3
<b>exposure</b> 37:18	<b>factors</b> 174:23 175:2 191:5,8	<b>falls</b> 14:1	<b>favorable</b> 185:17	<b>feet</b> 40:1
<b>express</b> 75:15	<b>facts</b> 128:7	<b>familiar</b> 15:19 31:8 48:19 64:4 85:12 111:12 129:8,11 144:7 165:12 188:12	<b>FDIC</b> 77:23	<b>fell</b> 94:21
<b>expressed</b> 12:16 75:16 107:10 127:3 184:10	<b>factual</b> 191:7	<b>families</b> 161:7 181:3 190:4	<b>February</b> 28:24	<b>fellow</b> 14:19,22 34:20 168:10 184:12
<b>extend</b> 73:23 172:20	<b>failed</b> 80:1,15,21,25 81:6	<b>family</b> 11:17 32:13,25 35:13,14,21 36:1 37:14 38:6 39:21,25 49:25 52:7,9,14,16 55:4 70:2 76:6 105:13 106:11 140:13 158:4 160:21 161:6, 11,15,18,22 162:12,14,22	<b>fed</b> 11:24 27:11 88:25	<b>felt</b> 68:22 170:4 185:2
<b>extensive</b> 14:13 77:5	<b>failing</b> 109:5		<b>federal</b> 13:16 14:3 29:3 74:25 77:24 88:12 89:7 95:9	<b>fewer</b> 148:16
<b>extent</b> 36:17,19 53:8 54:4,16 81:7 189:25 191:9	<b>failure</b> 80:3 81:2,11			
	<b>fair</b> 62:25 87:23 92:15 100:5,14			

<p><b>field</b> 62:24 161:21</p> <p><b>Fiffick</b> 11:9,10,11 15:6, 14 16:14</p> <p><b>fifteen</b> 77:16 115:16 142:2 169:17</p> <p><b>fifteenth</b> 61:19</p> <p><b>fighting</b> 162:16</p> <p><b>fight</b> 149:2 150:16</p> <p><b>figure</b> 96:17 98:14 167:15</p> <p><b>figured</b> 84:15 146:24</p> <p><b>file</b> 14:23 106:16 151:8 164:1</p> <p><b>filed</b> 11:2 12:21 13:6, 12,19 14:11,15, 17,22 23:11 29:3,13 45:23 58:25 73:11 80:19 81:24 82:11 104:11 108:22 123:18 137:5 142:13 159:20 179:8 182:24 185:24</p> <p><b>fill</b> 40:20</p> <p><b>filter</b> 151:21</p> <p><b>final</b> 35:16 96:19</p> <p><b>finality</b> 174:1</p>	<p><b>finally</b> 69:3 99:13</p> <p><b>financial</b> 93:23 162:14,24 181:18 182:17, 24 183:2,18,25 190:2</p> <p><b>find</b> 50:24 65:16 109:3,25 118:22 128:6 183:7 185:14</p> <p><b>findings</b> 191:21</p> <p><b>fine</b> 10:9 18:22 75:8 95:16,17 97:1, 12</p> <p><b>finished</b> 92:7,23</p> <p><b>finishes</b> 133:23</p> <p><b>fire</b> 27:2 115:18</p> <p><b>firm</b> 32:7 77:8 84:16 93:4,15,25 94:10,11,22 95:2,17 98:1,8 113:15 138:12 140:24 186:3</p> <p><b>firmly</b> 27:1</p> <p><b>firms</b> 98:1</p> <p><b>fit</b> 127:15</p> <p><b>fitness</b> 15:8 30:14 47:17 63:7 83:13 110:18 128:17 143:12</p>	<p>164:12 187:11</p> <p><b>fits</b> 117:4</p> <p><b>fixed</b> 67:10</p> <p><b>flame</b> 27:11</p> <p><b>flaunt</b> 133:17</p> <p><b>flexibility</b> 120:3 124:5</p> <p><b>flip</b> 172:21</p> <p><b>Florence</b> 9:5 12:23 13:16, 20 14:4 17:3,6 130:13 145:10 146:7,8</p> <p><b>flow</b> 52:12 125:11</p> <p><b>FLOWERES</b> 120:1</p> <p><b>Flowers</b> 119:25</p> <p><b>fluid</b> 148:7</p> <p><b>focus</b> 53:2 67:24</p> <p><b>focused</b> 10:18 23:4 45:16 58:18 73:4 87:9 104:4 123:11 136:23 152:10 159:13 179:1</p> <p><b>folks</b> 13:2 14:2,3,4 27:18 77:2,9 83:1 94:9 114:11 186:20 190:14</p>	<p><b>follow</b> 20:20 43:14 56:4 70:19 101:18 120:12 133:12 134:10 157:6 176:10 185:2 190:18 192:7</p> <p><b>followup</b> 84:18</p> <p><b>footsteps</b> 185:2</p> <p><b>force</b> 118:19 170:13</p> <p><b>Ford</b> 69:24</p> <p><b>foreclosure</b> 14:12 163:17</p> <p><b>foresee</b> 43:2</p> <p><b>forever</b> 185:5</p> <p><b>forgive</b> 112:13</p> <p><b>formal</b> 21:1 43:20 56:10 70:25 101:23 120:18 134:16 157:12 176:16 192:13</p> <p><b>formally</b> 156:20</p> <p><b>formula</b> 174:5,10 191:2</p> <p><b>formulas</b> 174:15</p> <p><b>fortunate</b> 37:25 53:5 127:24 132:7</p> <p><b>fortunately</b> 39:5 67:14 92:10</p>	<p><b>forty</b> 68:19</p> <p><b>forward</b> 53:7 59:17 61:10 79:20 98:23,24 99:2 140:16</p> <p><b>forwards</b> 131:5</p> <p><b>foster</b> 24:13,14,20 27:16 29:16 30:11,12,19 31:21 173:22</p> <p><b>found</b> 15:11 18:23 30:22 48:8 63:18 65:8 77:2 80:18 82:1 83:10,12,21 109:22 111:1 116:15 128:22 143:14,21 155:24 164:11 165:6 170:13 172:7 188:5</p> <p><b>four-letter</b> 89:16</p> <p><b>frankly</b> 40:8 80:12 93:13 98:3 140:6 185:8</p> <p><b>free</b> 41:18</p> <p><b>freshman</b> 140:14</p> <p><b>Friday</b> 18:10 143:7</p> <p><b>friend</b> 54:6 179:17</p> <p><b>friends</b> 41:20 42:14</p>
--	--	--	--	---

86:14 145:11	114:3 181:19	<b>genuine</b>	<b>goal</b>	141:10
<b>front</b>	183:25	145:25	182:12	<b>grain</b>
9:16 22:4 44:19	<b>garnered</b>	<b>genuinely</b>	<b>God</b>	87:5 92:13
57:15 72:1	26:25	60:12,18	37:15	<b>grasp</b>
87:18 90:5	<b>gatekeeper</b>	<b>Georgetown</b>	<b>good</b>	99:9
91:12 100:3	114:7	147:19	9:1 11:23 16:25	<b>grateful</b>
101:5 103:2	<b>gathering</b>	<b>get all</b>	17:1,19 19:8,14	124:10 179:25
117:11 122:6	171:2	38:5 116:10	23:18 27:22	184:17 185:1
127:14,16,19,24	<b>gave</b>	<b>get along</b>	28:19 32:21	<b>gray</b>
132:7,8,11,12,	67:25 68:22	50:17	40:9 42:14	87:16 92:5
21 135:17,20	142:20 143:3	<b>Gibbons</b>	46:10 50:13	<b>gray-</b>
139:10 145:23	<b>gears</b>	115:12 116:1	53:10 56:18	88:13
147:17 149:15	131:17	<b>girl</b>	59:22 61:5 62:7,	<b>grays</b>
152:6 153:18,19	<b>Gene</b>	19:17	10,13 63:12	100:21
154:1 158:14	155:7,9	<b>give</b>	68:9,12 69:20	<b>great</b>
168:18 177:21	<b>general</b>	18:25 19:18	92:2 94:4 99:9	17:24,25 28:10,
<b>fruit</b>	15:20 16:6	27:14 41:5,7	105:5 121:13	14 34:21 36:3
116:10	25:15 26:7 31:9,	54:18 73:17	124:17,18	39:21 55:12
<b>frustrated</b>	13 48:20,24	90:7 93:8	133:21 137:20,	62:24 65:18
79:13	61:20 62:2 64:5,	103:15 106:8	21 141:17 147:3	67:25 91:25
<b>frustrating</b>	9 68:8,10 76:14,	109:2 114:15	152:20 157:24	93:4 94:5 98:20
100:2 119:10	20 77:14,24,25	115:17,18,21	160:10 170:21	99:18 118:18
170:25	78:1 85:13,17	119:23 122:20	172:17 173:19	133:5,13 143:7
<b>fulfill</b>	111:13,17	136:10 140:6	180:6 184:5,15	155:8,10 160:25
149:21	127:19 128:1,2	141:22 147:14	<b>Goodstein</b>	163:11 172:3
<b>full</b>	129:9,13 144:8,	154:9 159:3	54:5 68:14	180:22 192:20
110:4 154:10	12 165:14,22	167:5 178:11	<b>gosh</b>	<b>great-aunt</b>
<b>full-time</b>	174:3,12	<b>give-and-take</b>	170:4 175:8	163:22
113:5,13	188:13,22	140:3	<b>government</b>	<b>greater</b>
<b>fully</b>	189:17	<b>giving</b>	161:5	161:7
52:24 109:3	<b>generally</b>	23:14 24:10	<b>Governor</b>	<b>greatest</b>
154:10	36:17 139:13,14	132:18	77:13	138:13 189:25
<b>fund</b>	189:21	<b>glad</b>	<b>Governors</b>	191:9
78:1	<b>gentleman</b>	23:21 73:22	54:12	<b>greatly</b>
<b>future</b>	12:11	137:18 160:6	<b>grabbed</b>	74:25
34:10 61:11	<b>gentlemen</b>	171:10 192:19	141:11	<b>Greenville</b>
71:4 110:20	21:15 44:6 57:1	<b>Gladwell</b>	<b>grade</b>	84:7 91:5,20
171:4	71:14 83:4	94:18	100:23 179:17	<b>Grey</b>
	102:12 121:13	<b>gloves</b>	<b>graduate</b>	38:15
	135:3 157:25	90:2	55:3	<b>grocery</b>
	177:5	<b>go-round</b>	<b>graduating</b>	11:16
		66:21	54:25 55:1	
<b>G</b>				
<b>gamut</b>				

<p><b>ground</b> 38:22 84:4</p> <p><b>group</b> 66:8 79:23 108:10 152:10</p> <p><b>growing</b> 27:19 34:3 181:6</p> <p><b>grown</b> 66:8</p> <p><b>growth</b> 107:19</p> <p><b>guarantees</b> 36:1</p> <p><b>guardian</b> 172:23 181:14</p> <p><b>guess</b> 18:4 36:22 38:22 53:1 65:20 89:25 92:21 110:3 114:9 117:17 130:18 147:2 148:21 150:22 172:1 182:22</p> <p><b>guessing</b> 112:12</p> <p><b>guest</b> 18:19 23:16 137:14 179:11</p> <p><b>guidance</b> 175:5 191:2,19</p> <p><b>guide</b> 170:15</p> <p><b>guidelines</b> 16:11 31:18 49:4 64:14 85:22 111:22 129:19 144:18 166:3 175:1 189:2</p>	<p><b>guiding</b> 28:12</p> <p><b>guilty</b> 77:2 91:11 187:4,5,6</p> <p><b>guy</b> 90:9 155:10</p> <p><b>guys</b> 104:17 117:8 167:13 179:25</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>habeas</b> 106:20</p> <p><b>habit</b> 141:9</p> <p><b>Hague</b> 98:9</p> <p><b>Haigh</b> 9:12 10:12,15 19:25</p> <p><b>hair</b> 87:17</p> <p><b>haired</b> 88:14</p> <p><b>hairs</b> 92:5 100:21</p> <p><b>half</b> 23:20 73:20 78:9 99:7</p> <p><b>hall</b> 114:7</p> <p><b>hand</b> 9:10 21:23 44:13 57:9 71:20 102:21 121:25 135:11 152:11 158:8 171:10 177:15</p> <p><b>handed</b> 126:3</p>	<p><b>handicapped</b> 183:9</p> <p><b>handle</b> 26:6 29:17 66:17 76:25 77:12 139:18 161:18 162:5 181:24</p> <p><b>handled</b> 12:13 61:21,25 62:1,2 75:8 76:9,18 106:6, 10,11 113:22 114:3 126:2 139:5,6,18 147:24 162:9,16 170:3,9 183:16 187:18</p> <p><b>handling</b> 77:12 78:18 106:14 126:18 138:15,16 161:10 162:12 163:3 164:19 182:15</p> <p><b>hands</b> 84:10</p> <p><b>hanging</b> 15:2</p> <p><b>happen</b> 36:15 67:10 77:1 87:6 166:22,23 183:9</p> <p><b>happened</b> 19:6 109:25 167:4</p> <p><b>happening</b> 166:21</p> <p><b>happy</b> 11:5 23:25 59:6, 13 74:3 81:8 104:21 117:10</p>	<p>123:22 137:9,14 159:24 179:15, 22 193:2</p> <p><b>hard</b> 87:6 100:12 107:9 131:1,12 145:23 181:8 184:6 185:14</p> <p><b>hard-</b> 95:23</p> <p><b>hard-working</b> 75:11</p> <p><b>harder</b> 47:8</p> <p><b>hardest-</b> 90:24</p> <p><b>hate</b> 113:20</p> <p><b>head</b> 35:17 67:16</p> <p><b>headed</b> 117:21</p> <p><b>health</b> 15:13 30:18 47:16 63:10 83:12 110:6,15 128:15 143:16 164:15 187:14</p> <p><b>health-wise</b> 18:11</p> <p><b>healthy</b> 148:8</p> <p><b>hear</b> 11:5 14:19 19:22 23:25 59:14 96:20 100:5 137:9 159:24 167:7 171:10,12 175:6 179:22</p> <p><b>heard</b> 14:12 34:24</p>	<p>36:9 37:11 67:16 99:24 100:4 119:3 131:16 146:5,16 154:14 174:15</p> <p><b>hearing</b> 9:2 20:11 21:12 26:15 29:25 40:14 43:8 53:19 70:13 71:10 82:24 86:7 101:12 119:6,18 121:9 130:5 134:4 154:1 155:18 167:13,18 169:17 171:2,22 172:8,9,22 176:5 186:17 192:1</p> <p><b>hearings</b> 117:18 118:17 126:16 168:24 169:13 170:2 171:12 174:6 189:20,22</p> <p><b>hears</b> 163:10</p> <p><b>heart</b> 79:11,19</p> <p><b>hearts</b> 183:24</p> <p><b>heavy</b> 20:23 43:17 56:7 70:22 101:21 120:15 134:13 157:9 176:13 192:10</p> <p><b>held</b> 19:17</p> <p><b>helped</b> 27:18 68:19,22,</p>
--	--	---	---	---

