



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

Court, Position, and Seat # for which you are applying: Court of Appeals, Judge, Seat 9

1. Name: Ms. Whitney Boykin Harrison

Name that you are known by if different from above  
(Example: A Nickname):

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: Richland

Business Address: 1517 Hampton Street, Columbia, SC 29201

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]  
(office): 803.339.1864  
(cell): [Redacted]

2. Date of Birth: [Redacted] 1985  
Place of Birth: Columbia, 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? 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.

I have not served in the military.

6. Family Status:  
(a) State whether you are single, married, widowed, divorced, or separated.

Single

- (b) If married, state the date of your marriage and your spouse's full name and occupation.

Never married.

- (c) If widowed, list the name(s) of spouse(s).

- (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.

- (e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

No children.

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) Presbyterian College: Fall 2003 to Spring 2007, BA, cum laude;  
(b) University of South Carolina School of Law: Fall 2007 to Spring 2010, JD;  
(c) University of South Carolina: Summer 2004. I enrolled at the University for the limited purpose of taking a Spanish course to complete Presbyterian College's foreign language requirement.

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.

While attending USC School of Law, I took part in the following activities:

- (a) Student Bar Association (Vice President, 3L year; Treasurer, 2L year; Representative, 1L year);  
(b) Orientation Chair (3L year). In this role I implemented a service day during Orientation for all incoming students and the faculty, to introduce students to the Midlands, and expose them to pro bono and volunteer opportunities available at the law school. The ABA did a spotlight on these efforts in one of its publications. Service day has become a tradition of orientation since then;  
(c) Class Gift Chair (3L year);  
(d) Executive Faculty Committee, student member (2L & 3L years);  
(e) Peer Mentor (2L year);  
(f) John Belton O'Neal Inn of Court (3L year);  
(g) Law Clerk for SC Farm Bureau Insurance (March 2008 to December 2009).

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.

South Carolina: admitted on November 14, 2011. I took the bar exam three times.

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.

Upon graduating from law school, I clerked for the Honorable Aphrodite K. Konduros, on the South Carolina Court of Appeals. While working for Judge Konduros, I reviewed briefs and records in criminal, civil, family, workers' compensation, and administrative law cases; researched legal issues raised and wrote bench memoranda to assist the judges; presented my analysis and recommendations on my assigned cases to the appellate panel to help prepare them for oral argument; and assisted with the drafting of opinions.

In March 2013, I accepted a job in private practice, working for McGowan, Hood, Felder & Phillips, LLC (MHFP<sup>1</sup>) on anti-trust litigation, along with an agreement that I could establish an appellate practice overtime. During my first year, I worked primarily on class action litigation brought on behalf of the State through parens patrie, where I served as the primary associate for the team. Over the course of that year, I started handling my firm's appeals at the Supreme Court of South Carolina and South Carolina Court of Appeals.

From March 2014 to July 2015, I continued handling MHFP's appeals to the South Carolina appellate courts and assisted with appeals to the United States Court of Appeals for the Fourth Circuit and drafting a writ of certiorari to the United States Supreme Court. In total, I served as lead counsel on nine appeals and argued five times before our appellate courts during this period. Additionally, I worked with the named partners on medical malpractice cases and personal injury cases—assisting at every stage of litigation by drafting pleadings, arguing motions, and taking depositions, along with handling motions, jury charges, and witnesses at trial.

In Spring 2015, the Honorable Kaye G. Hearn invited me to clerk in her chambers at the Supreme Court of South Carolina. While unexpected, the opportunity to sharpen my appellate skills was significant, and I accepted the position with the conditions that before leaving private practice I could complete two milestones, already calendared: (1) try my first medical malpractice case; and (2) argue for the first time before the Supreme Court.

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<sup>1</sup> In 2021, my law firm's name changed to McGowan, Hood, Felder & Phillips, LLC. For consistency, I will refer to the firm with its current name throughout.

