



**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2023**

Court, Position, and Seat # for which you are applying: Circuit Court, Judge, At-Large, Seat 16

1. Name: Ms. Jane H. Merrill

Name that you are known by if different from above

(Example: A Nickname):

N/A

Are you currently serving in some capacity as a judge? If part-time, please note.

(Includes Municipal, Magistrate, Etc.)

No.

Home Address: [Redacted]

County of Residence: Greenwood

Business Address: 104 Maxwell Avenue, Fifth Floor, Greenwood, South Carolina 29646;

Mailing: PO Box 3363, Greenwood, South Carolina 29648

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]

(office): 864-229-1010

(cell): [Redacted]

2. Date of Birth: [Redacted] 1980

Place of Birth: Greenwood, South Carolina

Social Security Number: [Redacted]

3. Are you a citizen of South Carolina? Yes.

Have you been a resident of this state for at least the immediate past five years? Yes.

4. SCDL# or SCHD#: [Redacted]

Voter Registration Number: [Redacted]

5. Have you served in the military? No.

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

6. Family Status:
Married on March 29, 2003, to Albert L. Merrill
Never divorced; two children
[Redacted]
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
- (a) University of South Carolina, School of Law, August 2004 to May 2007 (except summers), Juris Doctor, Graduated May 2007
 - (b) University of South Carolina, August 1998 to May 2002 (except summers), Bachelor of Arts in Journalism (magna cum laude), Graduated May 2002
 - (c) Piedmont Technical College, May to June 1999, degree not sought, I took two general education classes which transferred to USC.
 - (d) Lander University, January to May 1998, degree not sought, I took a dance class during my senior year of high school.
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
- (a) South Carolina Law Review, August 2006 to May 2007, served on the Editorial Board as the Student Works Editor, Volume 58
 - (b) South Carolina Law Review, August 2005 to May 2006, Editorial Staff, Volume 57
 - (c) Published as a student author during my second year of law school, citation: Jane Hawthorne Merrill, Comment, Multijurisdictional Practice of Law Under the Revised South Carolina Rules of Professional Conduct, 57 S.C. L. REV. 549 (2006).
 - (d) Member, Mock Trial Team, September 2005 to April 2006
 - (e) Law Clerk, Nelson Mullins, Summer 2005
9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.
- (a) South Carolina, admitted 2007, I took the bar examination one time.
10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

- (a) From November 2007 until December 2007, I served as an Assistant Solicitor in the Eighth Judicial Circuit in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.
- (b) From January 2008 to August 2008, I served as a Judicial Law Clerk for The (Late) Honorable Wyatt T. Saunders, Jr., a Circuit Court Judge for the Eighth Judicial Circuit. Being a judicial law clerk provided invaluable experience in developing and honing my legal skills.
- (c) From August 2008 until June 2010, I served as an Assistant Solicitor in the Eighth Judicial Circuit in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.
- (d) From July 2010 until February 2013, I worked as an associate attorney on the litigation team at McDonald Patrick Poston Hemphill & Roper, LLC. The majority of my practice involved civil litigation matters, including drafting pleadings, engaging in discovery, preparing motions and memoranda, and trying cases to juries. A small portion of my practice involved domestic and criminal matters. I was not involved in the administrative and financial management at this firm.
- (e) From March 2013 to the present, I have practiced law as a solo practitioner in my own firm, Hawthorne Merrill Law, LLC. I manage all aspects of cases and claims, from intake and case evaluation to resolution, in civil, criminal, domestic, and other matters. In 2016, I became certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I mediate cases that are pending in the circuit court, as well as some family court cases with the consent of the parties. I represented veterans before the Court of Appeals for Veterans Claims. I am solely responsible for the administrative and financial management of the firm. I comply with the rules requiring attorneys to maintain monthly trial balances and reconciliations of client trust accounts.

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

11. Please answer the following:

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

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, and whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court judge within the past five years.

I am uniquely qualified to be a Circuit Court judge. I have tried cases to juries as a criminal prosecutor, a criminal defense attorney, and a civil litigator representing both plaintiffs and defendants. The depth, breadth, and variety of my experience in the courtroom provides a strong foundation for the role of Circuit Court Judge. I regularly appear before Circuit Court Judges, including every day on numerous matters during Abbeville County general sessions terms.

