



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

Court, Position, and Seat # for which you are applying:

1. Name: Mr. Jason Phillip Luther

Name that you are known by if different from above
(Example: A Nickname): None

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: South Carolina Department of Revenue
300A Outlet Pointe Blvd
Columbia, South Carolina 29210

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): 803.898.5785
(cell): [Redacted]

2. Date of Birth: [Redacted] 1980
Place of Birth: Minneapolis, Minnesota
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

6. Family Status:

Married on October 2, 2010 to Emily Suzette Luther. Emily is an attorney with Parker Poe Adams & Bernstein LLP. Never divorced, three children.
[Redacted]

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

| | | |
|----------------------------------|-----------|------------------|
| (a) Covenant College | 2000–2004 | BA in History |
| (b) Oxford University | 2004 | Exchange student |
| (c) University of South Carolina | 2006–2009 | Juris Doctor |

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 (2007–2009)
- (b) Editor in Chief, South Carolina Law Review (2008–2009)
- (c) Moot Court Bar (2007–2009)
- (d) J. Woodrow Lewis Moot Court Competition, winner (2008)
- (e) Mark Blicke Award for Appellate Advocacy (2008)
- (f) Blackstone Legal Fellowship (2007, 2009)
- (g) Executive Board, National Conference of Law Reviews (2008–2009)
- (h) John Belton O’Neill Inn of Court – student member (2008–2009)
- (i) Claud Sapp Award for leadership, scholarship, and industry (2009)
- (j) Phi Delta Phi Law Fraternity (2006–2009)
- (k) Order of the Wig and Robe (2009)
- (l) CALI Award for Civil Procedure I
- (m) South Carolina Student Chapter of the Federalist Society
- (n) Student Bar Association Peer Mentor Program
- (o) “Learned Band” – USC Law School’s unofficial cover band (2008–2009)

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.

- (a) South Carolina, 2009 (took the bar exam once)

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 2009 to 2010, I was in private practice with Nelson Mullins Riley & Scarborough LLP in Columbia. I worked primarily on a team that handled commercial litigation and business torts, with a focus on franchise & distribution litigation. However, because of my interest in appellate practice, I also had the opportunity to brief an appeal to the

United States Court of Appeals for the Fourth Circuit and work on an amicus brief to the United States Supreme Court. No administrative or financial management.

- (b) From August 2010 to August 2012, I served as a judicial law clerk to the Honorable Dennis W. Shedd, United States Court of Appeals for the Fourth Circuit. While clerking for Judge Shedd, I reviewed briefs and records in a variety of different appeals, including criminal, civil, employment and labor, energy and utilities, environmental law, finance and banking, immigration, taxation, insurance, construction, intellectual property, government contracts, products liability, administrative law, civil rights, family law, etc. For each appeal, I researched legal issues and prepared bench memoranda for Judge Shedd, assisted him in preparing for oral arguments, attended oral arguments during each term of court in Richmond, VA, and drafted opinions. No administrative or financial management.
- (c) After completing my judicial clerkship I returned to private practice to work for Murphy & Grantland, P.A. from September 2012 to May 2017. There, I was primarily a civil litigator focusing on general commercial and business litigation, insurance defense and coverage matters, and any appellate matters that arose out of my civil litigation practice. This included appeals both at the South Carolina Court of Appeals and the United States Court of Appeals for the Fourth Circuit. No administrative or financial management.
- (d) In May 2017, I accepted a job as the General Counsel for Litigation at the South Carolina Department of Revenue. In that role, I served as Deputy Director and the managing head of the litigation division, providing senior leadership, oversight, and direction on all legal matters impacting the agency, including civil and administrative litigation and criminal tax prosecutions, bankruptcy, and foreclosures. I also provided general legal advice and counsel on a variety of matters including Freedom of Information and alcohol beverage licensing. One of the reasons I chose to leave private practice and join the Department was because it presented a unique opportunity to be involved in more appellate work, and especially appeals that dealt with novel legal and constitutional issues. This job has not disappointed; since joining the Department six years ago I have had an active role in over 30 appellate matters at the South Carolina Court of Appeals or Supreme Court, as well as one matter at the United States Court of Appeals for the Fourth Circuit. No financial management.
- (e) In the summer of 2020, the Department of Revenue restructured and consolidated all of its legal services and functions in a single, centralized Office of General Counsel. My title changed to Chief Legal Officer. My duties also expanded to include oversight of the Department's Appeals Section, as well as advice and counsel on matters related to high-balance collections, contracts and procurement, and agency policy on wide-ranging tax, regulatory, and administrative law issues.