With both conditions met, in August 2015 I began clerking for Justice Hearn. At the Supreme Court, I worked on novel issues in every area of the law. I also had exposure to original jurisdiction cases, which provided an opportunity to work on cases involving elections, death penalty, utilities, and constitutional issues.

In August 2016, I returned to MHFP with a heightened desire to firmly establish myself as a name in appellate practice. As part of those efforts, I placed an emphasis on gaining as much courtroom experience as possible through motions practice and trial work to master procedural and discovery issues that are often addressed on appeal, while also increasing my appellate work. These matters included: medical malpractice, personal injury, civil rights, first amendment claims, and probate. During 2017, I began taking on appeals and trial work from other law firms while continuing to work with MHFP's trial teams for larger cases and complex appeals. Today, I continue to work under this rubric, which gives me the incredible ability to continually work on fascinating issues at trial and on appeal.

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.
- (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: 5%
  - (b) state: 95%
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: 75%
  - (b) criminal: 5%
  - (c) domestic: 15%
  - (d) other: 5% administrative.
14. During the past five years
- (a) What percentage of your practice was in trial court, including cases that settled prior to trial?
  - (b) What number of cases went to trial and resulted in a verdict? 25%
  - (c) What number of cases went to trial and resolved after the plaintiff's or State's case? 0 (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.
  - (d) What number of your cases settled after a jury was selected but prior to opening statements? 0%

My practice is unique. Generally, I am associated as co-counsel in trial court for two reasons: (1) a case is certain to go to trial or (2) a case includes a novel issue that will likely require an appeal—typically stopping a case after summary judgment or in the days leading up to trial (including the day or week before). I have tried multiple cases to verdict in circuit court and have arbitrated a case.

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

For trial matters, I served as co-counsel, where I typically handled motions and legal strategy, and during trial I handled motions, record preservation, and occasional examination of witnesses. In appellate matters, I served as chief counsel—regardless of whether I was co-counsel in the underlying matter or retained to handle the appeal.

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.  
(a) VC Summer Litigation (Lightsey v. S.C. Elec. & Gas Co., et al., Case No. 2017-CP-25-00335 & Cook v. S.C. Pub. Serv. Auth., et al., Case No. 2019-CP-23-06675).

This litigation stemmed from the abandonment of the VC Summer Nuclear Project (the Project) on July 31, 2017, by South Carolina Electric & Gas Company (SCE&G) and South Carolina Public Service Authority (Santee Cooper). Class counsel filed a lawsuit against the utility companies for their negligence and mismanagement of the Project.

In stark contrast to traditional utility law, the Base Load Review Act (BLRA), allowed SCE&G to charge customers for construction costs prior to service, i.e. providing electricity to be used by customers, from the new units. In total, SCE&G customers advanced over \$2 billion in financing costs at the time of abandonment. The determinative legal issue in this matter was the BLRA's constitutionality. At the hearing, I argued the BLRA was unconstitutional because it violated Article I, Section 22 of the South Carolina Constitution, which contains an express protection of the right of notice and an opportunity to be heard in administrative agency cases, as well violating the Fifth and Fourteenth amendments of the United States Constitution and the delegation doctrine.

Months after I argued this constitutional challenge, the circuit court issued instructions regarding anticipated rulings on the Class's constitutional arguments. These instructions provided the impetus for SCE&G to begin settlement negotiation. This case settled for almost \$2.2 billion—\$178 million in cash and \$2 billion in rate relief administered through the Public Service Commission.

As to Santee Cooper, the determinative legal issues were defining the duties owed to these customers. Generally, a utility company does not owe a duty to its customers regarding rates. Articulating a duty between the company and the customers was heightened because Santee Cooper is a state entity. Additionally, because of the Project's nature as a joint venture with SCE&G, it was necessary to craft a separate and distinct duty between SCE&G and Santee Cooper's customers. By arguing that Santee Cooper's customers were financing the project for Santee Cooper and in turn SCE&G, it provided an avenue to satisfy elements of both negligence theories.