In addition to my litigation experience, I was honored to serve as a judicial law clerk for The (Late) Honorable Wyatt T. Saunders from January 2008 to August 2008. My clerkship with Circuit Court Judge Saunders offered yet another perspective from which to learn and gain experience. While my primary responsibilities included researching and writing, I also observed numerous criminal and civil court proceedings. A summary of my experience in criminal and civil matters follows.

Criminal Experience

I had the good fortune to begin my legal career as an Assistant Solicitor in the Eighth Judicial Circuit. Being a prosecutor provided significant and meaningful opportunities to gain courtroom experience. In that position, I was involved in all aspects of managing my significantly large caseload, including case and discovery review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials as lead counsel and second chair. I worked on a variety of misdemeanor and felony charges, including armed robberies, kidnappings, burglaries, drug trafficking, child abuse, and animal abuse. Additionally, I communicated with victims, law enforcement officers, and witnesses. I found working with victims particularly meaningful. Even though each victim of a crime reacts and responds differently to their own experience, every victim needs the chance to be heard. Listening is an important part of being an effective attorney. Being a prosecutor provided significant and meaningful opportunities to gain courtroom experience.

Although I found it rewarding to serve as an assistant solicitor, I was interested in learning about other types of law. In July 2010, I began working for a

law firm as an associate attorney on the litigation team which primarily focused on civil litigation which will be described in the Civil Experience section below.

In March 2013, I opened Hawthorne Merrill Law, LLC. At various times since opening my firm, I have participated in the Rule 608 Contract program, and represented defendants on both appointed and retained cases. Defending a criminal case presents different challenges than prosecuting one. It is imperative to communicate effectively with your client and earn your client's trust. Discovery is also reviewed from a different perspective as a defense attorney. For example, I analyze reports, warrants, indictments, statements, and evidence to develop issues affecting my client's constitutional rights, such as search and seizure, exigent circumstances, voluntariness of client's statement, Miranda protocol, immunity and privilege, and hearsay.

I have tried several serious criminal cases to juries, including murder, armed robbery, kidnapping, drug trafficking, and burglary. I tried a murder case as lead counsel in 2015 when the jury acquitted my client and tried another murder case as sole counsel in 2016 when the jury convicted my client of the lesser included offense of involuntary manslaughter. In August 2021, a jury found my client guilty of domestic violence, third degree after acquitting her of domestic violence, high and aggravated.

Knowing, understanding, and applying procedural and substantive criminal law is essential to effectively trying criminal cases. Being on both sides of the courtroom provides a unique perspective that would be helpful and informative as a Circuit Court Judge.

Civil Experience

In July 2010, I began working for McDonald Patrick Poston Hemphill & Roper, LLC, as an associate attorney on the litigation team. I litigated civil matters in both state and federal courts, primarily representing defendants. After opening Hawthorne Merrill Law, LLC in March 2013, I've represented plaintiffs more often than defendants, and most of my caseload is in state court, though I do some work in federal courts.

As part of my civil litigation duties, I manage complex civil cases from intake and case evaluation to resolution. I draft and answer complaints, engage in discovery, depose parties and witnesses, prepare, and argue motions, settle suits through mediation, and try cases to juries. I collaborate effectively with expert witnesses, and assist with the preparation of expert affidavits, reports, and testimony contesting causation. I have tried several civil cases to juries. I also represent veterans and appear by filings before the United States Court of Appeals for Veterans Claims.