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.
 - (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: Infrequent. There was one case, CSX Transportation, Inc. v. S.C. Dep't of Revenue, 959 F.3d 622 (4th Cir. 2020), that was litigated and tried in federal court prior to my joining the Department. The Fourth Circuit vacated and remanded the case to the district court. I appeared as co-counsel in the remanded proceedings, a

second appeal to the Fourth Circuit, and subsequent reversal and remand to the district court, all of which occurred between 2017–2020.

(b) state: Frequent. The majority have been at the Administrative Law Court, with some Circuit Court and appellate court appearances.

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: 15%
- (b) criminal: 0%
- (c) domestic: 0%
- (d) other: 85% (administrative cases)

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

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

My practice at the Department of Revenue is unique. Our Office of General Counsel handles hundreds of administrative appeals, criminal cases, and civil matters each year. As Chief Legal Officer, I have supervisory responsibility for all of these cases, in addition to other non-trial legal matters.

I serve as co-counsel on many of the administrative cases, although my level of involvement varies widely depending on the complexity and policy implications of the case. In the majority of cases, my involvement is limited primarily to assisting with developing case strategy and reviewing significant pleadings and filings. I am more involved in the complex or significant matters, including actively participating in the discovery process and serving as part of the trial team. My other non-litigation duties as Chief Legal Officer prevent me from handling a full litigation caseload, but I do maintain a small caseload in which I serve as sole counsel or chief counsel. I am typically chief counsel on all circuit court matters. On the appellate matters where I am not the chief or sole counsel, I am heavily involved in the brief-writing process and conducting moot court sessions to prepare our attorneys for oral argument. We have a Special Assistant Attorney General in our office that has primary responsibility on all criminal matters; I supervise this attorney and we frequently collaborate on prosecution strategy.

With that as background, I would estimate that during the past 5 years approximately 50% of my practice has been in trial court, 20% has been on appellate matters, and 30% has dealt

with other non-trial matters. Nearly all of the Department's cases are non-jury contested case hearings (trials) in the Administrative Law Court, and therefore do not result in a jury verdict. To the best of my knowledge, in the past five years our criminal prosecutor has had four jury trial verdicts—three in favor of the State—and one case in which the defendant pled guilty after the first day of 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) Dominion Energy South Carolina, Inc. f/k/a SCE&G v. South Carolina Department of Revenue, Docket No. 19-ALJ-17-0170-CC.

This contested case hearing at the Administrative Law Court (ALC) arose out of South Carolina Electric and Gas Company's (SCE&G) abandonment of the two-unit nuclear project at the VC Summer Nuclear Station. The issue was whether SCE&G owed sales and use tax on all of the materials and equipment it had purchased tax-free during construction of the project, even though the project was never completed or operational. Ultimately, after several years of administrative appeals and litigation, we negotiated a settlement with Dominion Energy.

The case was significant for a number of reasons. The settlement allowed the State to recover \$165 million for the tax revenues it had foregone during the construction of the project. We also capitalized on a rare opportunity and negotiated for Dominion to transfer four unique and desirable properties to the State as part of the settlement amount. As a result, Ramsey Grove (a 2,600 acre planation in Georgetown County); Misty Lake (191 acres in Aiken County); and Pine Island (27 acres) and Bundrick Island (94 acres) (both islands are on Lake Murray in Lexington County) will become new state parks or public lands that all South Carolinians will be able to enjoy for generations to come. I am grateful to have played a small part in this piece of South Carolina's history.