In the weeks leading up to trial, where a jury would determine whether a duty existed, Santee Cooper moved to strike future damages, valued at nearly \$4 billion, as a means of limiting liability/recovery at trial. Santee Cooper and SCE&G argued that the

future damages were speculative. Following my argument that they were ascertainable, the Court agreed and found \$4 billion could be requested at trial. The case settled shortly thereafter. In total, the settlement provided for \$520 million in cash and \$510 million in rate relief.

(b) Kosciusko v. Parham, 428 S.C. 481, 836 S.E.2d 362 (Ct. App. 2019).

This appeal addressed whether South Carolina law permits issues relating to child custody and visitation to be submitted to binding arbitration without oversight from the family court or appellate review. I represented the mother, who argued that the family court did not have jurisdiction to enforce a custody arrangement decided in arbitration because allowing an arbitrator to decide custody violated multiple state laws—specifically, ones in which the General Assembly vested exclusive jurisdiction in the family court to determine issues with children—as well as court rules. This was a case of first impression and the Court of Appeals found that child custody may not be arbitrated. Two years later, the Supreme Court in Singh v. Singh, agreed and relied on this case’s reasoning and the mother’s arguments. 434 S.C. 223, 225, 863 S.E.2d 330, 331 (2021) (“[O]ur reading of the statutes and court rules is consistent with the analysis of the court of appeals in Kosciusko.”).

(c) Moore v. Stirling, 436 S.C. 207, 871 S.E.2d 423 (2022).

For the first time in almost thirty years, the Supreme Court granted oral argument to a habeas corpus petition in a death penalty case to address an issue of first impression. This case challenged the Court’s methodology for conducting a proportionality review on direct appeal. By way of background, following a death sentence in circuit court, the case is appealed directly to the Supreme Court. While addressing any merit issue raised by the defendant, the Court separately conducts a proportionality review as mandated by the General Assembly—one vested solely with the Supreme Court. Practically, the Court is charged with confirming the sentence is proportionate to the crime based on prior cases in the State. In interpreting this mandate, the Court previously decided it would only compare the case before it to cases where the death sentences were upheld.

My client challenged the Court’s limited comparison pool arguing that the pool invited only one outcome because of the pool’s limited size. The pool failed to account for cases with similar facts in which: a death sentence was not sought, a death notice was withdrawn, or a death sentence was not imposed—including consideration of the lesser sentences. In the absence of a rule change, my client contended that the Court was failing to carry out its statutory directive from the General Assembly. The Supreme Court agreed and modified its rule to allow a defendant to submit comparison cases that should be taken into consideration during its proportionality review.

(d) Gartrell v. Aiken Regional Medical Center, Court of Common Pleas, Aiken County, Civil Action No: 15-CP-02-0794.

My client became a triple-amputee as a result of medical negligence. After a two-week trial alongside MHFP partners, an Aiken County jury awarded a \$13.75 million verdict. In anticipation of a large verdict, I was invited to the trial team to preserve the record for appeal, handle motions and jury charges, and prepare for post-trial motions to sustain the verdict, including constitutional challenges to any reduction. In preparation for those constitutional challenges, I utilized primary documents from the 1700 and 1800s, and worked with historians and research librarians in the months leading up to trial. While this matter did not get appealed, this was the first case that blended my passion for complexity and novel law into the circuit court in anticipation of an appeal to the Supreme Court through original jurisdiction. Following this experience, I saw an avenue to practice in my own unique way.

(e) Shareholder Dispute (Andrews v. Broom, Op. No. 2018-002223, 2022 WL 539073, at \*1 (S.C. Ct. App. filed Feb. 9, 2022) Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015) (reversing Broom v. Ten State St. LLP, Op. No. 2015-UP-030 (S.C. Ct. App. filed January 14, 2015)).