Since 2016, I have been certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I mediate cases pursuant to court appointments and parties' selection. During mediation, I analyze the facts and law, apply knowledge of wide range of substantive and procedural law, and assist litigating parties during settlement negotiations through the mediation process.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.
 - (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) Federal: I am admitted to the federal bar and appear by way of motions and filings in the District of South Carolina, and in the Court of Appeals for Veterans Claims.
 - (b) State: I appear in state court at least four times per week. Because the counties in the Eighth Judicial Circuit where I primarily practice do not have court every week of the year, this number is an average. Additionally, I appear before Circuit Court Judges every day on numerous matters during Abbeville County general sessions terms. This is an average for motion hearings and guilty pleas. Trials are detailed below.
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) Civil: 10%
 - (b) Criminal: 55%
 - (c) Domestic: 25%
 - (d) Other: 10%
14. During the past five years
- (a) What percentage of your practice was in trial court, including cases that settled prior to trial?
 Approximately 90% of my work is litigation in trial courts. This includes criminal cases in General Sessions and Family Court and civil cases in Common Pleas and Family Court.
 - (b) What number of cases went to trial and resulted in a verdict?
 Approximately 29 cases have gone to trial and resulted in a verdict. This includes criminal jury trials in General Sessions and civil jury and bench trials in Common Pleas and Family Court.
 - (c) What number of cases went to trial and resolved after the plaintiff's or State's case? (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.)
 Approximately three cases resolved after (or during) the Plaintiff's or state's case. Specifically, there was a criminal case in General Sessions in Abbeville County in which the court declared a mistrial during the State's case when several jurors recognized the crime

scene and/or a testifying witness. In another matter, the parties settled a family court case on the third day of trial after the Plaintiff rested. In the third matter, the court dismissed the case upon a defense motion after the State called its first witness.

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

I recall one case which settled after the jury was selected before opening statements in a Greenwood County case in General Sessions. The Defendant pleaded guilty after jury selection and a full day of pretrial motions, outside the jury's presence, in which the court ruled the evidence admissible.

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

I most often served as sole counsel in the last five years. There were several trials in which I served as chief counsel with another attorney who served as second chair.

The above questions are answered in good faith based on my recollection and after reviewing closed files for the last five years.

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

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

Choosing the five most significant cases is difficult because my clients and their cases are significant for different reasons. Below are five cases that are significant for the reasons listed.

- (a) State v. John Gregory Barnes, 2006-GS-24-00153, 2006-GS-24-00154, 2007-GS-24-02020; Circuit Court, General Sessions, Greenwood County (Trial December 2007); I was sworn into the South Carolina Bar on November 13, 2007, and less than a month later I tried this case before the Honorable D. Garrison Hill. I was lead counsel with another attorney as second chair. I presented the opening statement, direct examined all witnesses, and argued the closing. The jury returned a guilty verdict for Unlawful Neglect of a Child and Possession of Methamphetamine. This case was significant because it was the first case I tried, and the defendant's attorney was, and still is, a seasoned and well-respected criminal defense attorney.
- (b) State v. Jerome Chisholm, 395 S.C. 259, 717 S.E.2d 614 (Ct. App. 2011); 2005-GS-24-01386; Circuit Court, General Sessions, Greenwood County (Trial June 2009); I tried this case as an Assistant Solicitor. The state indicted the defendant for criminal sexual conduct with a minor. The defendant sexually abused the minor child and infected the minor child with the HIV virus. I assisted in preparing the entire case for trial. I served as second chair for trial and had the delicate and challenging task of direct examining the minor child victim. I also direct

examined the physician who served as the state's expert witness. The jury found the defendant guilty, and the court imposed the maximum sentence. I handled the case only at the trial level, and on appeal, it was affirmed. This case is significant because it was humbling to meet, interact with, and prepare the minor child for trial. Working with this child and trying this case significantly impacted and guided how I work on cases with children.