(b) Richland Cty. v. S.C. Dep't of Revenue, 422 S.C. 292, 811 S.E.2d 758 (2018).

I was lead counsel in the "second half" of a case involving Richland County's expenditure of certain sales and use tax revenues, commonly known as the "Penny Tax." When I joined the Department in May 2017, the case had already proceeded through Circuit Court and was pending at the Supreme Court. After the Supreme Court issued its opinion in March 2018, there was over three years of subsequent litigation on remand to the Circuit Court (including an audit that was conducted in conjunction with discovery), as well as a companion case that Richland County filed in the Administrative Law Court. We also filed an amicus brief in a separate appeal that also dealt with Richland County's and the Central Midlands Regional Transit Authority's (CMRTA) use of penny tax revenues. Ultimately, in July 2021 we reached an agreement with Richland County and CMRTA that brought to a final conclusion a very public dispute that had been ongoing for over six years.

This case was significant because it established, as a matter of first impression, the Department's authority to review and audit a local government's use of penny tax funds. The case also resulted in the County and CMRTA reimbursing the penny tax program for improper expenditures, and led to the development of a uniform standard (Guidelines) to be applied to all local governments to ensure that transportation penny tax funds are spent only on transportation-related projects, in compliance with state law.

(c) Clarendon County et al. v. South Carolina Department of Revenue and Farmers Telephone Cooperative, Inc. et al., Docket No. 17-ALJ-17-0237-CC; Appellate Case No. 2020-000983.

This contested case hearing at the ALC dealt with the interpretation of S.C. Code § 12-37-220(B)(10), which provides a property tax exemption to any property of a rural telephone cooperative that is "used in providing rural telephone service." There were a number of issues in the case, but the primary dispute centered on whether the exemption extended to property used to provide rural *wireless* telephone service, or only rural *landline* telephone service. The ALC's final decision agreed with the Department's position that wireless assets qualify for the exemption, at least partially. During the pendency of the appeal at the Court of Appeals, the General Assembly amended section 12-37-220(B)(10) to clarify the exemption applies to modern facilities and technology as well as dual-use assets/property. This clarification confirmed the Department's interpretation of the exemption. As a result of the amendment, the counties and telephone cooperative reached a settlement, and the appeal was dismissed.

This case was significant to me because it concerned important issues relating to the provision of affordable and accessible telephone service in underserved rural areas, with implications for things like rural internet and broadband access. It also exposed me to many of the unique aspects of ad valorem property taxes and the interplay between the Department and counties concerning assessment and taxation of property in the state.

(d) Grange Mutual v. 20/20 Auto Glass, Unpublished Opinion No. 2019-UP-419 (Dec. 31, 2019).

This case dealt with whether a unilateral contract is created when an auto glass repair company performs repair services after being told that performance constitutes acceptance of the offer to pay a certain amount for those services. I was sole counsel on this case through the bench trial; the trial court ruled in my client's favor. After the other party appealed and shortly before our brief was due at the Court of Appeals, I took a job with Department of Revenue and had to withdraw as counsel in this case. One of my former colleagues did a wonderful job handling the appeal. The Court of Appeals affirmed the trial court; after holding oral arguments, the Supreme Court dismissed the writ as improvidently granted.

The case was significant for at least two reasons: first, this same issue was being litigated around the country, and courts in other jurisdictions had diverged on how to resolve this particular unilateral contract issue. Second, the case had statewide implications relating to

contract formation, and was the first time the Court of Appeals had addressed this issue since deciding S. Glass & Plastics Co. v. Kemper, 399 S.C. 483, 732 S.E.2d 205 (Ct. App. 2012), which dealt with a similar scenario as a matter of first impression.