This business dispute, spanning eighteen years of litigation and counting, involves a partnership dissolution with an assertion of a novel issue surrounding a minority shareholder, along with numerous issues involving preservation, statutes of limitations, and civil procedure. I have been involved with the case's two appeals to the Court of Appeals, two writs of certiorari to the Supreme Court, and a bench trial. Included within this lengthy litigation are a series of firsts for me: first appellate brief—Broom v. Ten State St. LLP, Op. No. 2015-UP-030 (S.C. Ct. App. filed January 14, 2015); first win at the Supreme Court—Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015), and my first bench trial.

Without getting too far into the procedural weeds or business disagreements, Mr. Broom has asserted since 2016 that the case was moot following his 2015 favorable Supreme Court's favorable ruling and remittitur. In 2018, Mr. Broom raised these arguments in a motion to dismiss before the trial court. The trial court disagreed and allowed the matter to proceed to a bench trial. At trial, Mr. Broom was successful on all but one claim, which he appealed. In 2022, the Court of Appeals agreed with Mr. Broom that it was an error of law for the trial to have occurred because the issues were moot on procedural grounds. The case is currently pending before the Supreme Court.

For me, this case highlights the importance of preserving a record on appeal and continually renewing arguments for appeal.

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) Rainey v. S.C. Dep't of Soc. Servs., 434 S.C. 342, 344, 863 S.E.2d 470, 471 (Ct. App. 2021);



- (b) Broom v. Ten State St., LLP, Op. No. 2015-MO-057 (S.C. Sup. Ct. filed Sept. 30, 2015); Andrews v. Broom, Op. No. 2018-002223, 2022 WL 539073, at \*1 (S.C. Ct. App. filed Feb. 9, 2022);
- (c) Sims v. Amisub of S.C., Inc., 414 S.C. 109, 110, 777 S.E.2d 379, 380 (2015);
- (d) Roddey v. Wal-Mart Stores E., LP, 415 S.C. 580, 583, 784 S.E.2d 670, 672 (2016);
- (e) Michael v. Michael, Op. No. 2016-001498, 2018 WL 1956476, at \*1 (S.C. Ct. App. Apr. 25, 2018).

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) Moore v. Stirling, 436 S.C. 207, 211, 871 S.E.2d 423, 425 (2022).
- (b) State v. Robinson, 438 S.C. 421, 426, 882 S.E.2d 883, 886 (Ct. App. 2023), reh'g denied (Feb. 9, 2023).
- (c)
- (d)
- (e)

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

No.

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

- (a)
- (b)
- (c)
- (d)
- (e)

20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) South Carolina, 2011;
- (b) US District Court for the District of South Carolina, 2013;
- (c) US Court of Appeals for the Fourth Circuit, 2014;
- (d) Supreme Court of the United States, 2016;
- (e) Admitted *pro hac vice* to the State of Ohio, 2020-2021.

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) September 19, 2017: I delivered Presbyterian College's Constitution Day speech, where I discussed the toolbox of rights and protections found in our constitution; afterwards I had Q&A with faculty and staff;
  - (b) June 14, 2018: I spoke at Palmetto Girls State about my experience with the practice of law;
  - (c) September 24, 2018; I spoke at the Honorable Michelle Child's Federal Court Mentoring Lunch regarding appellate practice—including briefing, motions practice, and oral argument preparation—with the Deputy Staff Attorney of the Court of Appeals and a fellow appellate practitioner;
  - (d) August 3, 2019: I was on a panel at the South Carolina Association for Justice (SCAJ) convention for the Consumer Protection Section CLE with co-counsel, an attorney from Office of Regulatory Staff, and a reporter from The State to discuss the VC Summer Litigation;
  - (e) November 20, 2019: I spoke again at Judge Child's Federal Court Mentoring Lunch regarding appellate practice.
  - (f) From January 2020 through May 2020, I was part of Cornell Law School's Clinical Program in connection with Moore v. Stirling. This weekly class was a hybrid of legal course work for law students and counsel meetings with Cornell faculty and students, fellows and staff attorneys from Justice 360, and other criminal practitioners;
  - (g) November 7, 2021: I spoke on a panel about civil litigation and appellate practice with two fellow practitioners and former appellate clerks for the Supreme Court and Court of Appeals' mentoring program;
  - (h) March 28, 2022: I taught a three-hour class on appellate practice and procedure in a South Carolina law survey course at Presbyterian College, which stemmed from the weekly constitutional law course I taught at Presbyterian College in Spring 2013;
  - (i) In June 2022, I spoke at Palmetto Girls State with the practice of law.
  - (j) August 5, 2022: I presented at the SCAJ convention for the Family Law Section—on supersedeas filings at the Court of Appeals and issue preservation;
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Incorporating Service Work Into Your Practice, South Carolina Young Lawyer, February 2011, Volume 2, Issue 2, p. 15. (Co-authored with Professor Amy Milligan of University of South Carolina School of Law).
  - (b) A Best Friend to All: A Tribute to the Honorable Tanya A. Gee; South Carolina Young Lawyer, December 2016, Volume 9, Issue 2, p. 3; The Docket, December 2016, Volume 10, Issue 10, p. 2; RICHBARNEWS, November/December 2016, p. 6.
  - (c) Inspired to Dream: Inspired to Give, PC Annual Report, July 2020, p. 19.