25	117:18	68:17 97:17	<b>ideal</b>	170:25 191:14
<b>helpful</b>	<b>holding</b>	142:2,8	19:23	<b>imposing</b>
12:8 115:10	60:21 151:25	<b>house</b>	<b>ideas</b>	14:14
174:25 175:4	<b>home</b>	93:10 109:12	174:14	<b>impressed</b>
<b>helping</b>	17:5 81:14	163:23,25	<b>identified</b>	26:24,25 38:24
60:14 99:17	140:11 161:8	<b>housekeeping</b>	76:20 81:20	39:16 49:19
<b>helps</b>	169:20	15:15 30:20	<b>identify</b>	<b>impression</b>
126:11	<b>honest</b>	48:5 63:15	183:11	79:10
<b>Henry</b>	51:3	83:19 110:22	<b>ignited</b>	<b>impressive</b>
76:15	<b>honesty</b>	128:20 165:4	27:2	50:6
<b>Heroes</b>	175:19	188:1	<b>II</b>	<b>impropriety</b>
98:20	<b>honor</b>	<b>huge</b>	13:7	20:22 43:16
<b>hey</b>	9:7 10:7 11:1	151:2	<b>III</b>	56:6 70:21
95:17 116:7	20:12 46:6 57:6	<b>human</b>	71:22 72:20,23	101:20 120:14
119:12	180:1	96:24	73:1	134:12 157:8
<b>high</b>	<b>HONORABLE</b>	<b>humanitarian</b>	<b>ill</b>	176:12 192:9
27:6 55:1,3 65:4	9:12 10:12,14	32:22	67:6	<b>improve</b>
162:25 183:22	57:11 58:9,12, 14	<b>humanity</b>	<b>imagine</b>	173:14
<b>higher</b>	<b>honored</b>	96:7	40:25	<b>improvement</b>
99:15	48:1 74:2	<b>humbleness</b>	<b>immediately</b>	107:16
<b>highest</b>	<b>hope</b>	27:1	67:8 84:15,18	<b>in-house</b>
140:23 163:12	14:19 33:20	<b>humility</b>	<b>immensely</b>	77:10
<b>highly</b>	37:2,19 42:10	118:19 164:25	98:17	<b>in-laws</b>
50:21 77:17	51:23 119:11	<b>humor</b>	<b>Immigration</b>	113:11,17
127:2 133:11	<b>hopeful</b>	109:4 142:16	106:20	<b>inadequate</b>
<b>hiked</b>	92:19	<b>hundred</b>	<b>impact</b>	183:8
69:4	<b>hoping</b>	70:3 97:16	42:19 161:2,4,7	<b>inadvertent</b>
<b>Hill</b>	34:17 132:19	116:8 175:12	171:3	84:3
160:12 163:23	<b>horrible</b>	186:4,5	<b>impartial</b>	<b>inadvertently</b>
180:9	39:13	<b>husband</b>	107:7	84:11
<b>hindrance</b>	<b>Horry</b>	34:15 67:5	<b>importance</b>	<b>incarcerated</b>
127:10	34:18	96:23 109:13	26:6 172:8	29:6
<b>hired</b>	<b>host</b>	175:24	<b>important</b>	<b>incident</b>
108:17 115:7	138:17	<b>HVAC</b>	24:4,24 25:1	109:7 187:4
<b>historically</b>	<b>Houck</b>	81:23	27:14 36:4	<b>include</b>
115:13	145:8,10,14	<hr/>	41:13 42:16	12:12 66:25
<b>history</b>	152:5,24 154:4	<b>I</b>	78:18 87:14	183:4 184:4
41:4	<b>hour</b>	<hr/>	100:15 124:12	<b>included</b>
<b>hit</b>	78:9	<b>idea</b>	150:11 172:9	10:19 23:5
84:4,12 142:20	<b>hours</b>	80:24 92:9	183:10	24:16 45:17
<b>hoc</b>		115:24 131:20	<b>importantly</b>	46:13 57:25
		172:8 173:20		

58:19 60:2 73:5 74:9 104:5,25 123:12 124:21 136:24 137:24 140:19 159:14 160:16 179:2 180:13	<b>industries</b> 77:17 <b>infant</b> 50:12 <b>inflexible</b> 145:22 <b>information</b> 29:10 67:25 68:21 150:25 151:4 <b>initial</b> 93:6 149:24 <b>injury</b> 62:1 106:23 138:16 139:7 151:5,6,9 <b>innoculate</b> 41:6 <b>inquiry</b> 10:18 23:4 45:16 58:18 73:4 104:4 123:11 136:23 159:13 179:1 <b>inside</b> 26:14,20 27:3 <b>insight</b> 164:24 <b>insisted</b> 145:19 <b>inspector</b> 77:25 <b>Instagram</b> 151:2,8 <b>Instagram's</b> 151:2 <b>instance</b> 151:18 <b>instances</b> 79:15 <b>instilled</b>	145:17 <b>instructions</b> 19:10,14 <b>insurance</b> 81:10,25 139:7 141:16 147:24, 25 <b>integrity</b> 161:1 <b>intellect</b> 86:16 126:25 156:4 <b>Intellectually</b> 140:22 <b>intelligent</b> 62:25 <b>intemperate</b> 146:5 <b>intent</b> 15:16,25 30:25 31:3 48:11,14 63:21,24 83:25 85:8 111:4,7 128:25 129:3 143:24 144:2 165:9,16 188:9, 16 <b>inter</b> 84:16 <b>inter-office</b> 84:17 <b>interact</b> 68:10 <b>interest</b> 10:24 23:10 45:22 51:18 58:24 73:10 79:24 80:5,10, 13,14 104:10 123:17 137:4,11 159:19 169:25 179:7 185:23	<b>interested</b> 145:25 156:24 <b>interesting</b> 66:23 <b>internal</b> 12:22 <b>interpersonal</b> 107:19 <b>interrupt</b> 94:16 117:25 <b>intervene</b> 16:7 31:14 48:25 64:10 85:18 111:18 129:14 144:13 165:23 188:23 <b>interviewed</b> 184:24 <b>intra-office</b> 84:16 <b>introduce</b> 18:20,25 23:17 59:5 73:18 119:23 123:23, 25 179:14 <b>invariably</b> 88:20 <b>investigated</b> 10:17 23:3 45:15 58:17 73:3 104:3 123:10 136:22 159:12 178:25 <b>investigation</b> 16:15 31:22 49:9 64:19 86:2 109:15 112:2 129:24 144:23 166:7 189:6 <b>investigations</b> 77:22,23 78:3	<b>investment</b> 80:17 <b>involve</b> 77:21 183:18 <b>involved</b> 29:6 66:22 78:2 80:24 81:21 96:17 116:23 118:12 127:4 150:19 161:24 162:4,7 183:20, 23 <b>involvement</b> 65:22 118:11 126:16 <b>involving</b> 25:17 114:2 148:9,10 <b>irrespective</b> 37:3 <b>issue</b> 68:3 78:6 84:5 87:12 96:18 127:21 132:17 151:6 171:20 174:2,8 175:18 190:20 <b>issued</b> 14:8,13,25 35:22 81:11 <b>issues</b> 30:20 36:18 40:2 61:21 62:18 70:2 76:25 83:19 114:1 132:14 151:17 164:19 165:4 169:19,20 187:18 188:1 190:10,12 <b>issuing</b> 14:18
---	--	--	---	--



<p><b>itemization</b> 183:5</p> <p><b>items</b> 63:15 78:20</p> <p><b>IV</b> 57:11 58:9,12, 15 60:3</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>James</b> 90:23 127:23 131:22</p> <p><b>January</b> 112:18</p> <p><b>Jennifer</b> 59:8,9</p> <p><b>Jermaine</b> 28:19</p> <p><b>JMSC</b> 85:1 117:17</p> <p><b>job</b> 11:15 12:11 60:23 62:11 65:11,24 66:18, 19 68:13 97:7 113:5 118:21 125:12 127:17 132:16 138:10 139:25 140:1, 13,15 149:23 182:3</p> <p><b>jobs</b> 42:8,9 94:14</p> <p><b>Jocelyn</b> 105:8</p> <p><b>join</b> 40:16 73:15</p> <p><b>joined</b> 138:12,22 145:16 146:3</p>	<p><b>joke</b> 183:24</p> <p><b>Jordan</b> 16:21,22,24 18:18 29:21 69:15,16,18 121:4 130:7,8,9, 11 145:3,4,6 186:12</p> <p><b>JQC</b> 116:23 117:3,11 184:22</p> <p><b>judge</b> 9:3,4,8,18,22,25 10:5,9 11:7,12 12:25 13:4,11 14:13,17 15:7, 11,15 16:25 18:23 19:2 20:10 21:6 24:23 26:10,11, 18,21 33:17 34:3,4 35:16,25 36:15,21 37:1 38:5,6,13 39:4 40:5 41:12 46:20 47:3,8 53:3,9,14 54:17, 24 55:15,19 57:3,7,17,21,24 58:4 59:7,13,16, 23 60:8,14,16, 19,23,25 61:5, 14,17 62:10,19, 24 63:3,5,16 64:24 65:2,16, 24 66:11 67:15, 17,20,22 68:5, 14 70:11 71:6 74:16 75:8,10 78:18 79:3,17 88:24 89:1,21 90:1,16,18,20</p>	<p>91:6,10,12 92:16 94:13 95:24 96:21 100:9 105:6,7,8, 19 106:9 107:1 114:6 115:12 116:1 119:11 125:2,9,10,14, 23 126:1,20 127:2,11,12,25 131:3,11,19,20 132:2,3,11,12, 18,23 133:5,6, 11,14,21 138:6, 7,11 140:3,10 141:1 145:7,10, 13 147:17 149:16 150:23 152:5,6,24 153:19 154:1,4, 7,8,23 160:22, 24 161:6,18 163:11,15 164:25 167:16, 17 168:2 169:2 170:4 171:4 172:22 175:21 180:19,21,23 181:23 183:8 187:24 189:19 190:8 191:4</p> <p><b>judge's</b> 92:6 152:12</p> <p><b>judge-want-to-</b> 34:15</p> <p><b>judge-will-be</b> 34:16</p> <p><b>judges</b> 26:3,5,6 28:12, 15 35:16 36:5 42:9 53:23 55:17 62:14,17 68:1,9 78:15</p>	<p>87:18 88:10,14, 18,20 89:10,23 90:25 96:6 99:2 100:3 105:24 110:11 115:10 125:17 127:14, 18 131:23,25 132:4,8,9,15,21, 25 139:12 152:16 156:19 167:6 170:5 174:14</p> <p><b>judgeship</b> 24:5 33:23 55:20</p> <p><b>judgment</b> 52:21 106:23 127:1 164:24</p> <p><b>judgment-wise</b> 168:7</p> <p><b>judicial</b> 9:2 10:10,13,16 15:10 22:19,22, 25 23:2 26:2 30:16,21,22 32:6 45:9,12,14 47:18 48:7,8 54:14 58:7,10, 13,16 63:8,16, 17 68:6 72:18, 21,24 73:2 75:1, 7 83:15,20,21 89:3 103:17,20, 23 104:2 110:16,24,25 122:22,25 123:3,6,9 128:18,21,22 136:12,15,18,21 140:20 143:14, 19,20 158:4 159:5,8,11 160:13 161:1</p>	<p>164:14 165:5,6 177:11 178:13, 16,19,21,24 184:9 187:13 188:4,5 192:17</p> <p><b>judicially</b> 116:13</p> <p><b>judiciary</b> 12:15 34:10 75:13 99:19 124:13 154:15</p> <p><b>July</b> 28:23,25 112:22 187:3</p> <p><b>June</b> 28:25 185:24</p> <p><b>jurisdiction</b> 25:15</p> <p><b>jurists</b> 42:23</p> <p><b>jurors</b> 68:11</p> <p><b>jury</b> 51:13 52:25 68:15,18,23 92:8 106:4 139:24 168:2</p> <p><b>justice</b> 54:9 90:23 91:3 107:7 116:3 118:14,20 127:23 131:22 182:1</p> <p><b>juvenile</b> 106:13 113:22 161:21,25 182:1</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>Kasyjanski</b> 108:23 109:1,5 110:6</p>
---	---	---	---	---