- (e) Sidney Edwards Graham as Personal Representative of the Estate of Darrell Wayne Graham v. Allied Barton Security Services, LLC, et al., Civil Action No. 2015-CP-26-0426.

This case arose out of the drowning of a plastic surgeon at Broadway at the Beach (Myrtle Beach, SC). The decedent's wife brought a wrongful death and survival action against a number of defendants alleging theories of premises liability and negligence. My client had contracted with the property owners to provide security services at Broadway at the Beach. The plaintiff alleged my client had contributed to the decedent's death by failing to provide a reasonably safe premise and permitting the decedent to become inebriated on the property and drown in the lake.

I handled a number of litigation matters for this particular client and considered all of their cases to be important, but this case was especially important to them and therefore significant to me. The circumstances were tragic, but the case presented a number of unique factual issues and novel legal questions, including the extent to which a private security company owes a duty to monitor intoxicated patrons, and whether the attractive nuisance doctrine extends to adults. Unfortunately, the court never had an opportunity to answer those questions; we litigated the case for 2 years but it settled shortly after I filed a motion for summary judgment. Nevertheless, it remains one of the more memorable and interesting matters that I have handled.

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) Aiken v. South Carolina Department of Revenue, 429 S.C. 414, 839 S.E.2d 96 (2020).
- (b) Greenville Hospital System v. South Carolina Department of Revenue, Op. No. 2020-UP-065, 2020 WL 1170173 (S.C. Ct. App. filed Mar. 11, 2020).
- (c) Cramer v. Nat'l Cas. Co., 690 F. App'x 135, 2017 WL 2333591 (4th Cir. 2017). Personally handled briefing at trial level and on appeal, did not argue appeal.
- (c) Pennsylvania National Mutual Casualty Insurance Company v. Lewis, 650 Fed. Appx. 159 (4th Cir. 2016). Personally handled litigation and tried the case with co-counsel; personally handled appellate briefing, did not argue appeal.
- (d) Lytle v. BI-LO, LLC, Op. No. 2015-UP-027, 2015 WL 164323 (2015). Personally handled briefing, did not argue appeal.

I am currently lead counsel on three cases pending at the Court of Appeals that are on the preliminary list for the September or October 2023 terms: Synovus Bank v. SCDOR, Appellate Case No. 2020-000999; Duke Energy Corporation v. SCDOR, Appellate Case No. 2020-001542; and Lowe's Home Centers, LLC v. SCDOR, Appellate Case No. 2021-000031. I am also co-counsel on four other cases pending at the Court of Appeals and three at the Supreme Court.

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.

None. All of our criminal appeals are handled by the Attorney General's office. We have had one criminal appeal involving felony tax evasion during my time at the Department, see State v. Hughes, 2018 WL 679482 (S.C. Ct. App. Jan. 24, 2018).

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, 2009;
- (b) US District Court for South Carolina, 2010;
- (c) US Court of Appeals for the Fourth Circuit, 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.

I do not keep a list of speaking engagements, but these are the instances I have been able to recall to the best of my recollection:

- (a) I served as judge for USC School of Law's annual Kate Bockman Moot Court competition on numerous occasions since 2012
- (b) State and Local Tax Case Law Update, 2018 Annual SC Bar Convention
- (c) Update from the SCDOR, Council on State Taxation Southeast Regional State Tax Seminar (April 2018)
- (d) Top 10 Things OGC Learned at SCDOR, 2019 Annual SC Bar Convention
- (e) I was a panelist for a USC School of Law panel re: careers as an in-house attorney
- (f) Beware – the Taxman Cometh, 2020 Annual SC Bar Convention
- (g) I participated in an Alcohol Laws and Regulation Education Seminar with SLED and Columbia Police Department
- (h) State and Local Tax Case Law Update, 2021 Annual SC Bar Convention