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) Respondent's brief for Kosciusko v. Parham, 428 S.C. 481, 836 S.E.2d 362 (Ct. App. 2019)—I was the primary author of this brief. Ranee Saunders edited this brief prior to its filing.
  - (b) Respondent's brief for Barras v. City of Myrtle Beach, Appellate Case No. 2017-001568 (this matter was argued, but settled prior to the issuance of an opinion). I was the primary author of this brief. Ranee Saunders edited this brief prior to its filing.

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.

From 2014 to 2021, I was listed as a Rising Star in Super Lawyers, and in 2022 I was listed as a Super Lawyer. Additionally, I have been listed by the National Trial Lawyers 40 under 40 on two separate occasions.

26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina Bar Association (2011 to present); involvement includes: Torts & Insurance Council (2018-2021); Practice and Procedures Committee (2020 to Present);
  - (b) South Carolina Bar Foundation Board (2018 to Present); involvement includes: Cole Committee Chair (overseeing scholarship donations for CLEs), Finance Committee member, and Grants Committee member (helping interview and propose awards of grants to non-profit organizations); South Carolina Supreme Court Historical Society Co-Chair (2018 to 2021);
  - (c) South Carolina Association for Justice (2016 to Present); involvement: Rules and Practice Chair (2018 to Present);
  - (d) South Carolina Women Lawyers Association (2020 to Present);
  - (e) Supreme Court Historical Society (2018 to Present); involvement: revived Supreme Court Historical Society as co-chair through Bar Foundation and now am a member under new framework;
  - (f) Supreme Court Common Pleas Docketing Committee (2017 to Present);
  - (g) American Association of Justice (2022); 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.
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

In November 2022, I was found qualified and nominated by JMSC for the Court of Appeals, Seat 2. Prior to election in February 2023, I withdrew.

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 am the single member of Whitney Boykin Harrison, PA, LLC, which was established in 2020 in connection with my work with McGowan, Hood, Felder, & Phillips, LLC.

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.

I am a member of three groups (SC Bar, SCAJ, and AAJ) that employ lobbyists and act as lobbyist's principals.

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

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

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

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

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

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?

- (a) \$98.40, metered postage for introduction letters, May 16, 2023;
- (b) \$40.51, paper and envelopes for introduction letters, May 16, 2023;
- (c) \$170.24, palm cards included with introduction letter and additional copies for later use, May 11, 2023; and
- (d) \$\$133.44, additional cards to be used throughout the race, June 8, 2023.

On June 13, 2023, I sent letters to both the House and Senate Ethics Committees reporting my expenditures—a copy of which was sent to Erin Crawford, as well.

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.