<b>Kasyjanski's</b> 108:25	152:13 154:15 163:9 167:15	<b>Lakeview</b> 14:11	146:1 161:16 164:21 168:13	12:8,9 42:22 51:5 84:8 94:5
<b>Kaye</b> 54:9	170:23 173:21 183:15 184:7	<b>landed</b> 93:3	181:1,7,22 184:8,22 191:19	96:13 98:9 99:21 145:19,23
<b>keeled</b> 163:9	<b>kindly</b> 30:3 186:20	<b>landscape</b> 94:1	<b>laws</b> 10:21 20:21	153:6,21 167:15 168:10 173:6,20
<b>Keith</b> 108:23	<b>kinds</b> 62:5 147:11	<b>laps</b> 18:5,8	23:7 43:15 45:19 56:5	190:8 <b>layman's</b>
<b>Kent</b> 32:17	<b>kinfolk</b> 34:17	<b>large</b> 74:22 140:11	58:21 70:20 73:7 101:19	33:1 <b>lead</b>
<b>keyword</b> 151:22,23	<b>Kingstree</b> 28:19,20	147:24 150:6	104:7 120:13 123:14 134:11	25:4,19 <b>leadership</b>
<b>kicking</b> 97:3	<b>kitchen</b> 82:5	<b>largely</b> 114:10 182:7	137:1 157:7 159:16 176:11	28:13 65:21 66:10 107:24
<b>kicks</b> 96:21	<b>Kittredge</b> 118:14,20	<b>Larry</b> 23:20	179:4 181:8,10 192:8	108:1 <b>leading</b>
<b>kidnap</b> 98:12	<b>knew</b> 24:7 27:8 66:9	<b>lastly</b> 78:4 79:1	<b>lawsuit</b> 13:5,9,12,14,19,	66:5,8 <b>Leah</b>
<b>kids</b> 69:9 138:19	78:5 84:8 153:2	<b>late</b> 17:5 84:13	22 80:1,5,19 81:4,10 108:22,	179:16 <b>leaned</b>
<b>kill</b> 110:11	<b>knowing</b> 139:16 153:14	140:8 146:9	24 109:1 142:13,15	19:6 <b>leaning</b>
<b>Kim</b> 32:21	171:3,23	156:16	163:16,21,22 185:23,25	41:24 <b>leap</b>
<b>Kimberly</b> 21:18,25 22:21, 24 23:1 24:17	<b>knowledge</b> 62:7 163:13	<b>laughed</b> 19:9	<b>lawsuits</b> 29:12 81:19	38:25 <b>learn</b>
<b>kind</b> 12:14 18:1	<b>knowledgeable</b> 12:14 63:2	<b>law</b> 12:1,8,13 17:4,	127:20 <b>lawyer</b>	39:8 41:22 55:4 60:24 65:11
32:19 52:3,11	75:11 92:15	17 18:2 24:3	17:20,24 27:5, 13 51:5 79:16	78:23 93:22
61:19 62:18	130:15	25:3,9 27:21	86:15 88:13,14 100:9 128:2,4,9	94:7 145:18
77:10 80:12	<b>L</b>	28:12 32:7,11, 22 37:1,18 39:3	131:3,12,24 139:14,15,22	150:7 <b>learned</b>
84:4 86:16 87:6, 24 90:8,12,17	<b>lack</b> 127:4,7,9 141:4	41:10 42:7,9,12, 22 46:23,24	146:1,5 152:25 153:18 154:9	62:12 66:15 67:22 89:3
94:11,15 95:10, 18,24 96:11,14	<b>ladies</b> 21:15 44:6 57:1	51:7 55:1 62:6 76:19,23 77:8	156:5 168:12 169:9 170:25	<b>leave</b> 19:5 68:22 70:4
107:9 109:2	71:13 83:4	78:11,22 80:6 92:6,15,23	187:18,23 190:8 <b>lawyer's</b>	94:10 <b>lecture</b>
115:24 131:20	102:11 121:13	93:19 95:16 105:23,24 110:1	171:1 <b>lawyers</b>	117:13 <b>led</b>
132:24 145:13, 25 146:23,24	102:11 121:13	113:15 125:24 128:6 131:5,24	<b>lawsuits</b> 29:12 81:19	97:4
147:3,7 148:23	135:3 157:24	128:6 131:5,24 133:18 138:11,	127:20 <b>lawyer</b>	
149:4 150:21	177:5	12 141:10,21 142:3 145:12	17:20,24 27:5, 13 51:5 79:16	
	<b>lady</b> 59:3		86:15 88:13,14 100:9 128:2,4,9	

<p><b>Lee</b> 32:6</p> <p><b>left</b> 27:12 90:12</p> <p><b>left-behind</b> 98:14</p> <p><b>legal</b> 24:6,21 26:13 46:18 47:1 61:15 74:14 76:24 79:22 94:1 105:12,17 107:16,18 125:21 138:4,16 141:16 147:16 160:22 180:19 186:9 190:4</p> <p><b>legendary</b> 145:13 146:18</p> <p><b>legislative</b> 142:1</p> <p><b>legislator</b> 16:1 31:4 48:15 63:25 85:9 111:8 129:4 144:3 165:17 188:17</p> <p><b>legislators</b> 84:25 181:8</p> <p><b>legislature</b> 17:15 150:6</p> <p><b>legislatures</b> 181:7</p> <p><b>length</b> 50:16 87:16 174:16 191:10</p> <p><b>lense</b> 40:23</p> <p><b>lessons</b> 39:14</p> <p><b>Letitia</b> 91:5</p>	<p><b>letter</b> 15:16,25 20:21 30:25 31:3 32:18 43:15 48:11,14 56:5 63:21,24 69:22 70:20 83:24 85:7 101:18 111:4,7 120:13 128:25 129:3 134:11 143:24 144:2 154:24 155:6 157:7 165:9,16 176:11 188:8,16 192:8</p> <p><b>letters</b> 69:19</p> <p><b>letting</b> 84:22</p> <p><b>level</b> 33:7 40:5 49:20 50:5 55:21 118:11 148:19, 20 150:18</p> <p><b>levels</b> 74:24</p> <p><b>Lexington</b> 147:16</p> <p><b>liberal</b> 41:25</p> <p><b>licensed</b> 88:8</p> <p><b>life</b> 19:12 27:8,17 39:14 69:21 87:7 96:4,6 97:12 109:9 117:8 156:9 171:14</p> <p><b>lifetime</b> 17:4</p>	<p><b>light</b> 51:4 109:6</p> <p><b>light-but-formal</b> 35:1</p> <p><b>likened</b> 112:13</p> <p><b>Likewise</b> 182:5</p> <p><b>limitaations</b> 15:20</p> <p><b>limitations</b> 31:9 48:20 64:5 85:13 111:13 129:9 144:8 155:21 165:13 188:13</p> <p><b>limited</b> 32:10 52:25</p> <p><b>Lindi</b> 160:4</p> <p><b>Lindsay</b> 179:16</p> <p><b>lines</b> 19:25 142:14 186:6</p> <p><b>linger</b> 172:15</p> <p><b>Linkedin</b> 151:1</p> <p><b>list</b> 76:5,6,7 90:6 98:9 105:20 113:1</p> <p><b>listed</b> 110:2</p> <p><b>listen</b> 15:4 88:21 97:8 100:1,9 154:10 163:10</p> <p><b>listened</b> 100:4 142:5</p>	<p><b>listening</b> 93:8</p> <p><b>Listserv's</b> 108:9</p> <p><b>litem</b> 181:14</p> <p><b>literally</b> 113:21 169:16</p> <p><b>litigant</b> 35:3,14</p> <p><b>litigants</b> 26:7 68:12 164:23 169:3 181:2</p> <p><b>litigated</b> 61:24 89:7 168:12</p> <p><b>litigating</b> 79:12</p> <p><b>litigation</b> 46:25 61:23 74:20 87:6 89:19 91:18 106:18,19 126:3 138:17 139:5,7 140:21 141:17 147:23 148:1,4, 9,23 150:17 190:15</p> <p><b>litigator</b> 138:21 184:7</p> <p><b>live</b> 55:10,13</p> <p><b>lived</b> 55:11 86:10</p> <p><b>lives</b> 40:4 173:24 179:17</p> <p><b>LLC</b> 79:23</p> <p><b>load</b> 113:14</p>	<p><b>Loan</b> 14:11</p> <p><b>local</b> 155:3</p> <p><b>long</b> 49:19 50:13 54:7 77:12 89:2 99:25 108:2 117:4 131:23 132:3 142:24 150:13</p> <p><b>longer</b> 27:19 32:14 40:17 66:13 76:4</p> <p><b>longtime</b> 34:21 184:23</p> <p><b>looked</b> 49:18 54:10</p> <p><b>Lord</b> 99:13</p> <p><b>lose</b> 36:20 150:2</p> <p><b>losing</b> 79:17 88:3,4</p> <p><b>loss</b> 147:24</p> <p><b>lost</b> 36:12 51:16</p> <p><b>lot</b> 13:2 18:7 19:9 27:18 39:8 40:2 42:12 49:23 50:19 51:4,7 52:14,17 53:2 61:21 62:12 66:15 67:22,23 68:6 69:13 77:1, 17,20 89:3,4,5, 10 100:1 105:23 113:12,24 114:1 125:4 147:10</p>
--	---	--	--	---

149:8,11,12 170:14 171:1,23 172:12,14 174:6 181:15 182:3 183:2,7 185:17	153:14,15 156:3 164:17 172:17 175:23 178:4	<b>making</b> 10:7 22:16 37:1 40:9 41:4 45:5 77:11 103:12 105:20 120:6 124:3 129:17 152:13 169:18 178:8 191:20	191:11	<b>Mccray</b> 28:18
<b>lots</b> 77:9 98:20 168:9 181:18	<b>magistrate</b> 76:18 82:1	<b>magistrate's</b> 37:9 81:21 143:2	<b>Maryann</b> 44:8,15 45:10, 13 46:14	<b>Mceachin</b> 14:20 17:13
<b>loudly</b> 35:7	<b>magistrates</b> 62:3	<b>mail</b> 84:22	<b>Mason</b> 27:9	<b>Mcfadden</b> 14:13
<b>love</b> 34:5 42:12 69:12 145:18 180:24 181:13 184:14 190:8	<b>mailing</b> 14:5	<b>mails</b> 84:17 151:12	<b>Master</b> 12:13	<b>Mcgee</b> 71:15,18,22 72:3,8,11,15,20, 23 73:1,16,19, 20,23 74:1,10, 14 75:2,6 79:6, 21 83:10,19,24 85:7 86:2,6,10, 12,19 87:1 91:16,19,20,24 92:16 100:25 101:8,11,13 102:3,6
<b>low-hanging</b> 116:9	<b>maintain</b> 152:12	<b>maintaining</b> 155:8	<b>Master-in-</b> 9:4	
<b>Lowcountry</b> 47:13,19 63:5, 11 143:10	<b>major</b> 151:16	<b>majority</b> 109:7 162:10	<b>Master-in-</b> <b>equity</b> 11:13	
<b>lower</b> 151:9	<b>make</b> 18:5 19:3 20:7 23:14 28:12,14 32:22 36:21,24 38:25 42:19,25 43:2 46:1,4 47:8 55:14 63:3 73:24 75:7,9 90:19 95:11,20 96:19 124:13 127:1 129:16 131:8 137:9 142:10 152:22 163:14 169:24 170:4 191:4,9	<b>man</b> 97:16 132:23	<b>materials</b> 10:20 23:6 45:18 58:20 73:6 104:6 123:13 136:25 159:15 179:3	
<b>lucky</b> 90:19 97:15	<b>majority</b> 109:7 162:10	<b>manageable</b> 151:24	<b>Matlock</b> 27:10	<b>Mcgee's</b> 74:9
<b>Lucy</b> 33:13 38:15	<b>majority</b> 109:7 162:10	<b>managing</b> 25:24 151:13 161:12	<b>matter</b> 29:18 36:20 40:5 106:21 110:2 119:3 183:18 186:10	<b>Mciver</b> 32:3,4
<b>lunch</b> 56:24 102:9	<b>make</b> 18:5 19:3 20:7 23:14 28:12,14 32:22 36:21,24 38:25 42:19,25 43:2 46:1,4 47:8 55:14 63:3 73:24 75:7,9 90:19 95:11,20 96:19 124:13 127:1 129:16 131:8 137:9 142:10 152:22 163:14 169:24 170:4 191:4,9	<b>mandamus</b> 106:20	<b>matters</b> 12:13 24:24,25 28:17 29:4,5,6 33:1 61:22 106:22 141:4 162:13 182:16 183:25	<b>Mcleod</b> 147:17
<b>M</b>	<b>majority</b> 109:7 162:10	<b>mange</b> 151:15 190:13	<b>Matlock</b> 27:10	<b>Mcmahan</b> 102:13,14,15, 17,23 103:4,9, 14,19,22,24,25 104:17 105:1,5, 16 107:8 110:9, 13,24 112:7,9, 22 118:8,16,22, 23,25 119:17, 19,21,24 120:24
<b>made</b> 9:24 19:12 22:12 25:1 26:5 30:9 41:22 42:11 45:1 48:3 57:23 72:10,11 83:6 88:16 93:3 94:20 103:8 121:16 122:14 136:4 141:9 143:6 151:24	<b>majority</b> 109:7 162:10	<b>manifested</b> 41:10	<b>maturity</b> 39:10	<b>Mcmaster</b> 76:15 77:13,14
	<b>majority</b> 109:7 162:10	<b>Manning</b> 90:16	<b>Maxwell</b> 110:2,3	<b>means</b> 25:21 133:8
	<b>majority</b> 109:7 162:10	<b>March</b> 13:6 28:21 113:23	<b>Maynard</b> 138:20,24	<b>measured</b> 34:25 35:10
	<b>majority</b> 109:7 162:10	<b>marital</b> 169:20 183:5, 11,13	<b>mayor</b> 17:6,11	
	<b>majority</b> 109:7 162:10	<b>mark</b> 90:12		
	<b>majority</b> 109:7 162:10	<b>marketing</b> 79:23 151:12		
	<b>majority</b> 109:7 162:10	<b>marriage</b> 174:16 175:6		

<b>mechanisms</b> 155:22	107:24 156:12	146:10	<b>mindful</b> 79:20	24:2 37:4 96:25 97:2 142:7 193:1
<b>mediate</b> 172:22	<b>members</b> 15:17,20 16:6, 20 20:9 21:7	<b>mentoring</b> 108:7	<b>minds</b> 132:20	<b>money</b> 143:1,3 167:22
<b>mediated</b> 173:16	23:19 29:23	<b>mentors</b> 34:5	<b>mine</b> 34:22 78:23 80:7 89:22 132:18,22	<b>money's</b> 167:21
<b>mediator</b> 162:23 173:16 181:13	31:1,9,13 32:2 38:19 43:7 48:12,20,24 49:13 53:17 63:22 64:5,9,23 65:2,13 70:11 74:2 82:22 83:25 85:13,17 86:5 100:17 102:9 111:5,13, 17 112:6 120:8 121:7 129:1,9, 13 130:2 134:2 143:25 144:8,12 145:1 154:21 160:2 165:10, 13,22 166:12 184:13 186:15 188:3,9,13,22 189:11 191:25	<b>Merit</b> 9:3 10:10,13,16 22:19,22,25 23:2 45:9,12,14 58:7,10,13,16 72:18,21,24 73:2 103:17,20, 23 104:2 122:22,25 123:3,6,9 136:12,15,18,21 159:5,8,11 178:13,16,19, 21,24	<b>minimum</b> 175:11	<b>monitor</b> 114:7
<b>medicine</b> 12:22			<b>minor</b> 151:17	<b>month</b> 142:2 175:12
<b>meet</b> 12:18 23:16 59:6 65:16 120:1 137:14 179:15			<b>minute</b> 151:22 178:12	<b>months</b> 18:4 78:8 80:16 82:10 173:17
<b>meeting</b> 17:15 84:7 115:14,16,23 116:7 117:13			<b>minutes</b> 84:19 169:17,18 186:21	<b>morals</b> 163:12
<b>meetings</b> 78:13 95:13 108:10 142:1		<b>messages</b> 169:5	<b>missing</b> 183:8	<b>morning</b> 9:1 11:1 16:25 17:1 23:18,24 24:10 46:10 54:20 59:22 68:17 84:21 92:8 143:7
<b>meets</b> 24:17 46:14 60:3 74:10 105:1 124:22 137:25 160:17 180:14	<b>memory</b> 29:4	<b>met</b> 12:21 112:9 184:24	<b>mistake</b> 84:22	<b>mother</b> 27:9,15,16 55:4 70:5 98:12 163:24 164:3,6 169:7
<b>Meetze</b> 121:19,23 122:2,8,12,15, 19,24 123:2,5,8, 24 124:1,3,6,9, 17,18,22 125:1, 21 128:11,13,20 130:4,6,12 134:3,6,22	<b>mental</b> 15:13 30:18 47:16 63:10 83:12 109:21,22 110:6,16 128:15 143:16 164:16 187:15	<b>mid-forties</b> 107:22	<b>mix</b> 67:13	<b>mother's</b> 169:7
<b>mellowed</b> 146:4	<b>mention</b> 91:22 100:20	<b>mid-life</b> 92:25 93:1	<b>mode</b> 130:23 149:8	<b>motion</b> 14:9,14 29:19 82:18 121:3 149:16 153:7 154:7 186:11
<b>member</b> 17:10 50:1 68:7	<b>mentioned</b> 38:15 82:4 91:23,24 96:11 141:5 175:21	<b>middle</b> 61:4 90:2	<b>model</b> 53:10,14 54:1, 16	<b>motions</b> 52:21 149:7,12
	<b>mentor</b> 62:13 145:24	<b>Midlands</b> 83:10 110:12	<b>models</b> 89:10	<b>mound</b> 151:23
		<b>millions</b> 162:18	<b>moderate</b> 89:12	<b>mouthng</b> 36:4
		<b>mind</b> 33:18 51:18 61:13 80:16 87:19 130:20, 22,25 142:24,25 162:23 167:9 182:10	<b>mom</b> 170:10	<b>move</b> 54:14 75:10
			<b>moment</b> 87:20 89:21 122:6 159:4 176:8	
			<b>momma</b> 168:8	
			<b>Monday</b>	