- (i) OMG, I'm being audited! What do I do now?, recorded CLE as round table panelist for South Carolina Administrative and Regulatory Law Association seminar (December 2021)
 - (j) State and Local Tax Case Law Update, 2022 Annual SC Bar Convention
 - (k) SALT Seminar, hosted by Nexsen Pruet (January 2022)
 - (l) The Twelve Days of Taxmas, 2023 Annual SC Bar Convention
 - (m) I presented at the SALT Seminar - South Carolina Association of CPAs, hosted by Nexsen Pruet (February 2023)
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) A Tale of Two Cities: Is *Lozano v. City of Hazleton* the Judicial Epilogue to the Story of Local Immigration Regulation in Beaufort County, South Carolina?, 59 S.C. L. REV. 573 (2008).
 - (b) Reflections on Professionalism: A Student Perspective, S.C. YOUNG LAW., February 2009 (Vol. 1, Issue 2)
 - (c) Peer Review as an Aid to Article Selection in Student-Edited Legal Journals, 60 S.C. L. REV. 959 (2009) (co-authored with John P. Zimmer)
 - (d) South Carolina Nonprofit Corporate Practice Manual (3rd Ed., forthcoming), contributing author/editor for chapter dealing with state taxes
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)
25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- I do not recall ever seeking a rating from Martindale-Hubbell. I was selected as a Rising Star by the South Carolina Super Lawyers publication in 2014, 2016, and 2017.
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 (2009 to present)
 - (b) Torts and Insurance Practices Section Council (approximately 2015–2017)
 - (b) Richland County Bar Association (2009 to present)

(c) South Carolina Administrative Law Court Rules Committee (2022 to present)

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.

I have never held public office. I currently serve as a Deputy Director and Chief Legal Officer at the Department of Revenue; in this position, I am required to file an annual report with the State Ethics Commission, which to my knowledge I have timely filed each year.

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

N/A

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

No.

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

- (a) Co-founded and helped manage a roofing business in Florida (Meyer's Pride Construction, LLC) from 2005 to 2006.
- (b) Paralegal and office manager for sole practitioner (James L. Henry, Attorney at Law) in Chattanooga, TN from 2004 to 2005.
- (c) Waited tables at the Tortilla Factory restaurant in Chattanooga, TN during summer of 2003.
- (d) Worked at Enterprise Rent a Car cleaning vehicles, moving vehicles between locations, and picking up customers during the summer of 2003.
- (e) Night shift manager at Chick-Fil-A from 2000 to 2002, primarily during summers and in between college semesters.
- (f) Project assistant at Nexsen Pruet in Columbia, SC during summers of 2001 and 2002.
- (g) Worked for Green Earth landscaping company on a lawn service crew during the summer of 1999.
- (h) I had several internships, primarily during high school, but these were not full-time occupations.

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

No.

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

No.

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

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

A 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?

(a) \$95.07; paper, envelopes, and labels for introduction letters; July 6, 2023.

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

N/A

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

No.

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

None.

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.

In late 2021 the sewage line from our house to the street collapsed, which required us to dig up and replace the entire line. As part of that repair project, the City of Columbia came and installed a "clean out" near to where our sewage line connects to the City's main line. Part of this improvement was on property that adjoins our property and may be city-owned. I do not know the cost of this improvement, but I would estimate it was likely more than \$200.

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.

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.

None.

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.

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.

N/A

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. I have not campaigned for this election; I do intend to send a letter of introduction to the appropriate members of the General Assembly as permitted under Commission Rule 24.

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) W. Hartley Powell, Esquire
[Redacted]
- (b) Ray Jones, Esquire
[Redacted]
- (c) Rick Reames, Esquire
[Redacted]
- (d) Ken Wingate, Esquire
[Redacted]
- (e) Derek A. Shoemake, Esquire
[Redacted]

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

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

- (a) Instagram – [Redacted]
- (b) Twitter – [Redacted]
- (c) 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?