- (a) The Honorable Vincent Sheehan—I made a \$1,000 donation on April 9, 2020;
- (b) The Honorable Vincent Sheehan— my LLC made a \$1,000 donation on June 12, 2020;
- (c) The Honorable Gerald Malloy—I made a \$1,000 donation on March 28, 2019;
- (d) The Honorable Gerald Malloy—my LLC made a \$960.50 donation on March 27, 2020;
- (e) The Honorable Luke Rankin—I made a \$1,000 donation on July 22, 2021;
- (f) The Honorable Gil Gatch— I made a \$100 donation on June 9, 2020; and a \$1,000 donation on March 4, 2023.
- (g) The Honorable Max Hyde—I made a \$200 donation on June 11, 2018;
- (h) The Honorable Cody Mitchell—I made a \$1,000 donation on April 29, 2022.
- (i) The Honorable Tommy Pope—I made a \$1,000 donation in March/April 2023 (the date has not been posted on the State’s campaign reporting spreadsheet as of June 13, 2023).

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.

While I do have various investments through my brokerage accounts, those investments are made by way of mutual funds based on generalized types of stock and levels of risk, not by a particular company. If a potential conflict arose either through my affiliation with my broker or ownership of particular stocks, I would recuse myself. See Cannon 3 E, Rule 501, SCACR.

As to business relationships, I currently serve on the Board of Trustees for Presbyterian College, and it would be a conflict of interest for me to address any matter that involved the college while I serve on the Board. I would disqualify myself from hearing any matter during my Board service whether the college’s involvement was direct, like a contract dispute, employment issue, workers’ compensation, Title IX, etc., or passive, if the college has an established interest in the outcome of a matter that could reasonably call into question my impartiality. See Cannon 3 E, Rule 501, SCACR.

Beyond serving as a Trustee, my involvement with the college has been well-publicized for many reasons, including my major gift and Belk Auditorium’s stage being named in my honor. Separate from my service on the Board of Trustees, I would disqualify myself from any matter that directly involved the college because I believe my impartiality might reasonably be questioned. See Cannon 3 E, Rule 501, SCACR.

Beyond these conflicts, I would disqualify myself in any case in which a concern arises about my impartiality.

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.

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.

Not applicable.

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.

Not applicable.

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

(a) On July 26, 2009, I received a speeding ticket for \$180 from the City of Greeleyville.

There is no question I learned the hard way to watch the speed limit signs driving home from the beach on back roads.

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.

No.

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.

My law firm has malpractice insurance and I have been covered both times I have been employed by the firm. The deductible is \$50,000 per claim and the policy limits are \$3,000,000 per claim with an aggregate of \$6,000,000. 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.

Since becoming a candidate, I have not requested any third parties to contact members. As part of my campaign efforts, I have sent letters of intent and palm cards to introduce myself and spoken with members. At this time, I have not asked anyone to campaign on my behalf. I intend on attending delegation meetings in the coming months.

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) Bob Staton  
[Redacted]

(b) Brooklyn A. O'Shea  
[Redacted]

(c) Marti Bluestein  
[Redacted]

(d) Chris Koon  
[Redacted]

(e) Michael Anzelmo  
[Redacted]

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

Yes.

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

(a) Facebook: [Redacted]

(b) Instagram: [Redacted]

(c) Twitter: [Redacted]

(d) 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?

My social media usage would not be affected if elected. I was first subject to the judicial canons in 2010 as a law clerk and have viewed those parameters as best practices since that time. I primarily use Facebook and Instagram, to view pictures of family and friends, as well as occasionally share pictures. While I maintain Twitter and LinkedIn accounts, my use is passive at best. I have not posted on Twitter since April 2011 and have never posted on LinkedIn.

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.

Current Involvement

(a) Presbyterian College Board of Trustees

(b) Downtown Church (PCUSA)

(c) Historic Columbia

Past Involvement:

- (a) SC Appleseed Board Member
- (b) Femex Columbia

Awards/Recognition:

- (a) SC Bar's Trial and Appellate Advocacy Award;
- (b) Presbyterian College's Young Alumna Award;
- (c) 20 under 40, The State;
- (d) Best and Brightest: 35 and Under, Columbia Magazine;
- (e) William Plumer Jacobs Society Member.