173:14,22 190:14 <b>moved</b> 114:21 115:25 154:7 <b>movies</b> 27:10 <b>moving</b> 173:20 <b>mt</b> 193:1 <b>Mullins</b> 77:9 97:20 <b>multiple</b> 106:17 109:16 110:11 <b>municipal</b> 60:16 62:3,10 67:15,20,22 <b>murder</b> 25:18 37:14 91:10 113:23,24 146:7 <b>muscles</b> 94:6 <b>mushrooming</b> 150:15 <b>mutual</b> 86:13	<b>natural</b> 125:11 <b>nature</b> 13:8,14,21 65:4 80:4,5 108:24 163:21 185:25 <b>navigate</b> 184:20 <b>nay</b> 29:24 82:23 121:8 186:16 <b>necessarily</b> 39:7 76:24 89:20 117:4 <b>neck</b> 96:3 <b>needed</b> 109:11,21 128:6 158:22 <b>needing</b> 96:5 <b>negative</b> 39:25 47:10,11 68:23 <b>negligible</b> 80:10 <b>neighborhood</b> 86:11 <b>Nelson</b> 77:9 97:20 <b>nerve-</b> 95:10 <b>nervous</b> 154:6,9 <b>Nettles</b> 133:5,7,14,21 <b>Newman</b> 34:3 105:8 <b>newspaper</b> 10:22 23:8 45:20 58:22	73:8 104:8 123:15 137:2 159:17 179:5 <b>Nexsen</b> 138:19,20,23,24 147:2 <b>nexus</b> 43:1 <b>nice</b> 65:16 102:15 120:1 189:15 <b>night</b> 84:13 105:20 <b>nodding</b> 69:11 <b>nomination</b> 37:6 38:13 <b>nonetheless</b> 120:5 <b>normal</b> 142:22 <b>North</b> 88:8 <b>note</b> 15:6 16:14 20:25 24:14 30:12 31:21 43:19 46:11 47:12 49:7 56:8 59:25 63:4 64:17 70:24 74:8 83:9 85:25 104:23 110:12 111:25 120:17 124:19 128:12 129:22 134:15 137:22 143:10 144:22 157:11 160:14 164:10 166:6 176:15 180:11 187:9 189:5 192:12	<b>noted</b> 47:20 59:3 63:11 107:8 185:12 <b>notes</b> 48:5 <b>noteworthy</b> 32:16 <b>notice</b> 14:23 19:6 73:14 123:21 137:13 175:15 <b>noticed</b> 145:7 <b>notwithstanding</b> 172:13 <b>November</b> 193:1 <b>now-</b> 161:11 <b>nuclear</b> 77:19 <b>number</b> 25:4 42:10 47:2 86:13 125:4 126:2,5 127:14 132:7 <b>numbers</b> 96:7 <b>numerous</b> 87:12 189:20	178:8,10 <b>observation</b> 153:24 <b>observations</b> 78:24 <b>observe</b> 126:6 <b>observed</b> 146:4 <b>occasion</b> 155:20 <b>occasions</b> 90:1 <b>offence</b> 76:17 77:3 <b>offended</b> 66:17 <b>offenders</b> 77:3 <b>offensive</b> 50:25 <b>offer</b> 17:25 29:11 54:19 104:15 107:11 124:6 185:11 <b>offered</b> 117:23 191:6 <b>offering</b> 43:23 56:15 71:4 86:18 102:1 120:22 134:19 154:18 157:16 176:23 192:17 <b>offers</b> 115:22 <b>office</b> 14:4 18:12,13 28:22 70:3 92:5 109:17 113:1,5 115:5,6 126:8
<hr/> <b>N</b> <hr/>			<hr/> <b>O</b> <hr/>	
<b>naive</b> 39:1 <b>named</b> 28:17 163:16 <b>names</b> 97:25 <b>naming</b> 29:7 <b>nation</b> 99:15				

<p>134:19 138:21 162:6 166:17 <b>officer</b> 109:14 <b>officers</b> 76:19,23 <b>official</b> 29:7 109:17 <b>oftentimes</b> 37:2 40:3 161:24 <b>older</b> 66:6 93:25 98:4 107:20 114:20, 25 116:2 <b>oldest</b> 115:16 116:8 181:16 <b>omissions</b> 80:22 <b>on-line</b> 141:23 <b>one's</b> 150:7 <b>one-year</b> 141:23 <b>open</b> 21:1 43:20 56:9 70:25 101:22 120:18 134:16 157:12 176:16 192:13 <b>open-door</b> 41:18 <b>opened</b> 109:16 <b>opening</b> 11:4 23:15,25 46:2,4 59:14,16 73:24 104:14 124:7 137:8,12 155:1 159:23</p>	<p>179:21 <b>operates</b> 156:18 <b>operation</b> 81:4 <b>operational</b> 80:14 <b>opinion</b> 73:23 141:20 168:25 172:7 <b>opponent</b> 140:21 <b>opportune</b> 95:19 <b>opportunities</b> 38:1,3 39:18 <b>opportunity</b> 18:25 19:22 20:18 23:14 24:10 41:6 43:12 50:22 54:19 56:2 60:10 70:17 73:18 93:2 95:4, 15,20 98:4 120:10 124:10, 14 125:15,19 126:19 134:8 136:11 138:20 140:16 149:22 152:12 154:9,14 156:23 157:4 158:15 160:3 161:6 167:4,5 192:5 <b>opposed</b> 29:24 39:7 50:25 82:23 121:8 186:16 <b>opposing</b> 183:7</p>	<p><b>opposition</b> 11:2 23:12 45:24 59:1 73:12 104:12 123:18 137:6 159:21 179:9 <b>option</b> 146:25 <b>Orangeburg</b> 61:19 <b>order</b> 9:2 13:15 14:13, 17 106:16 116:3 161:17 163:12 171:23 172:3,18 181:23 <b>orders</b> 14:8,25 106:15, 17 172:11 173:19 191:20 <b>organization</b> 130:23 <b>original</b> 14:16 <b>originally</b> 61:12 <b>outcome</b> 16:2 31:5 35:23 36:6 48:16 64:1 85:9 111:9 129:5 144:4 165:18 188:18 <b>outcomes</b> 36:24,25 <b>outdoorsman</b> 69:4 <b>outlast</b> 20:1 <b>outlier</b> 95:21 <b>outstanding</b> 163:15 184:7</p>	<p><b>outwork</b> 150:7 <b>outworks</b> 20:1 <b>overbearing</b> 87:19 <b>overwhelming</b> 38:11 <b>overwhelmingly</b> 75:14 <b>owned</b> 81:22 162:20 <b>ownership</b> 164:7</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p.m.</b> 83:3 121:12 186:22 193:3 <b>pace</b> 96:7 <b>packet</b> 171:2 <b>paid</b> 81:15 82:6 108:16 143:3 <b>pandemic</b> 172:13 <b>panel</b> 68:15,16 <b>pans-type</b> 162:17 <b>paper</b> 54:24 55:16 141:12 <b>papers</b> 34:6 <b>paperwork</b> 190:3 <b>paralegal's</b></p>	<p>109:12 <b>parallel</b> 65:24 77:22 78:3 <b>paramount</b> 42:23 <b>Pardon</b> 112:17 <b>parent</b> 27:16 98:14 162:1 <b>parents</b> 55:6 <b>parents'</b> 66:6 <b>part</b> 10:7 18:10 22:16 42:4 45:5 51:10 58:2 59:10 60:23 72:13 78:7 100:2 103:12 105:25 126:16 138:8 153:25 158:25 176:7 178:8 <b>part-</b> 113:14 <b>part-time</b> 25:8,11 113:4 117:22 <b>participated</b> 77:4 182:5 <b>parties</b> 12:10 16:5 31:12 48:23 64:8 85:16 88:16 89:4 111:16 129:12 144:11 165:21 188:21 191:8,11</p>
---	---	--	---	--

<b>partisan</b> 40:23 41:2	13:5,11,18 24:15 25:7	131:13 133:19 148:4 149:22	<b>perseverance</b> 50:5	<b>phone</b> 82:10 109:10
<b>partly</b> 60:13	26:14 41:4 46:12 60:1 65:3	152:13 166:17 172:19 175:10	<b>person</b> 19:11 34:21 53:10 55:3,5	<b>physical</b> 15:13 30:18 47:15 63:10
<b>partner</b> 14:21 25:9 42:12 93:3 184:23	74:9 79:21 81:9, 13 104:25 108:21 124:20 137:24 160:16	181:1 189:23	66:7 80:20 81:1 86:15,16 100:14	83:12 110:15 128:15 143:16 162:2 164:15 187:14
<b>partners</b> 69:3 76:10	180:13 185:23 187:3	<b>people-pleaser</b> 47:22	145:25 156:6 169:15 173:9	<b>physically</b> 12:24
<b>parts</b> 69:21	<b>Peace</b> 65:4	<b>perceived</b> 41:2	<b>personable</b> 63:12 140:21	<b>pick</b> 92:8 114:8 116:9
<b>party</b> 80:2,23 151:25 152:1	<b>pecuniary</b> 185:23	<b>percent</b> 39:2 70:3,6 96:3 154:12	<b>personal</b> 9:19 10:11 22:7, 20,23 44:21 45:10 57:18	<b>picked</b> 109:10
<b>pass</b> 37:5	<b>Pee</b> 15:6 28:14 30:12 128:12	<b>percentage</b> 80:11 174:17 182:2	58:8,11 62:1 70:1 72:5,19,22 103:4,5,18,21	<b>Piedmont</b> 164:10 187:9
<b>passed</b> 70:5 139:2	<b>peers</b> 38:16 108:11 184:12	<b>percentages</b> 38:12	106:22 107:15, 19 122:9,23 123:1,4 135:21	<b>pile</b> 184:18
<b>passing</b> 175:21	<b>pending</b> 16:2 29:21 31:5 48:16 64:1	<b>perfect</b> 32:23 90:10 155:23	136:13,16 138:15 139:6 151:5 158:17	<b>pile-up</b> 97:5
<b>passion</b> 27:2 108:14	82:19 85:9 106:24 111:9 121:5 129:5	<b>perform</b> 81:16	159:6 177:24 178:14,17	<b>pitch</b> 80:8
<b>passionately</b> 108:19	144:4 165:18 186:1,12 188:18	<b>performance</b> 127:10 155:1	<b>personally</b> 41:12 42:11,19 87:9 119:7	<b>pits</b> 181:4
<b>past</b> 24:2 71:3 84:14 89:8 110:19 126:17 155:13	<b>people</b> 11:19 25:22 34:20 36:4,7,10 39:2 40:3 41:8, 14,15,18,21	<b>period</b> 27:6 74:18,24 77:20 78:2	162:5 162:5	<b>place</b> 40:21 50:13 76:4 77:13 87:11 89:8 93:20 181:9 190:4,11
<b>path</b> 46:22 54:25 166:16	42:10,15 50:18, 19 51:8 52:12 55:10 60:14	<b>periodic</b> 175:13	<b>persons</b> 42:18	<b>places</b> 55:12 88:9 119:4,7
<b>pattern</b> 47:11	65:8,19 66:5,12, 13,15 68:24 77:11 89:16	<b>periods</b> 87:17	<b>perspective</b> 32:23 116:18 117:16 151:16	<b>plaintiff</b> 13:20 81:10,14 147:21
<b>pay</b> 81:11	97:25 108:8 114:15 115:8 117:24 125:13	<b>permanence</b> 173:23	<b>perspectives</b> 116:22	<b>plaintiff's</b> 138:15 139:14, 18,22 148:3 151:7
<b>paying</b> 11:15		<b>permanency</b> 151:6	<b>phase</b> 43:10 70:15	
<b>PCR</b> 126:16		<b>permanent</b> 175:13	<b>philosophy</b> 152:25	
<b>PDQ</b>		<b>Perry</b> 27:9 54:2		