- (c) State v. Zanquarious Hurley, Indictment Nos. 2014-GS-24-0972, 2014-GS-24-0973; Circuit Court, General Sessions, Greenwood County (Trial September 2015); Mr. Hurley, at age 17, was accused of robbing and murdering his father. I represented Mr. Hurley and served as sole counsel throughout the process except trial. For the trial, I hired another attorney to sit second chair because this was the first murder case I tried as defense counsel. I conducted the opening statement, cross examined all witnesses except one, direct examined all defense witnesses, and presented the closing argument. The jury acquitted Mr. Hurley on all charges. This case was significant because after conducting an extensive investigation, including interviewing numerous witnesses no one else interviewed, I was firmly convinced of my client's innocence. As such, the jury's verdict was the proper result. Mr. Hurley and his family appreciated my dedication and diligence in representing him.
- (d) State v. Marcus Manick, 2014-GS-24-0746, 2014-GS-24-0747; Circuit Court, General Sessions, Greenwood County (Trial October 2016); Mr. Manick was charged with murder. The state alleged Mr. Manick murdered a man who was physically attacking Mr. Manick's "sister." Mr. Manick considered this woman like a sister because they grew up in the same household together, although they were not blood related. I represented Mr. Manick after his public defender discovered a conflict of interest. I was Mr. Manick's sole attorney and tried the case alone. Throughout the process and during the trial, Mr. Manick did not deny firing the weapon, but I believed and successfully argued there was no malice to support a murder conviction. The jury acquitted Mr. Manick of murder and found him guilty of the lesser included offense of involuntary manslaughter. The Court dismissed the remaining indictment for Possession of a Weapon During the Commission of a Violent Crime. This case was significant because it was a serious case that I tried alone, the jury returned a correct verdict, and my client was grateful for the effort and time I invested in his case.
- (e) Richard Wilson, et al. v. Laura B. Willis et al., 426 S.C. 326, 827 S.E.2d 167 (2019); I represented Laurie Williams in Circuit Court (Common Pleas), the Court of Appeals, and the Supreme Court. Ms. Williams was seriously injured in 2012 when a driver operating an SUV struck my client who was walking for exercise. The case has numerous parties and a complicated procedural history, and Ms. Williams became involved in the larger case when the SUV's driver's insurance company sued Ms. Williams in federal court. The federal case was dismissed, and the insurance company then sued her in state court. Months after filing suit against Ms. Williams in state court, the insurance company moved to compel arbitration based on an arbitration clause in a contract between the insurance company and an insurance agency. The trial court denied the motion to compel, and the insurance company appealed. The Court of Appeals reversed. Wilson v. Willis, 416 S.C. 395,

786 S.E.2d 571 (Ct. App. 2016). The Supreme Court granted certiorari, heard oral arguments (my co-counsel and I argued separately) on December 13, 2018, and reversed the Court of Appeals in its decision issued April 10, 2019. This case is significant personally because it is the first case I argued before the Supreme Court and because it addressed a unique issue related to arbitration and insurance policies that provides guidance for the wider legal community.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Singleton v. Shinseki, Vet. App. No. 12-1084, U.S. Court of Appeals for Veterans Claims (2013). After the prebriefing conference, the VA Secretary conceded the Board of Veterans' Appeals erred because it did not provide an adequate statement of reasons or bases to support its finding that the Veteran "has not been shown to have a prostate disorder that is related to his military service." A joint motion for remand was filed, and the Court issued an Order remanding the case to the Board of Veterans' Appeals.
 - (b) Carroll v. Shinseki, Vet. App. No. 12-2696, U.S. Court of Appeals for Veterans Claims (2014). Mr. Carroll was a Vietnam era Veteran who sought service connection for Hepatitis C. By the time I began representing him before the Court, his claim had been pending for twelve years. I represented Mr. Carroll for his entire case before the Court of Appeals for Veterans Claims. The Secretary would not agree to a consent joint remand, so I argued his position in a brief and reply brief. In an unpublished memorandum decision, the Court ruled favorably for Mr. Carroll, and vacated the Board of Veterans' Appeals decision and remanded the matter for further proceedings consistent with its opinion. About a year later, the Department of Veterans Affairs granted service connection to Mr. Carroll for his Hepatitis C.
 - (c) King v. McDonald, Vet. App. No. 15-1983, U.S. Court of Appeals for Veterans Claims (2016). The Court affirmed the decision of the Board of Veterans' Appeals denying Mr. King's initial evaluation in excess of 10% for service-connected mechanical low back pain, and for a total disability evaluation based on individual unemployability (TDIU).
 - (d) Thompson v. Shulkin, Vet. App. No. 16-3503, U.S. Court of Appeals for Veterans Claims (2018). After the prebriefing conference, the VA Secretary agreed to vacate and remand Mr. Thompson's case because the VA failed to provide adequate examinations in April 2008, August 2009, December 2010, and January 2015, and the Board of Veterans' Appeals relied upon the inadequate examinations in its decision. A consent joint motion for remand was filed, and the Court issued its order remanding the matter to the Board of Veterans' Appeals.
 - (e) Wilson v. Willis, 426 S.C. 326, 827 S.E.2d 167 (2019). The Supreme Court decided that insureds were not required to arbitrate their claims, which was favorable to my client. More details about this case are included in the response to Question 15 (e) above.
17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