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

I love a courtroom podium. It's where I have always felt most at home in this profession. The law comes alive during an argument when I am peppered with hypotheticals and nuanced questions to test the strength and veracity of my arguments. It's in those moments that the courtroom becomes my stage as I am pushed by the ticking appellate clock to prioritize and persuade seamlessly while balancing the bench's questions. I generally dislike discussing myself and resist a spotlight—a truth I felt with force as I answered the last fifty-seven questions. But in a courtroom, it's never about me. I stand front and center, giving voice to issues that need to be squarely addressed. When I leave court, I know I have given it my all, using my time and talents to make a difference—living out my definition of service.

I grew up with parents who made service an organic part of our family. From hosting Cub Scout meetings in our living room every Monday night for nearly six years to volunteering with every clean-up project, ticket table, or random event that needed more hands, we were there ready to serve. It was instilled in me that when you care about your community you show up—wherever and however you can.

This emphasis on making service a daily practice is what drew me to Presbyterian College, whose motto “while we live, we serve” continues to inspire me twenty-years later. There, my mentor, former PC President Dr. John V. Griffith, often brought our conversations about life and my future back to a paraphrased verse in Deuteronomy, stating: “we are heirs of cities we did not build.” His point being that with our grand inheritances comes a responsibility to serve our communities using our unique gifts to ensure that those who follow us will receive not only the same, but better. I left college anticipating that the law would be my vocation and my path to serve.

As you read in my application, my path had obstacles including having to take the bar exam three times. There were moments when I questioned if I would ever practice law. And even after I was admitted, I was certain my bar failures would be a shameful embarrassment that would follow my career—a blemish used to size up my intellect and

talent. Yet, with the passing of time, I have come to see that experience for what it really is: a sign of my strength and determination.

During the fall of my 3L year, I was diagnosed with cancer. I underwent surgery to prevent melanoma from spreading, which involved the removal of a grapefruit-size mass. I declined doctors' advice to take leave from school and returned to law school hooked to a machine with tubes coming out of my clothes. There was nothing normal about the rest of that school year (or the year that followed). But I adapted because I had three goals I was determined to accomplish: finish school, deliver our class speech at graduation as planned, and pass the bar exam that October—almost a year from the date of my diagnosis.

I achieved the first two goals—walking across the graduation stage with my classmates and delivering a speech on service. But it took an extra year of studying when I was not working at the Court of Appeals or focused on healing, to pass the bar exam.

Trusting my inner voice that reminded me “I am strong enough to try” despite the pressure to do otherwise was the most significant decision I will likely ever make. There is no question there were challenging, humbling, and downright awful days that occurred as I faced setbacks both personally and professionally. Yet, those are the days that profoundly shaped me, giving me the perspective that I want a lifetime of days filled with purpose and meaningful service. This, in turn, sharpened my drive and forced me to try harder, embracing late nights and early mornings to fully commit to a task at hand. I learned I am not afraid to be an outlier and the value of following my own compass and its passions. Those two years of choosing to try rather than accepting defeat made me a better lawyer and a better servant.

It is still that inner voice that boldly guides me in all aspects of life. In the law, it has encouraged me to take on challenging novel issues and remain unwavering in my advocacy. In so doing, I have represented South Carolinians from all walks of life including: a businessman, an injured DSS worker, a single mother fighting for her kids, a child abandoned by his family, a utility customer, a triple amputee, a man on death row, and so many others. My vocation has become my service—with an unassailable conviction and stronger confidence than I could have anticipated.

As I look forward and consider my responsibility as an heir to our State, I believe my legal talents and experiences have uniquely prepared me to serve on the Court of Appeals. Although I will undoubtedly miss my beloved podium, I know serving on the bench offers more opportunity to build on our jurisprudence for the betterment of our heirs, which after everything remains my goal.

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: \_\_\_\_\_