<b>plaintiff/defense</b> 148:8	109:8,15 114:23 116:1 117:20	74:11 105:2 118:2 124:23	<b>practical</b> 125:6	<b>preacher</b> 65:20
<b>plan</b> 154:16	118:7 121:3 138:18 147:11, 13 149:24	138:1 140:8,11 141:8 160:18 161:4 180:15	<b>practice</b> 17:17 18:2 24:3, 19 28:11 32:22 39:18 42:2 46:16 47:20,21 51:4,7,9,17 52:10,15 54:3, 13 55:2 60:5 61:18,20 62:5 67:13 70:7 74:12,17 75:25 77:15 78:7,10, 11 93:5,17 94:3 96:5 99:7 105:3 112:18,19 124:24 127:24 138:2,14,25 146:23,24 148:7,9 149:7, 12 150:9 160:19 161:10 162:10, 15 166:18,25 168:10,25 180:16 189:18	<b>preaching</b> 112:15 <b>precise</b> 191:22 <b>precisely</b> 190:10 <b>precluded</b> 67:1 <b>predominantly</b> 75:20 76:21 <b>prefaced</b> 171:17 <b>prefer</b> 104:15 <b>preliminary</b> 96:12 <b>premium</b> 87:11 <b>preparation</b> 161:17,19,21 181:22,24 <b>prepare</b> 35:22 36:23 110:20 130:20 141:8 183:3 <b>prepared</b> 28:2 38:8 40:6 47:9 74:25 97:8 126:19 131:2 153:1,3,8,15,22 154:6 189:25 <b>preparing</b> 25:24 <b>present</b> 11:3 23:12 33:23 34:25 45:24 53:13 59:1 73:12 104:12 113:1 123:19,22 137:6
<b>plants</b> 77:19	150:19 152:19 153:17 155:8 167:3 170:24 172:17 173:15	<b>positions</b> 28:13 <b>positive</b> 12:6 28:6 40:16 47:7 62:22 68:23 75:5,15 90:12 107:5 126:23 140:19 163:6 184:3 <b>positively</b> 107:17 <b>possess</b> 33:16,17 <b>possesses</b> 140:20,22 <b>post</b> 14:4 <b>posting</b> 151:12 <b>potential</b> 37:17 96:18 118:21 <b>potentially</b> 20:23 42:22 43:17 56:7 70:22 101:20 120:15 134:13 157:9 161:20,25 167:3 174:7 176:13 192:10 <b>pots</b> 162:16 <b>poverty</b> 51:8 <b>power</b> 77:19	<b>poised</b> 33:19 <b>police</b> 109:13 <b>policy</b> 41:18 <b>political</b> 40:23 41:3 42:11 <b>politicians</b> 17:17 <b>politics</b> 43:2 <b>popularity</b> 89:15 <b>Porter</b> 9:4,8,12,18,22, 25 10:5,9,12,15 11:7,12 13:4,11 15:7,11,15 19:2 20:6 21:6 <b>portion</b> 20:16 52:10 55:25 69:4,6 101:14 120:8 134:6 141:18 147:22 157:3 192:3 <b>position</b> 9:5 11:14 12:19 24:18 33:6,21 41:12 46:15 60:4 66:7,10,12	<b>plea</b> 115:22 156:17 187:4 <b>plead</b> 174:21 187:6 <b>pleas</b> 14:7 25:3,5 126:17 127:20 148:15 150:3 163:20 187:5 <b>pleasant</b> 12:14 19:12 50:24 <b>pleasure</b> 87:1 118:16 <b>pledge</b> 16:1 31:4 48:15 63:25 85:8 111:8 129:4 144:3 165:17 188:17 <b>pledging</b> 16:11 31:18 49:4 64:14 85:22 111:22 129:19 144:18 166:3 189:2 <b>plenty</b> 97:25 <b>plug</b> 141:22 <b>point</b> 27:23 32:5 33:3 37:17,21 42:25 77:8 80:16 88:24 94:16,20

<p>154:9 159:21 179:9</p> <p><b>presentation</b> 153:15</p> <p><b>presented</b> 33:19 153:4 169:22</p> <p><b>preside</b> 41:19 126:14 154:16</p> <p><b>presiding</b> 19:5</p> <p><b>pressure</b> 94:2</p> <p><b>pretty</b> 27:4 117:5 181:19</p> <p><b>previous</b> 10:23 23:9 45:21 58:23 73:9 104:9 123:16 137:3 159:18 179:6</p> <p><b>pride</b> 183:2</p> <p><b>prime</b> 88:19</p> <p><b>principles</b> 28:12</p> <p><b>prior</b> 16:2 31:5 35:21 48:16 64:1 85:9 109:11 111:9 127:5 129:5 144:4 165:18 188:18</p> <p><b>private</b> 52:15 74:17 75:24 146:22,23 152:25 161:10 162:15 166:18, 25 168:10,25</p>	<p>181:20 182:6,24 189:18</p> <p><b>privately</b> 115:7</p> <p><b>privilege</b> 46:6</p> <p><b>privileged</b> 74:3</p> <p><b>privy</b> 118:10</p> <p><b>pro</b> 68:11 74:22 76:15 97:14,25 109:6 190:7</p> <p><b>proactive</b> 78:6</p> <p><b>probate</b> 61:24 106:18 138:15 148:9</p> <p><b>probation</b> 18:13</p> <p><b>problem</b> 12:19 76:20 85:4 96:14 119:6</p> <p><b>problems</b> 140:4</p> <p><b>procedure</b> 76:25 77:6 79:5 107:7 141:21 142:3 145:17</p> <p><b>procedures</b> 78:3</p> <p><b>proceed</b> 11:5,7 21:16 24:1 30:10 46:2 59:15 102:8 121:18 124:8 135:4 137:10 157:25 159:24 179:22</p>	<p><b>proceeding</b> 44:7</p> <p><b>process</b> 16:7 20:17 29:13 31:14 35:8 36:4,5 41:15,16 43:10 48:25 56:1 59:11 64:10 66:23 70:15 85:18 95:12 101:15 111:18 116:19,21,24 117:22 120:9 124:12 129:14 134:7 140:9 144:13 152:15 157:3 160:5 165:24 176:7 177:7 188:23 192:4</p> <p><b>product</b> 11:18</p> <p><b>productive</b> 79:18 88:5 90:3</p> <p><b>profession</b> 107:18 156:12</p> <p><b>professional</b> 15:9 24:22 26:13 30:15 46:19 47:15 61:15 63:7 74:15 83:14 105:17,22 110:18 125:21 128:17 138:5 143:13 160:23 164:12 175:10 180:20 187:12</p> <p><b>professionalism</b> 107:15</p> <p><b>program</b></p>	<p>76:15 77:4,13 108:7 141:22</p> <p><b>programs</b> 142:9</p> <p><b>proliferation</b> 150:25 151:13</p> <p><b>promise</b> 150:5</p> <p><b>proper</b> 133:2,3</p> <p><b>property</b> 25:16 147:19 163:23 164:4,6, 7 181:18 183:16,19</p> <p><b>prophecy</b> 92:19</p> <p><b>prosecute</b> 113:20,21</p> <p><b>prosecuted</b> 25:13 37:14 76:23 114:4,14</p> <p><b>prosecuting</b> 37:13 76:16 113:19</p> <p><b>prosecution</b> 77:5</p> <p><b>prosecution-type</b> 113:13</p> <p><b>prosecutions</b> 113:22</p> <p><b>prosecutor</b> 32:24 35:2 51:14 106:14 115:19 139:15</p> <p><b>protective</b> 162:3</p> <p><b>protectors</b> 125:17</p> <p><b>proud</b> 93:17 101:7</p>	<p>123:25 156:8</p> <p><b>proven</b> 39:13</p> <p><b>provide</b> 191:18</p> <p><b>Pruet</b> 138:19,23 147:2</p> <p><b>public</b> 68:5,8,10,13 78:21 96:12 109:17,19 115:6 119:5 125:7 126:8 131:24</p> <p><b>publically</b> 32:19</p> <p><b>publications</b> 108:5</p> <p><b>pull</b> 115:15</p> <p><b>pulls</b> 115:15</p> <p><b>punctual</b> 140:24</p> <p><b>purchased</b> 141:22 142:17</p> <p><b>pursuant</b> 19:14 20:19 43:13 56:3 70:18 101:16 120:11 134:9 157:5 176:9 192:6</p> <p><b>pursued</b> 39:12</p> <p><b>put</b> 32:20 61:12 63:15 90:1 97:13 118:2,19 119:13 151:21 156:20 171:1 181:8,9 182:10</p>
---	---	---	---	---

<p><b>Putnam</b> 160:4</p> <p><b>putting</b> 190:4,11</p> <p><b>puzzling</b> 185:14</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualification</b> 37:6 87:15</p> <p><b>qualifications</b> 10:18 15:12 21:2 23:4 30:17 37:12 38:14 45:16 47:14 56:10 58:18 63:10 71:1 73:4 83:11 101:23 104:4 110:15 120:19 123:11 128:15 134:17 136:23 143:16 157:13 159:13 161:14 164:15 176:17 179:1 184:9 187:14 192:14</p> <p><b>qualified</b> 15:8,11 24:22 26:17 30:13,16 33:5 37:22 38:9 46:19 47:14,17 54:23 61:16 63:6,8 74:15 83:11,13,17 105:18 107:1 110:14,17 125:22 127:2 128:13,16 132:13 138:5 140:25 143:12, 15 155:12</p>	<p>164:11,14 187:11,13,19,20</p> <p><b>qualify</b> 29:22 56:9 82:21 121:6 132:1 160:23 180:20 186:14</p> <p><b>qualities</b> 55:18 139:11 156:6</p> <p><b>quantity</b> 174:6</p> <p><b>quarter</b> 90:20 115:14</p> <p><b>question</b> 19:16 29:21 36:23 40:20 42:25 43:3 51:24 82:19 89:22 93:7,11, 12 99:18 118:3, 15 121:5 125:3 132:6 149:17 154:1 174:3 176:1 182:19 186:13 187:2 189:17 190:16, 18 191:23</p> <p><b>questioning</b> 16:16 31:24 49:10 64:20 73:25 86:3 112:3 129:25 133:20 144:25 166:8 189:8</p> <p><b>questionnaire</b> 9:20 10:11 22:8, 20,23 44:22 45:10 57:19 58:8,11 72:6,19, 22 103:5,6,18, 21 122:10,23</p>	<p>123:1,4 135:22 136:13,16 158:18 159:6 177:25 178:14, 17</p> <p><b>questions</b> 11:6 16:18,20 19:4 20:10 24:1, 11 31:25 32:2,5 40:13 43:6,22 46:2 49:11,13 53:18 55:23,25 56:12 59:15,18 62:18 64:22,24 69:22 70:10 71:2 74:4,6 83:7 86:4,6,23 101:11 104:16 110:22 112:4,6 116:19 119:16 120:7 124:8 128:20 130:1,3 131:10 134:3 137:10 144:25 145:2 146:13 154:21 155:17 157:2 159:25 160:6 166:10,12 176:4 179:23 189:9,11 191:7, 24</p> <p><b>quick</b> 150:12</p> <p><b>quickly</b> 170:5 171:22 181:5 183:14 190:12</p> <p><b>quiet</b> 133:8 163:17 164:1</p> <p><b>quote</b> 52:19 155:7</p>	<p><b>quote/unquote</b> 132:15</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>race</b> 168:21</p> <p><b>races</b> 168:9</p> <p><b>raise</b> 9:10 21:22 44:12 57:9 71:20 102:21 121:24 135:10 140:13 158:8 177:15</p> <p><b>raised</b> 11:20 16:15 31:22 49:8 64:18 86:1 112:1 127:5 129:23 141:3 144:23 166:7 189:6</p> <p><b>ramble</b> 52:1</p> <p><b>ramifications</b> 118:22</p> <p><b>range</b> 36:15 47:20 164:19 187:18</p> <p><b>Rankin</b> 19:3,15 34:13, 14,23 38:23 65:14,15 82:19 91:14,15 112:7, 8 118:4,6,13 119:1 121:4 154:21,22 155:6</p> <p><b>rapport</b> 155:8</p>	<p><b>rare</b> 33:6 183:17</p> <p><b>rated</b> 187:19</p> <p><b>Ray</b> 13:7,25</p> <p><b>re-plow</b> 38:21</p> <p><b>re-plowing</b> 112:17</p> <p><b>reach</b> 108:8</p> <p><b>reaching</b> 96:11</p> <p><b>read</b> 11:1 18:1 34:7 55:4 69:13 141:10,14,20 169:16</p> <p><b>readily</b> 97:22</p> <p><b>reading</b> 48:2 101:6</p> <p><b>ready</b> 19:5 97:8,11 116:12 130:20 190:2</p> <p><b>real</b> 61:25 91:23 97:6 139:6 141:17 147:17, 19,22,23 163:23</p> <p><b>realized</b> 84:12 140:10</p> <p><b>realizing</b> 39:7</p> <p><b>realm</b> 141:8</p> <p><b>reason</b> 11:24 19:13 60:23 87:8 93:19 171:7</p>
---	---	---	---	---