- (a) State v. Green, Court of Appeals, May 11, 2016; I represented Mr. Green in this appeal pursuant to an appointment through the Appellate Practice Project. The Court of Appeals affirmed in an unpublished decision filed May 11, 2016.
18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
No.
19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.
N/A
20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
(a) South Carolina, admitted November 13, 2007
(b) The United States District Court, South Carolina District, admitted August 11, 2010
(c) Court of Appeals for Veterans Claims, admitted May 12, 2012
(d) Department of Veterans Affairs, admitted September 5, 2012
21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
Yes.
- (a) On March 3, 2011, the Anderson County Sheriff's Department offered a training class for law enforcement officers about Large Animal Cruelty Investigations. I taught the section about criminal investigations and statutes.
- (b) On January 10, 2014, I taught a section of a probate CLE presented by the Greenwood County Bar.
- (c) On November 10, 2014, I taught the Criminal Law and Torts section for the South Carolina Bar's program, Legal Lessons: A Series for the Public.
- (d) On May 10, 2020, I spoke to the Clemson University Prelaw Society about balancing life, work, and other obligations.
- (e) On February 10, 2023, D. Nichole Davis and I presented "An Ounce of Prevention is Worth a Pound of Cure: Utilizing Mentoring to Elevate Professionalism" for the ethics hour of the Greenville County End of Year CLE.
- I taught the following 300-level courses at Lander University.
- (f) From August to December 2018, I taught Judicial Process at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, three different judges served as guest lecturers for the class. The students enjoyed learning about the South Carolina courts from current jurists.
- (g) From January to May 2019, I taught Civil Rights and Civil Liberties at Lander University. The class met for one hour and fifteen minutes two times per week.

During this course, students present oral arguments of pending US Supreme Court cases.

- (h) From August to December 2019, I taught Judicial Process at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, three different judges served as guest lecturers for the class. The students enjoyed learning about the South Carolina courts from current jurists.
 - (i) From January to May 2020, I taught Civil Rights and Civil Liberties at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, the students present oral arguments of pending US Supreme Court cases.
 - (j) From August to December 2020, I taught Constitutional Law at Lander University. The class met for one hour and fifteen minutes two times per week. The students wrote opinion essays and made presentations about recent legal events, including recent US Supreme Court opinions.
 - (k) From January to May 2021, I taught Judicial Process at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, three different judges served as guest lecturers for the class. The students enjoyed learning about the South Carolina courts from current jurists, including a South Carolina Court of Appeals Judge.
 - (l) From August to December 2021, I taught Constitutional Law at Lander University. The class met for one hour and fifteen minutes two times per week. The students wrote opinion essays and made presentations about recent legal events, including recent US Supreme Court opinions.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
See attached report.
23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Jane Hawthorne Merrill, Comment, Multi-jurisdictional Practice of Law Under the Revised South Carolina Rules of Professional Conduct, 57 S.C. L. REV. 549 (2006).
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)
- (a) Jane Hawthorne Merrill, Comment, Multi-jurisdictional Practice of Law Under the Revised South Carolina Rules of Professional Conduct, 57 S.C. L. REV. 549 (2006).
 - (b) Brief of the Appellant, Carroll v. Shinseki, Vet. App. No. 12-2696 (2014).

25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
I have not sought a rating from Martindale-Hubbell or any other legal rating organization. An online search shows a 7.8 of 10 rating on Avvo.
26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
(a) South Carolina Bar, since 2007
(b) Greenwood County Bar Association, since 2007
(c) South Carolina Association of Criminal Defense Lawyers, since 2013
(d) National Organization of Veterans' Advocates, former member
27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.
No.
28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
N/A
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
Yes. I ran for Circuit Court Judge, At-Large, Seat 13, in the Fall of 2019. I ran for Circuit Court Judge, At-Large, Seat 3, in the Fall of 2022. Both times, I was found qualified though not nominated.
30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.
No.
31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
I own and manage my law firm, Hawthorne Merrill Law, LLC, after opening in March 2013. I make all administrative and financial decisions.
32. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C.

Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

33. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
 - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

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

A complete, current financial net worth statement was provided to the Commission.

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

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

No.

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

No.

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

N/A

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

N/A

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

No.

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

N/A

40. Describe any interest you or a member of your immediate family has in real property:

(a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;

(b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or

(c) which was sold, leased, or rented to a state or local public agency in South Carolina.

N/A

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

(a) nature of any potential conflict of interest;

(b) nature and value of any public improvements; and

(c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.
No.

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

I have never been sued by a client for malpractice. I have been a named party in three civil actions. A pro se Plaintiff, Travis Kemp, filed suit against the elected solicitor, Jerry Peace, and me in my capacity as an assistant solicitor, case number 09-CV-02756, in the United States District Court for the District of South Carolina. I was never served. The suit was "dismissed without prejudice and without issuance and service of process" on December 16, 2009.

The Greenwood County Probate Court appointed me to serve as guardian ad litem for an incapacitated adult in The Matter of Tommy Eugene Henderson (Decedent), case number 2016-ES-24-112. The personal representative of the estate filed a Lis Pendens, case number 2019-LP-24-00006, on January 23, 2019, and I am named as a Defendant in my capacity as the guardian ad litem.

I am a plaintiff in a pending action, case number 2022-CP-01-00208, in Abbeville County. The case involves a dog attack, and my uncle is the primary plaintiff. My pecuniary interest is limited to veterinarian bills.

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

Yes. I currently am covered by malpractice insurance and have been since I opened my firm in 2013. The coverage is \$1,000,000 per claim and \$1,000,000 aggregate. The deductible is \$5,000.00. I have never been covered by a tail policy.

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

found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

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

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.
No.
51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.
No.
52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.
No.
53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?
Yes.
54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.
No.
55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

- (a) The Rev. Dr. Nicholas Beasley
[Redacted]
- (b) Daenayia Harris, Esq.
[Redacted]
- (c) Anne Marie Hempy, Esq.
[Redacted]
- (d) Ms. Cathy Miller
[Redacted]
- (e) Jerry W. Peace, Esq.
[Redacted]

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

I have accounts on LinkedIn, Facebook, and Instagram. I post infrequently.

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

Facebook: [Redacted]

Instagram: [Redacted]

LinkedIn: [Redacted]

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

I post infrequently and have no objection to limiting or ceasing social media use if necessary.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) South Carolina Bar Leadership Academy Graduate (2022)
- (b) G. Dewey Oxner, Jr. Mentor of the Year Award, South Carolina Bar (2019)
- (c) Greenwood Leadership Graduate (2018)
- (d) Star Under 40 Award, Greenwood Chamber of Commerce (2015)
- (e) Phi Beta Kappa (inducted 2001)
- (f) Legislative Appointee, Board of Directors, Greenwood County First Steps (since March 2022)
- (g) Confirmed Communicant, Church of the Resurrection (Episcopal); Lay Reader (since 2005); Choir Member (since 2007); Delegate to Diocesan Convention (2021 to 2023 and 2013 to 2015); past Member of Rector Search Committee (2018 to 2019); past Senior Warden (2012); past Vestry Member (2010 to 2012)
- (h) Immediate Past Chair, Board of Directors, Greenwood Community Theatre (Chair, 2020 to 2022; Vice Chair, 2019; Member since 2015)
- (i) Board of Directors, Greenwood County Community Foundation (2015 to 2021)
- (j) Founding Member, Greenwood Women Care (2018 to 2022)
- (k) Volunteer Attorney Coach, High School Mock Trial Team (since 2013)

(l) Member, Kiwanis International (2010 - 2022)

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

As the daughter of a social worker and truck driver, I had little exposure to the legal world growing up. Nevertheless, my life experiences have prepared me in immeasurable ways to be a conscientious, courteous, compassionate, and committed judge.