<p><b>reasons</b> 40:20 114:13 125:5</p> <p><b>recall</b> 17:15 19:3 49:25 84:15,16</p> <p><b>received</b> 10:25 11:2 12:4 16:1 23:11 28:3 31:4 45:23 47:4 48:15 49:20 58:25 62:20 63:25 73:11 75:2 85:8 104:11 107:2 111:8 126:21 129:4 137:5 140:17 144:3 159:20 163:4 164:3 165:17 179:8 184:1 188:17</p> <p><b>receiving</b> 169:4 175:11</p> <p><b>recent</b> 22:14</p> <p><b>recently</b> 67:16 68:14 141:12</p> <p><b>recess</b> 44:5</p> <p><b>recitation</b> 29:14</p> <p><b>recognize</b> 11:9 20:8 24:12 30:11 46:8 59:20 74:6 104:22 124:16 148:25 160:8 186:25</p> <p><b>recognized</b> 75:20</p>	<p><b>recommence</b> 186:24</p> <p><b>recommendation</b> 69:20</p> <p><b>recommended</b> 78:20</p> <p><b>record</b> 10:8 16:14 21:1, 14,16 24:14,16 27:15 30:7 31:21 32:20 41:8 43:20 44:7 45:6 46:11,13 49:8 56:9,25 57:2 58:2 59:25 60:2 63:15 64:18 69:11 70:25 71:12,14 72:13 74:8,9 81:18 83:5,9 86:1 101:22 102:10,12 103:12 104:24, 25 112:1 113:18 118:13 120:18 121:14,15 122:17 124:19, 21 129:23 134:16 135:2,4 136:7 137:23,24 144:23 153:11 157:12,23,25 158:25 160:11, 15,16 166:6 176:16 177:4,6 178:9 180:7,12, 13 186:23 189:6 192:13 193:3</p> <p><b>refer</b> 13:25</p> <p><b>referee</b> 89:23 149:1</p>	<p><b>reference</b> 32:18</p> <p><b>referenced</b> 182:16</p> <p><b>referred</b> 13:24</p> <p><b>refers</b> 185:15</p> <p><b>reflect</b> 25:7 54:17</p> <p><b>reflection</b> 91:18</p> <p><b>refund</b> 143:1</p> <p><b>refused</b> 143:1</p> <p><b>regard</b> 139:10 145:22 153:20 155:10</p> <p><b>regarded</b> 79:7</p> <p><b>regular</b> 50:20 55:17</p> <p><b>regularly</b> 115:14</p> <p><b>regulated</b> 77:17</p> <p><b>rein</b> 150:23</p> <p><b>reinvigorating</b> 95:14</p> <p><b>relate</b> 37:19</p> <p><b>related</b> 77:22 141:3,20 147:18 149:12 164:17</p> <p><b>relates</b> 106:21</p> <p><b>relating</b> 184:16</p>	<p><b>relay</b> 115:21</p> <p><b>release</b> 21:1 43:20 56:9, 10 70:25 101:23 120:18 134:16 157:12 176:16 192:13</p> <p><b>released</b> 162:1</p> <p><b>releasing</b> 68:15</p> <p><b>relevant</b> 164:21</p> <p><b>reliable</b> 140:24</p> <p><b>relief</b> 171:22</p> <p><b>relish</b> 99:8</p> <p><b>reluctant</b> 100:20</p> <p><b>remain</b> 21:1 43:20 56:9 70:25 101:22 120:18 134:16 157:12 176:16 192:13</p> <p><b>remaining</b> 30:17 41:11 63:9</p> <p><b>remark</b> 46:5</p> <p><b>remarks</b> 46:2 47:25 48:1 59:14 73:24 104:14 124:7 159:23 179:21</p> <p><b>remember</b> 17:5 26:19,20 82:7 87:17 88:8 150:19 164:4</p>	<p>172:1</p> <p><b>remind</b> 20:18 43:12 56:2 70:17 101:16 109:10 120:10 134:8 157:4 176:8 192:6</p> <p><b>reminds</b> 61:8</p> <p><b>remodeling</b> 82:5</p> <p><b>remunerative</b> 17:20</p> <p><b>render</b> 41:1 154:10</p> <p><b>renders</b> 24:22 26:17 46:19 61:16 74:15 105:17 125:22 138:5</p> <p><b>renew</b> 94:15</p> <p><b>repair</b> 81:14</p> <p><b>repeat</b> 77:3</p> <p><b>report</b> 21:2 28:16 43:21 47:19 56:10 71:1 101:23 120:19 134:17 142:13 157:13 176:17 184:11 185:12, 13 192:14</p> <p><b>reported</b> 15:7 30:13 47:13 63:5 79:2, 25 81:9,13 128:13 143:11 187:10</p>
--	--	--	---	--

<p><b>represent</b> 109:20 110:13 147:25</p> <p><b>representative</b> 16:22,24 18:18 29:20 69:15,16, 18 100:18,19 101:2 108:2 121:4 130:7,9, 11 145:4,6 186:12</p> <p><b>represented</b> 35:19 75:25 190:1</p> <p><b>representing</b> 108:14 148:5</p> <p><b>reputation</b> 15:9 28:8 30:15 32:8 47:15 63:8 83:14 86:15 90:21 91:25 92:2 93:4 100:13 110:15 128:18 143:13 145:16,21 146:3 153:24 156:8 164:13 184:11, 12 185:3,8,13 187:12</p> <p><b>request</b> 29:17 82:17 102:9 119:7</p> <p><b>requests</b> 99:11</p> <p><b>require</b> 182:23 183:4,15</p> <p><b>required</b> 41:1 140:11 164:25 190:3</p> <p><b>requirement</b> 182:3,23</p>	<p><b>requirements</b> 24:18 46:15 60:4 74:11 87:15 105:2 124:23 138:1 160:18 180:15</p> <p><b>research</b> 128:5</p> <p><b>Reserve</b> 77:24</p> <p><b>reside</b> 160:11 180:8,9</p> <p><b>residence</b> 24:19 46:16 60:5 74:12 105:3 124:24 138:2 160:19 180:16</p> <p><b>residential</b> 147:19</p> <p><b>resigned</b> 25:10</p> <p><b>resolution</b> 181:3,11 190:11,13</p> <p><b>resolve</b> 36:18 181:14</p> <p><b>resolved</b> 82:12 174:7 181:5</p> <p><b>resolving</b> 68:19 181:1</p> <p><b>resource</b> 12:8</p> <p><b>respect</b> 26:24 27:1 36:5, 25 53:25 55:7 89:5 118:19 133:2,5 160:25</p> <p><b>respected</b> 132:25</p>	<p><b>respectful</b> 47:9</p> <p><b>respond</b> 12:19 75:17 87:24</p> <p><b>responding</b> 42:24</p> <p><b>response</b> 107:12 127:7,9 185:11 187:2</p> <p><b>responses</b> 35:11 53:16 91:13 154:17 185:18</p> <p><b>responsibility</b> 40:19 74:19 81:3 169:23</p> <p><b>responsible</b> 25:23</p> <p><b>rest</b> 67:7</p> <p><b>restate</b> 40:17</p> <p><b>restaurant</b> 18:9</p> <p><b>restored</b> 109:23 116:13</p> <p><b>restraining</b> 106:15,16,17</p> <p><b>restrictions</b> 147:18</p> <p><b>result</b> 35:20 163:17</p> <p><b>resulted</b> 187:4</p> <p><b>results</b> 40:22</p> <p><b>resume</b> 67:14 83:7</p> <p><b>retain</b> 164:7</p>	<p><b>retire</b> 138:18</p> <p><b>retired</b> 54:9</p> <p><b>retirement</b> 162:18</p> <p><b>retires</b> 53:8</p> <p><b>return</b> 82:9</p> <p><b>reveal</b> 47:10</p> <p><b>reversed</b> 175:18,23</p> <p><b>review</b> 122:7 131:7 191:13</p> <p><b>reviewed</b> 16:10 31:17 49:3 64:13 79:1 85:21 111:21 129:18,21 144:17 166:2 189:1</p> <p><b>reviewing</b> 29:5 65:3</p> <p><b>rewarding</b> 98:17</p> <p><b>Reynolds</b> 28:24 29:1</p> <p><b>rhetorically</b> 37:21</p> <p><b>RICHARD</b> 159:6,9</p> <p><b>Richland</b> 26:21 76:11</p> <p><b>ride</b> 172:18</p> <p><b>rights</b> 52:22 164:7</p> <p><b>rigorous</b></p>	<p>140:22</p> <p><b>Riley</b> 110:2</p> <p><b>river</b> 142:18</p> <p><b>road</b> 97:3</p> <p><b>robe</b> 26:23 156:20</p> <p><b>Robert</b> 136:13,17,19 142:13</p> <p><b>Rock</b> 160:12 163:23 180:9</p> <p><b>role</b> 25:1 37:23 38:9 53:14 54:16 55:15 75:1 81:3 89:10 99:17 108:18 113:18 114:6 130:19 165:2</p> <p><b>roles</b> 108:1</p> <p><b>Ronnie</b> 34:4</p> <p><b>room</b> 44:4 56:23 73:14 82:6 83:2 186:21 190:7</p> <p><b>roster</b> 68:20</p> <p><b>row</b> 67:9</p> <p><b>rude</b> 133:10 146:5</p> <p><b>rule</b> 15:22 30:22 35:25 42:22 48:8 63:18 83:22 111:1</p>
--	--	--	--	---

128:22 143:21 165:6 172:5,11 175:6 182:22 188:5 190:9		152:7	137:3 158:1 159:18 179:6	<b>securities</b> 77:18
<b>ruled</b> 35:18 36:25 154:7 191:15	<b>S</b>	<b>schedule</b> 120:4 124:4	<b>Seals</b> 132:2,3	<b>seeking</b> 32:25 37:6,23
<b>rules</b> 30:23 48:9 63:19 83:22 111:2 126:12 128:23 133:17 143:22 145:18 153:9,10,14,16 163:1 165:7 182:8,23 183:3, 15 188:6	<b>S.C.</b> 31:18 111:22	<b>scheduled</b> 116:10 142:6 169:17 186:2	<b>search</b> 10:22 23:8 45:20 58:22 73:8 104:8 123:15 137:2 151:23 159:17 179:5	<b>seemingly</b> 150:15
<b>ruling</b> 35:15,21 36:2	<b>Sabb</b> 34:4	<b>scheduling</b> 124:5 172:11 173:19	<b>searches</b> 151:22	<b>sees</b> 95:23
<b>rulings</b> 35:12 191:10	<b>safely</b> 21:9	<b>school</b> 12:1 27:6 55:1, 2,4 61:4 78:22 80:7 92:23 100:23 141:10	<b>searching</b> 109:24	<b>Selection</b> 9:3 10:10,13,17 22:19,22,25 23:3 45:9,12,15 58:7,10,13,17 72:18,21,24 73:3 103:17,20, 23 104:3 122:22,25 123:3,6,10 136:12,15,18,22 159:5,8,12 178:13,16,19, 21,25
<b>run</b> 24:4 50:14 117:4 152:21 153:14 168:4	<b>Safran</b> 38:20,21 49:14, 16 53:22 86:23, 24,25 88:7 146:13,14,15	<b>scratched</b> 35:17	<b>seasoned</b> 75:6	<b>Senate</b> 25:10
<b>running</b> 33:21 34:9 167:3 187:22	<b>Safran's</b> 92:12	<b>screening</b> 13:5,19 15:21 16:3 20:16,23 21:17 30:10 31:6,10 43:10, 17 44:7 48:17, 21 56:1 57:2 59:10 64:2,6 70:15,22 85:10, 14 101:15,21 102:2,9,19 108:22 111:10, 14 120:9,15 129:6,10 134:6, 13 144:5,9 157:3,9 165:14, 19 176:7,13 177:7 186:24 188:14,19 192:3,11	<b>seat</b> 21:19 44:9,10 57:4,5 71:15,16 78:5 102:19,20 121:20 135:7,8 158:3 177:11 187:22	<b>Senator</b> 19:3,15 34:4,13, 14,23 38:23 49:15 65:14,15 82:18,19 84:3, 11,18 85:3,4 91:14,15 112:7, 8 118:4,6,13,25 121:4 154:22 155:6 170:19,20 186:11 189:12, 13,14
<b>runs</b> 114:3 131:14 181:19	<b>sail</b> 142:21	<b>screenings</b> 10:23 23:9 45:21 58:23 73:9 104:9 121:18 123:16 127:6 135:4	<b>seats</b> 121:21	<b>send</b> 84:12
<b>rural</b> 77:7	<b>sale</b> 115:18		<b>seconded</b> 29:20 82:19 121:4 186:12	<b>sending</b> 84:14
<b>Russell</b> 57:3,11 58:9,12, 15 60:3	<b>Salley</b> 137:16		<b>secret</b> 18:11 19:18	<b>sense</b> 27:20 99:14,15,
<b>Rutherford</b> 29:20 93:1 100:18,19 101:2	<b>salt</b> 87:5 92:13		<b>Section</b> 15:19 31:8,18 48:19 49:5 64:4, 15 85:12,23 111:12,22 129:8,20 144:7, 19 165:12 166:4 188:12 189:3	
<b>Rutherford's</b> 113:6	<b>Sam</b> 12:23		<b>sections</b> 117:3	
	<b>sanctions</b> 14:14,18,25			
	<b>Sanders</b> 94:13			
	<b>Sarah</b> 69:24			
	<b>sat</b> 68:18			
	<b>satisfied</b> 24:6			
	<b>Saturday</b> 138:9			
	<b>sauce</b> 19:18			
	<b>scared</b>			

<p>17</p> <p><b>sentence</b> 132:18</p> <p><b>sentences</b> 132:22</p> <p><b>separate</b> 67:17 185:7,9</p> <p><b>serve</b> 33:9 42:6 43:23 60:11 67:3,7 71:3 149:22 160:21 161:15, 18 165:1 180:18 181:23 187:24</p> <p><b>served</b> 17:13 25:8 28:13 29:8 35:2 67:8 109:25 110:1,5</p> <p><b>service</b> 17:4 20:13,14 21:5 27:21,24, 25 56:15 71:4 102:1 120:22 125:8 128:9 149:21 157:16 163:14 176:24 192:17</p> <p><b>Services</b> 163:14</p> <p><b>Servicing</b> 14:12</p> <p><b>serving</b> 11:12,13 12:25 28:1 67:1 149:1 161:5 181:13</p> <p><b>session</b> 29:17,22 30:2,4, 5,7,8 82:17,20 83:3,6 101:1 121:5,11,12,15, 16 186:9,13,19,</p>	<p>22</p> <p><b>sessions</b> 25:15 62:2 127:19 128:1,2</p> <p><b>set</b> 26:9 33:18 68:2 97:1,13 115:24 116:11 130:20, 22,25 162:23 167:9 172:6 174:5,10</p> <p><b>sets</b> 167:22 171:24</p> <p><b>setting</b> 61:22 67:25 116:2 119:6,8</p> <p><b>settle</b> 51:10 168:13</p> <p><b>settled</b> 81:16</p> <p><b>severe</b> 51:21</p> <p><b>sexual</b> 25:17</p> <p><b>shake</b> 84:10</p> <p><b>Shannon</b> 73:20</p> <p><b>share</b> 79:22 156:14</p> <p><b>Shaun</b> 32:17</p> <p><b>sheets</b> 79:3 141:10,14, 18</p> <p><b>Sheriff's</b> 28:21</p> <p><b>short</b> 36:22 37:3 84:9 97:15 142:24</p> <p><b>shortly</b></p>	<p>164:4</p> <p><b>shoulders</b> 67:16</p> <p><b>show</b> 148:6</p> <p><b>showed</b> 109:12</p> <p><b>showing</b> 172:1</p> <p><b>shown</b> 60:18,22 61:1 62:5,6</p> <p><b>Shuler</b> 89:2 90:10</p> <p><b>shy</b> 150:8</p> <p><b>side</b> 74:21 75:20 119:13 147:7 148:3,4 169:10</p> <p><b>sides</b> 88:17 100:14 168:2</p> <p><b>sight</b> 150:2</p> <p><b>sign</b> 152:2,3</p> <p><b>significant</b> 52:10 147:22</p> <p><b>significantly</b> 146:4</p> <p><b>signify</b> 29:22 82:20 121:6 186:14</p> <p><b>similar</b> 40:2 69:1 94:20 116:6 175:9</p> <p><b>simple</b> 25:16 181:17 186:2</p> <p><b>simply</b></p>	<p>20:14 26:20 42:9 133:21</p> <p><b>sir</b> 9:8,9,17,18 11:7,8 12:4 13:4,18 15:5,23 16:4,9,13,19 18:21 20:6 21:8 23:24 38:18 44:20,24 49:21, 24 50:4,10 56:13 59:19 64:23 70:8 71:18 72:3,15 73:16,19 85:5 86:12,20 87:3, 10,21 90:4 92:24 97:15,23 121:22 122:15 124:15 133:25 135:16,19 147:9 148:24 149:3 155:5 157:1 158:16,23 160:1,7 166:11, 19 170:19 176:3,19 177:13,23 178:2</p> <p><b>sister</b> 103:25 119:20, 24</p> <p><b>sisters</b> 27:19</p> <p><b>sit</b> 40:25 68:16 117:11 172:4</p> <p><b>sitting</b> 26:21 78:14 92:5 104:18</p> <p><b>sixty</b> 169:5 172:23 173:10</p>	<p><b>ski</b> 151:8</p> <p><b>skill</b> 156:5</p> <p><b>skills</b> 107:19</p> <p><b>skim</b> 169:16</p> <p><b>SLED</b> 28:16 77:23 109:15 142:12</p> <p><b>sleeve</b> 133:16</p> <p><b>slow</b> 173:18</p> <p><b>slug</b> 155:2</p> <p><b>small</b> 32:11 33:4 39:18 69:6 79:22 80:12 99:25 182:2</p> <p><b>smart</b> 28:7 107:9 132:16 133:15 163:8</p> <p><b>smile</b> 19:19</p> <p><b>smiling</b> 69:11</p> <p><b>Smith</b> 158:3,5,6,10,16, 20,23 159:2,7, 10 160:1,10,12, 17,21 161:16 162:11 163:4,16 164:11,18 165:4,12,21 166:13 170:21 176:4,7,19,22, 25</p>
---	---	--	--	---

<b>Smoak</b> 53:3	116:24 119:11 130:22 139:1,11	9:13 22:1 44:16 57:12 71:23	<b>split</b> 116:8	<b>standards</b> 75:12 140:23
<b>smoothly</b> 153:14	145:12 153:16 154:8 174:5	79:14 88:21 102:24 122:3	<b>spoke</b> 153:3 154:23	<b>standing</b> 35:9 101:5
<b>Social</b> 163:14	181:16 185:15	130:15,18 133:16 135:14	<b>spoken</b> 61:8	<b>standpoint</b> 125:6 130:24
<b>society</b> 40:21	<b>sought</b> 16:1 31:4 48:15	147:8 155:13 156:4 158:11	<b>spreadsheet</b> 84:24	132:13 150:23 151:13 162:24
<b>softballs</b> 132:4	111:8 129:4 140:7 144:3	163:10 177:18	<b>stability</b> 15:13 30:18	<b>Starnes</b> 180:5,6,11,17
<b>sold</b> 164:6	165:17 188:17	<b>speaking</b> 92:20 189:21	47:16 63:10 83:12 110:16	186:8,25 187:1, 9,25 189:5
<b>solicitor</b> 25:8,12,21 29:8 69:23 78:21 96:1,12 113:19 114:13,18 117:23 119:1 126:7 131:25 146:18,22	<b>sounds</b> 140:1 148:22	<b>special</b> 76:13	128:15 143:16 164:16 187:15	<b>start</b> 39:2 100:10,13 182:22 183:13
<b>solicitor's</b> 70:2 113:1,5 114:16 115:5 166:17	<b>South</b> 16:11 21:5 28:1 30:22 43:24 48:9 49:4 54:15 55:10,13 63:18 64:14 71:5 76:2 77:24 78:10,11 79:2,3,12 83:22 85:22 88:8,11 89:11 90:8 98:9 107:24 111:1 120:23 128:23 129:19 134:20 138:10 143:21 144:18 157:16 160:12 161:8 165:6 166:3 176:24 179:18 184:9 188:5 189:2 192:18	<b>specialists</b> 12:23	<b>stacked</b> 184:18	<b>started</b> 65:7 75:24 116:1
<b>solicitor-in-charge</b> 25:23	<b>southern</b> 12:10	<b>specialize</b> 94:2	<b>staff</b> 10:3 11:6 24:1 26:8 31:22 46:3 49:9 58:6 59:15 64:19 72:17 73:25 86:2 88:22 103:15 104:16 112:2 122:21 124:8 129:24 136:10 137:10 159:4,25 178:11	<b>starting</b> 12:9 125:8 149:24 183:9
<b>solicitors</b> 26:1 78:16 117:21	<b>sovereign</b> 13:25	<b>specific</b> 68:3 77:25 79:14 190:11 191:21	<b>stage</b> 92:21 148:16	<b>state</b> 10:21 21:5 23:7 43:23 45:19 52:20 55:10 58:21 60:11 71:4 73:7 74:25 76:1 88:12 89:7 95:8 98:8,15 99:15 102:2 104:7 120:23 123:14 124:13 134:20 137:1 139:6 141:25 148:18,20 149:22,23 154:12 157:16 159:16 160:10 176:24 179:4 180:7 184:23 192:17
<b>Solomon</b> 168:16	<b>sovereign-type</b> 14:1	<b>specifically</b> 162:13 180:24 181:3,13 182:16	<b>stages</b> 40:4 190:14	<b>stated</b>
<b>solutions</b> 76:16 96:15,19	<b>Spanish</b> 179:19	<b>specifics</b> 79:14	<b>stagnant</b> 173:13	
<b>somebody's</b> 167:16	<b>speak</b>	<b>spectrum</b> 88:10	<b>stakes</b> 162:24	
<b>someone's</b> 92:19		<b>speed</b> 182:8	<b>stand</b> 21:12 44:3 56:22 71:10 96:4 134:25 157:21 177:2 192:25	
<b>sort</b> 105:12 108:6 110:3 114:20 115:10,13		<b>spend</b> 54:11 97:16 156:17		
		<b>spent</b> 37:4 181:12		
		<b>spirit</b> 20:20 43:14 56:4 70:19 101:18 120:12 134:10 157:6 176:10 192:8		



28:10 29:4 33:13 41:13 187:16 <b>statement</b> 9:20 10:14 11:4 22:8 23:1 44:22 45:13 57:19 58:14 72:6,25 103:6,24 122:10 123:7 135:22 136:19 158:18 159:9 177:25 178:20,22 <b>statements</b> 59:16 <b>states</b> 55:12 77:24 83:16 <b>status</b> 14:16 146:18 185:25 <b>statute</b> 191:1,20 <b>statutes</b> 163:1 182:11 183:15 <b>statutory</b> 24:18 46:15 60:4 74:11 105:2 124:23 138:1 160:18 180:15 182:4,7 <b>stay</b> 77:3 93:14 150:18 169:20 <b>stayed</b> 27:19 61:7 <b>stays</b> 42:3 <b>step</b> 30:4 39:7 83:2 116:20	<b>stepped</b> 67:7 <b>stepping</b> 66:11 109:20 <b>steps</b> 18:12 20:3 78:6 <b>stern</b> 19:11 <b>stick</b> 32:14 <b>stickler</b> 145:17 <b>stole</b> 81:23 <b>stop</b> 100:10 109:6 <b>store</b> 11:16 <b>stories</b> 145:13 146:6,9 <b>straight</b> 73:25 104:15 <b>stranger</b> 32:17 <b>straw</b> 97:15 <b>strict</b> 146:5 <b>strife</b> 99:16 <b>Strom</b> 34:1,2 86:8,9, 13,20,21 166:13,14,15 170:18,23 <b>strong</b> 125:18 <b>stronger</b> 169:9 <b>strongly</b> 125:12	<b>struck</b> 187:17 <b>structures</b> 93:24 <b>stuck</b> 61:6 <b>study</b> 10:20,23 23:6,9 45:18,21 58:20, 23 73:6,9 104:6, 9 123:13,16 136:25 137:3 159:15,18 179:3,6 <b>stuff</b> 117:6 <b>stumbling</b> 84:5 <b>subject</b> 26:4 <b>submit</b> 9:25 75:21 95:22 190:2 <b>submitted</b> 9:21 22:9 44:23 45:2 57:20 72:7 78:4 80:18 122:10 135:23 158:19 178:1,6 <b>submitting</b> 15:16,25 30:25 31:3 48:11,14 63:21,24 83:24 85:7 111:4,7 128:25 129:3 143:24 144:2 165:9,16 188:8, 16 <b>subscription</b> 141:23 <b>substantial</b> 74:19	<b>substantive</b> 78:13 <b>subtract</b> 174:17 <b>succeed</b> 65:17 <b>success</b> 18:11 90:22 <b>successful</b> 65:25 98:24,25 99:1 130:19 131:24 156:16 164:25 <b>sued</b> 81:1,25 <b>suggest</b> 20:2 <b>suggests</b> 19:19 <b>suit</b> 14:11,15 81:14 82:11 164:1 186:3 <b>suits</b> 29:9 <b>summary</b> 52:21 68:5 83:16 <b>sums</b> 32:19 <b>Sumter</b> 90:24 <b>superior</b> 75:9 <b>supervising</b> 25:25 <b>supplemental</b> 34:6 174:5 <b>support</b> 18:24 42:15 59:5 120:6	183:19 190:23 <b>supporting</b> 42:14 <b>supportive</b> 23:21 93:15 94:23 <b>supposed</b> 30:3 83:1 149:15 186:20 <b>supreme</b> 54:15 55:21 <b>Surfside</b> 155:7 <b>surgery</b> 96:23 <b>surprising</b> 185:16 <b>surrounding</b> 131:6 <b>survey</b> 10:20 23:6 28:5 45:18 47:6 58:20 62:22 73:6 104:6 107:4 123:13 126:23 127:6 136:25 159:15 163:6 179:3 <b>surveys</b> 12:5 28:4 38:10 47:5 62:20 75:3, 4 87:5 92:13 107:3 126:21 140:18 163:5 184:2 <b>survives</b> 191:13 <b>suspect</b> 184:21 <b>sustained</b> 118:5
--	---	---	---	--

<b>swim</b> 151:17	92:10 100:10,11 101:4	161:14 164:14 168:3 187:13	<b>testify</b> 11:3 23:13 45:25 59:2,4 73:13 104:13 123:20 137:7 159:22 179:10	147:3 151:10 152:4,10 154:5 173:25 174:18
<b>sworn</b> 9:13,20 10:8,14 21:25 22:8,17 23:1 44:15,22 45:6,13 57:12, 19 58:2,14 71:23 72:6,14, 25 102:23 103:6,12,24 122:2,10,17 123:7 135:13,22 136:8,19 138:9 158:10,18 159:1,9 177:17, 25 178:9,20,22	<b>Talley</b> 49:15 82:19 84:3,11,18 85:3, 4 170:19,20 186:12 189:12, 13,14 <b>target</b> 185:16 <b>TARP</b> 78:1 <b>task</b> 104:19 151:14 <b>taught</b> 55:6 <b>Taylor</b> 112:22 <b>teacher</b> 61:4 101:4 <b>teaches</b> 179:18	<b>temperaments</b> 88:15 <b>temporary</b> 35:15 167:18 168:24 169:17 171:2,12,22,23, 25 172:3,8,18, 21 174:6 189:20 <b>ten</b> 25:18 62:20 75:25 77:15 161:12 166:18 175:9 <b>ten-year</b> 175:6 <b>tend</b> 52:1 54:7 79:23 139:12 <b>tended</b> 145:21 <b>terabytes</b> 151:18 <b>term</b> 17:8,12 67:2,8 112:25 113:20 <b>terms</b> 33:1 35:9 67:13, 15 87:8 90:12 92:25 93:5 95:22 96:7 99:14 148:23 150:14 <b>terrible</b> 169:7,8 <b>terrific</b> 47:8 <b>test</b> 191:7 <b>testament</b> 38:17 154:25	<b>testimony</b> 10:8 22:17 24:15 45:6 46:12 58:3 60:1 72:14 74:8 103:13 104:24 122:18 124:20 136:8 137:23 159:1 160:15 178:9 180:12 191:8,21 <b>text</b> 169:5 <b>thankful</b> 34:9 92:2 179:25 <b>thankfully</b> 107:22 151:18 182:3 <b>Thanksgiving</b> 193:1,2 <b>theories</b> 36:11 <b>thereof</b> 141:4 <b>thin</b> 47:21 <b>thin-skinned</b> 50:17 <b>thing</b> 38:22 39:25 63:1 68:4 84:21 88:5 89:18,25 94:12 95:18 98:22 99:3 126:13 132:24	<b>things</b> 27:13 34:25 36:3,8 41:20,23, 25 42:1 51:11 52:10 53:13 62:4 65:12,17 67:21 68:1 78:17 88:4,16 93:20,24 94:8 95:3,5 96:10,24 97:10 99:24 101:6 105:21 113:14 119:8 130:18,23 131:8,18 150:12,14,21 156:10 168:7 169:1,16 170:14,16,25 173:2 180:25 182:10 183:5 184:5,21 189:19,23 191:12 <b>thinker</b> 107:6 <b>thinking</b> 17:23 40:1 65:2 133:20,21 141:7 <b>thirteen</b> 174:23 <b>thirties</b> 66:5 <b>thirty</b> 68:19 106:4 169:18 <b>thirty-five</b> 97:16 <b>Thomas</b>
<hr/> <b>T</b> <hr/>				
<b>taking</b> 39:7 75:1 104:19 155:2 168:15 169:14 176:1 191:23 <b>talented</b> 187:17 <b>talk</b> 39:3 67:23 78:16 108:10 131:18 151:11 <b>talked</b> 26:12 61:10 69:8,13 99:2 100:20 168:23 <b>talking</b> 15:22 19:17	<b>team</b> 114:20 <b>technology</b> 151:19 <b>tells</b> 50:16,21 <b>temper</b> 79:17 <b>temperament</b> 15:10 30:16 47:18 55:19 61:2 63:1,2,8 75:7 79:7 83:15 87:8 89:3 95:22 107:11,12,14 108:13 110:16 128:18 130:17 132:10 133:2 140:20 143:14 152:14 156:4			