“Hard work never killed anyone.” “If it’s worth doing, it’s worth doing right.” “Can’t never could.” These are some of my mother’s favorite phrases. My brother and I heard them all the time. Fortunately for us, my mother embodied these words in her own life, and we learned by her example.

My brother, older than me by only six months thanks to the gift of adoption, and I started kindergarten and graduated high school together. Our single mother working for DSS and our father, who was totally disabled by the time of our high school graduation, simply did not have the means to fund our college educations. So, I earned my college education through hard work and determination.

In high school I worked as a clerk at the local library and saved my minimum wage earnings. The summer before starting college, I kept my library job and added another waiting tables. Throughout college, I always worked at least one job, and most summers, I worked three. My jobs ran the gamut. I waited tables at three different restaurants, ran errands for two law firms, babysat, tutored student athletes, interned at an advertising agency, completed administrative tasks for a professor, and worked third shift at a radio station. When I walked across the stage at graduation, I had no student loan debt and a 3.95 GPA.

My mother learned the value of hard work from her parents. My grandfather worked multiple jobs to provide for his wife and five children. He started his own business, and steadily built a successful trucking company. My grandmother took care of their home and children and worked in her husband’s business as it grew. Neither of my grandparents had a college degree, but I am grateful that at least my grandmother lived long enough to be there when I earned mine.

My parents divorced when I was twelve, but even before they separated, my father worked late hours and my mother was the primary parent. I am blessed to have an extended family that love and care about me. A few of my fond memories include winning “best presentation board” in fifth grade because my uncle cut an interesting shape from wood onto which I glued facts and figures; learning from another uncle how to drive a manual transmission car on back country roads; and, moving in and out of every college apartment with help from yet another uncle. Two of my aunts worked as school librarians, and they introduced me to new worlds, adventures, and ideas through books. Another aunt embraced technology and taught me to use a computer. Another aunt and uncle beautifully play the piano and organ and inspired my love of music. And yet another aunt and uncle who met at a Mensa convention challenged me to critically analyze important issues. Finally, my aunt

and uncle who lost their son in 1984, and my other aunt and uncle who lost their son in 2012 exemplified compassion and strength of character.

Though none of them worked in the legal field, my family supported my dream of becoming a lawyer. They encouraged me, prayed for me, and kept my infant child while I commuted daily between Greenwood and Columbia during my last year of law school. Even though my family did not expose me to the legal field, there were events along the way that sparked my interest in the law.

A junior high school field trip to the Greenwood County Courthouse fascinated me. Writing a paper in high school about Sandra Day O'Connor and her ascension to the United States Supreme Court inspired me. Working for lawyers in college opened my eyes to the variety of areas in which a lawyer could practice. Helping my father, who had Multiple Sclerosis and was wheelchair bound the last ten years of his life, navigate legal, long-term care, and medical decisions taught me patience and further ingrained in me that all people, no matter their circumstances, deserve to be treated with respect and dignity.

Though I can never repay my family for all they have given me, I can pay it forward to the next generation. I give back to our community and the legal profession in various ways. For more than ten years, I have served as a volunteer coach for Greenwood High School's mock trial team. I serve on the boards of Greenwood County First Steps and Greenwood Community Theatre. I was honored to serve as a mentor to Daenayia Hudson through the South Carolina Bar's mentoring program, and then humbled to receive a 2019 Mentor of the Year award. There to celebrate the moment with me was my mother, sitting beside the Chief Justice of the South Carolina Supreme Court.

By example, my family taught me to be conscientious, courteous, compassionate, and committed. Just like an excellent judge, they paid attention and listened. They were patient, kept an open mind when I shared ideas and dreams, and encouraged my success. They knew that work worth doing was worth doing right. The life lessons I learned from them guided me through childhood, college, law school, and my career. I am grateful for them. All I learned from them, coupled with my broad, deep, and varied legal experiences, will serve me well as a Circuit Court Judge.

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

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

Signature: _____

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

(Notary Signature)

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