<p>13:7,25 72:19, 23,25</p> <p><b>thought</b> 17:18 27:21 39:12 61:5 66:18 95:10 101:3 115:10 125:3 132:15,22 153:21 156:15 167:4 168:24,25</p> <p><b>thoughtful</b> 163:9 184:6</p> <p><b>thoughts</b> 54:19 174:3,12 190:24</p> <p><b>thousand</b> 82:2 186:5</p> <p><b>threatened</b> 109:8,13 110:10</p> <p><b>threatening</b> 109:17</p> <p><b>threshold</b> 96:3</p> <p><b>throne</b> 26:22</p> <p><b>thumb</b> 175:6</p> <p><b>ticket</b> 141:22,23 142:10,23</p> <p><b>tickets</b> 142:17</p> <p><b>tickled</b> 19:20</p> <p><b>time</b> 17:14 18:22 20:2 21:3 24:5, 13 26:22 29:23 30:2 33:15 37:3 39:13 49:19,23 50:3,13,16 51:6 52:18 54:11</p>	<p>59:20 65:7 66:3, 25 69:7 70:1 74:18,24 76:4,5, 8,17,21 77:20 78:1 81:22 82:16,22 83:1 85:1 87:13,16, 17 89:2 90:16 91:2 93:11 97:11 103:10 104:19 108:2 109:19 110:7 112:12,25 113:15,16 115:8,9,18,21 116:14,17 120:6,20 121:7 124:3 130:19 131:4,23 132:3 133:2,23 134:18 135:25 137:11 138:20 140:9, 11,12,15 141:5 146:3,6,8,17 147:4 152:11,13 154:12 156:10, 17 157:14 160:8 171:1,23 172:23 173:1 176:18 184:17 185:19 186:15 190:19 192:15</p> <p><b>timely</b> 114:14</p> <p><b>times</b> 18:14 20:3 66:3 68:6 77:1 79:13 87:12 142:25 143:1 146:17 152:2,3 167:23 168:12 171:24 172:12,14 189:20</p>	<p><b>timing</b> 120:3</p> <p><b>tired</b> 167:13</p> <p><b>title</b> 114:8 163:17,24 164:1,2,4</p> <p><b>today</b> 16:17 18:24 19:13 20:7,13 21:4 31:24 33:20 35:1 43:24 45:6 46:5, 22 49:10 56:15 59:4,8,10 61:9 64:20 73:15,20, 22 74:3 86:3 101:14 102:2 112:3 120:3,21 122:18 123:22 129:25 134:21 157:15 166:9 176:21 189:8 192:16,25</p> <p><b>today's</b> 9:2 116:19</p> <p><b>Todd</b> 93:1</p> <p><b>told</b> 13:15 14:21 17:21 18:3 61:5 91:3 153:5 175:14</p> <p><b>Tommy</b> 90:16,20</p> <p><b>tomorrow</b> 92:8 142:7 149:15</p> <p><b>tone</b> 167:23 171:24 172:6</p>	<p><b>tons</b> 62:1</p> <p><b>tool</b> 155:24</p> <p><b>top</b> 106:1,10 164:11</p> <p><b>total</b> 19:18</p> <p><b>totally</b> 52:16 88:7 95:16,17</p> <p><b>touch</b> 61:7 114:17</p> <p><b>touched</b> 125:20 141:2 189:17</p> <p><b>touchstone</b> 90:17</p> <p><b>tough</b> 170:2 175:20</p> <p><b>tow</b> 19:12</p> <p><b>town</b> 28:20 32:11 33:4 39:18 60:16</p> <p><b>track</b> 173:6</p> <p><b>tracking</b> 191:14</p> <p><b>traditional</b> 46:22 54:25</p> <p><b>Trail</b> 69:5,12</p> <p><b>train</b> 172:19</p> <p><b>training</b> 25:25 77:5,11 162:8</p> <p><b>transactional</b> 61:21</p>	<p><b>transitioning</b> 100:8</p> <p><b>translate</b> 152:20</p> <p><b>translates</b> 128:9</p> <p><b>Trask</b> 104:22,23 105:4 110:12,21 111:25 117:14 124:16,17,19,25 128:12,19 129:22</p> <p><b>Travel</b> 21:9</p> <p><b>traveled</b> 55:11 141:25</p> <p><b>traveling</b> 52:20</p> <p><b>treat</b> 26:7,8 88:21 89:5 131:12,13</p> <p><b>treated</b> 88:15 131:13 133:19</p> <p><b>treatment</b> 110:7</p> <p><b>treats</b> 133:19</p> <p><b>tremendous</b> 90:22 151:4</p> <p><b>trend</b> 145:21 155:25</p> <p><b>Trey</b> 160:4</p> <p><b>triage</b> 115:11</p> <p><b>trial</b> 25:24 51:5 75:6 79:3 82:1,15 91:10,11 96:1, 25 113:23</p>
--	---	--	---	--

116:2,11,12 126:10 128:4 138:11 139:24 140:3 146:7 149:8 153:7,11	<b>twenties</b> 107:21	<b>underprivileged</b> 51:8	<b>unlawful</b> 187:7	93:20 98:21 164:19
<b>trials</b> 26:6 41:19 76:18 79:5 98:12 106:3,4 113:24 139:23 148:14,15 150:1,3	<b>twenty-eighth</b> 24:3	<b>underrated</b> 180:2	<b>unreachable</b> 182:12	<b>vast</b> 109:6
<b>Triplet</b> 59:20,21,25 60:6 63:4,14 64:17	<b>Twenty-seven</b> 12:6	<b>understand</b> 14:20 16:10 26:4 31:17 49:3 64:13 85:21 107:13 109:3 111:21 112:15 116:24 117:3 129:18 144:17 148:21 149:13, 16 166:2 171:16 173:15 184:22 189:1 191:5	<b>unusual</b> 166:17	<b>vendor</b> 80:23
<b>Trish</b> 113:17	<b>twenty-three</b> 25:2	<b>understanding</b> 87:4 171:21	<b>update</b> 45:2	<b>verdict</b> 25:6 81:11 106:4,5
<b>trite</b> 140:2	<b>two-part</b> 152:22	<b>understands</b> 28:11	<b>updates</b> 9:23 10:4 22:11 44:25 57:22 72:9 103:8 122:13 136:3 158:21 178:3	<b>Verdin</b> 91:5
<b>true</b> 12:10,14 50:2 169:11	<b>two-week</b> 146:7	<b>understood</b> 85:5 185:17	<b>upset</b> 79:9,13	<b>verification</b> 10:21 23:7 45:19 58:21 73:7 104:7 123:14 137:1 159:16 179:4
<b>trust</b> 42:12	<b>type</b> 115:23 117:9 126:13 161:11, 24 162:21,23 163:2,3 167:7 169:12,15,18 170:3 173:9 174:18	<b>unfair</b> 117:22	<b>Uqhuhart</b> 184:6	<b>versed</b> 12:12 164:21
<b>trusts</b> 148:10	<b>types</b> 96:24 105:21	<b>unfavorable</b> 35:12	<b>Urquhart</b> 177:7,9,13,17, 23 178:2,5,10, 15,18,20,23 179:13,16,24 180:3,6,9,14,18 181:21 184:1 185:22 186:25 187:2,10,16 188:3,8 189:15 192:3,19,21	<b>versus</b> 96:7 115:5 127:13
<b>truth</b> 9:13,14 22:1,2 44:16,17 57:12, 13 71:23,24 102:24,25 122:3,4 135:14, 15 158:11,12 177:18,19	<b>typically</b> 115:12	<b>unique</b> 32:23 37:11,12 65:17 66:7 114:17 116:18	<b>utmost</b> 55:20 75:12	<b>vested</b> 79:23
<b>turn</b> 188:2	<hr/> <b>U</b> <hr/>	<b>uniquely</b> 33:5 37:22 38:9 54:23	<hr/> <b>V</b> <hr/>	<b>Vickery</b> 121:19 122:2,24 123:2,5,7 124:22
<b>turned</b> 19:6 84:6	<b>U.S.</b> 13:6 98:8	<b>unit</b> 81:23	<b>valid</b> 48:3	<b>victims</b> 76:22 88:22 99:21 115:19
<b>twelve</b> 142:8 162:22 186:4,5	<b>Uh-huh</b> 147:5	<b>United</b> 55:12	<b>valuations</b> 162:19	<b>view</b> 20:21 26:9 37:8 41:19 43:16 56:5 70:20 88:6 89:20 100:15 101:19 114:14 117:19 120:13 134:12 157:8 168:13,23 170:9 176:11 192:9
	<b>ultimately</b> 153:12 163:1 164:3 167:23 169:3,23 175:17	<b>universally</b> 156:4	<b>varied</b> 25:15	
	<b>umbrage</b> 36:3	<b>University</b> 179:18	<b>variety</b> 61:20 62:4	
	<b>undergoing</b> 110:6			
	<b>underneath</b> 25:22			

<b>views</b> 41:24,25	<b>walking</b> 18:5,8,9	<b>waterskiing</b> 151:9	11:23 18:3 19:2 59:8 69:8,11	<b>withdrew</b> 140:8
<b>Viking</b> 142:14,17	<b>walks</b> 104:1	<b>ways</b> 54:8	73:20 81:22 82:5 93:8,11	<b>witnesses</b> 11:3 23:12 45:24 59:1 73:12 104:12 115:20 123:19 137:6 153:2 159:21 179:9
<b>violations</b> 20:22 43:16 56:6 70:21 101:19 120:14 134:12 157:8 176:12 192:9	<b>Wallace</b> 135:6,9,13,19, 24 136:1,5,9,14, 17,20 137:11, 15,16,18,21,25 138:4 140:17,20 142:12,14 143:11,14,19 144:21 145:3,7 146:13 154:22, 23 155:5,15,19 156:25 157:18	<b>wealth</b> 126:10 139:9	96:22 113:17 123:25 132:2 137:15 164:19 170:12,15	
<b>violence</b> 76:17	<b>Walpole</b> 160:4	<b>weapons</b> 114:1,2	<b>wife's</b> 65:22	<b>Wofford</b> 140:14
<b>virtually</b> 161:10	<b>Walterboro</b> 50:9 51:15	<b>wear</b> 133:16	<b>wiggle</b> 190:7	<b>woman</b> 34:7
<b>visited</b> 113:7	<b>wanted</b> 18:3,25 24:5 27:5,7,8,20 33:3 35:20 38:5,6,7,8 41:5 54:18 60:24,25 91:4 97:14 105:7,15 138:18 140:2,6	<b>weathered</b> 50:15	<b>Wild</b> 174:14	<b>women</b> 76:21
<b>voice</b> 131:16	<b>Wapole</b> 160:8,9,14,20 164:10 165:3 166:6	<b>Wednesday</b> 141:11	<b>Wilkinson</b> 74:6,7,13 82:16 83:8,9,18 85:6, 25	<b>won</b> 143:3
<b>volumes</b> 40:21	<b>Waring</b> 155:3,4	<b>week</b> 171:12,20	<b>William</b> 9:12 10:12,15 34:21 71:22 72:20,23,25 121:19 122:2,23 123:2,5,7 124:22	<b>wonderful</b> 34:20,24 127:1
<b>votes</b> 30:8 83:6 121:16	<b>watch</b> 27:9,10	<b>weigh</b> 38:13	<b>Williamsburg</b> 25:9,12 28:21	<b>wondering</b> 27:7 93:10 145:14
<hr/> <b>W</b> <hr/>	<b>watched</b> 54:3,6 142:2,5,6	<b>weight</b> 20:23 43:17 56:7 70:22 101:21 120:15 134:13 157:9 176:13 192:10	<b>willingness</b> 32:14 33:9	<b>Woodard</b> 52:18
<b>wait</b> 100:10	<b>watching</b> 118:17	<b>well-liked</b> 28:7	<b>Wills</b> 61:23 98:20 148:10	<b>word</b> 19:15 41:6 89:17 91:24 169:16
<b>waited</b> 38:4		<b>well-reasoned</b> 154:11,13	<b>wills</b> 61:23 98:20 148:10	<b>words</b> 54:19
<b>waiting</b> 39:15 91:22 186:2		<b>West</b> 174:14	<b>win</b> 36:13 89:15	<b>work</b> 11:22 36:7 41:15 65:24 74:23 81:15 94:5,8 95:17 97:6,14 106:2 113:4 124:11 125:13 126:6 128:8 131:1,11, 12 132:7 138:25 145:24 149:11 162:14 163:10
<b>waive</b> 137:12		<b>Weston</b> 145:8	<b>wing</b> 108:7	
<b>waiver</b> 27:6		<b>whatnot</b> 148:10	<b>wisdom</b> 107:23	
<b>walk</b> 172:2		<b>whittled</b> 96:8	<b>wise</b> 92:15	
<b>walked</b> 69:7 154:4		<b>wide</b> 61:20 62:4 138:24 164:19 187:18	<b>withdraw</b> 67:5 118:15	
		<b>wife</b>		

167:1 172:24 181:8 182:9,18 <b>worked</b> 11:16 90:25 119:4 126:7 131:12 132:3 140:4 152:17 185:6,10 <b>worker</b> 107:9 184:7 <b>workers'</b> 106:10 <b>working</b> 11:15,17,21,25 12:3,24 25:10 32:25 49:23 90:25 100:12 116:15 126:2 132:8 138:10 140:3,10 <b>works</b> 47:8 162:7 <b>world</b> 91:17 105:12 131:25 <b>worried</b> 172:18 <b>worry</b> 52:2 <b>worst</b> 40:4 <b>Wow</b> 34:7 <b>wracking</b> 95:11 <b>wrap</b> 54:22 133:20 <b>wrestled</b> 93:12 <b>write</b> 26:14 55:5	<b>writes</b> 32:18 169:10 <b>writs</b> 106:19 <b>written</b> 12:16 35:7 75:15 107:10 108:5 127:3 154:24 <b>wrong</b> 17:16 <b>wrongfully</b> 91:9 <b>wrote</b> 80:16 <hr/> <b>X</b> <hr/> <b>X-AMOUNT</b> 116:7 <hr/> <b>Y</b> <hr/> <b>year</b> 24:3 28:19,24 52:9,11 60:17 61:19 67:8 112:10,11 125:25 142:22 147:15 164:5 167:2 <b>years</b> 11:12 12:2 17:21 19:5,10 24:19 25:2,13 32:15 37:4,5 39:3 46:16 51:15 60:5 61:4, 13 67:9 74:12, 18 75:25 77:16 79:12 88:12 89:8 93:16	94:15,22 97:18 105:3 115:1 124:24 125:4 126:18 130:13 138:2,9,13 148:15 150:20 152:7 160:19 161:12 162:22 163:13 164:1,18 166:18 175:9 180:16 185:6 <b>yesterday</b> 26:20 148:11 178:6 <b>YLD</b> 108:2 <b>York</b> 161:13 163:17 171:11 <b>you's</b> 17:2 <b>young</b> 12:8 17:23 26:17 59:3 66:4, 7,18 88:13 92:20,22 <b>younger</b> 108:6 <b>youngest</b> 138:19 181:16 <b>youth</b> 162:4
---	--	---