If I were elected, my use of social media would largely be unaffected. I use Instagram primarily to keep up with family and friends (i.e. viewing and sharing photos), and Twitter as a news aggregation resource. Occasionally, I will “like” or “retweet” news articles, most often to highlight or promote positive items about our state and local

community. Early in my legal career I created a LinkedIn account, but I do not actively maintain it.

Regardless of my purpose for using social media, if elected I would abide by the same ethical considerations and canons found in the Code of Judicial Conduct that apply to in-person statements, to wit: not commenting on pending matters, and acting at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge should be mindful of how the public may perceive social media activity, so I would exercise caution and restraint to ensure any statements or posts I might make on social media do not cast doubt on my capacity to act impartially as a judge, demean the judiciary, or constitute prohibited political commentary.

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 Law Review Association, Board Member
- (b) Junior Achievement of Greater South Carolina, Midlands District Board Member
- (c) First Presbyterian Church, Elder (Columbia, SC)
- (d) Historic Columbia, Palladium Member
- (e) South Carolina Philharmonic Conductor's Cabinet
- (f) 20 Under 40 (The State Newspaper)
- (g) Leadership Columbia, Class of 2017
- (h) South Carolina Executive Institute, Class of 2023
- (i) School Improvement Council, Brennen Elementary (2022–2023)
- (j) I also volunteer as a coach for each of my sons' teams in the Palmetto Baseball League and Christian Youth Basketball League.

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.

My first trial experience was at age 14; my first appellate argument came three years later. Both of those experiences changed the trajectory of my life.

The trial involved a friend of my father, who was the plaintiff and represented (pro bono, as I recall) by Rep. Terry Haskins, later the Speaker pro-tempore of the South Carolina House of Representatives. I come from a family of non-lawyers and did not understand most of the technical aspects of the trial. But that experience is what motivated me to pursue law. More importantly, I was inspired by Rep. Haskins' example of public service.

The appellate argument was part of a high school moot court competition, and I argued the final round in the Supreme Court of Georgia. Even as a teenager, I found in appellate

advocacy the perfect intersection of my personality, abilities, and interests. Appellate practice remains the most rewarding and satisfying element of my law practice.

I am mindful of the many people who have supported, guided, and invested in my personal and professional development. I am grateful for those individuals; along with various life experiences, they have taught me valuable lessons, shaped my character and worldview, and given me unique perspectives—all of which will undoubtedly influence the type of judge I will be.

For example, as a byproduct of growing up the oldest of six children, when making decisions I typically consider all sides of a situation while remaining open to different ideas and viewpoints. My working class grandparents taught me the virtues of industriousness and selflessness. My parents (career missionaries) instilled in me a love for learning and self-development, and challenged me to find my purpose through serving others. I believe these are important traits for a judge.

Through a variety of internships, fellowships, my study of history in college, and a judicial clerkship I developed a profound appreciation for the exceptional nature of democracy in America and the role of our courts within our constitutional frameworks—both federal and state. I believe judges are duty bound to preserve and uphold our first principles like the rule of law and separation of powers, and that the province and duty of the judiciary is to say what the law is, not what it should be.

Life experiences—legal and non-legal—will undoubtedly affect my perspective as a judge as well. I have enjoyed a diverse practice: state and federal, jury and non-jury, trial and appellate, administrative and civil and criminal. I appreciate the immense time and effort that goes into presenting an effective appeal; I have also seen what it takes for the judge to be equally prepared, informed, and willing to engage (and actively listen). I understand the challenges unique to working in a firm representing multiple clients, or in-house with one organizational client. As general counsel for a state agency, I have gained experience in deciding specific controversies or issues against a backdrop of precedent and longstanding administrative practice—always with an eye on the long-term ramifications of each particular decision. Starting a roofing business in the aftermath of hurricane Wilma also gave me a glimpse into the world of entrepreneurship and small business. That experience regularly motivates me to ensure that our government works best for its constituents by being timely, responsive, and efficient.

It is said that to whom much is given, much is required. Throughout my career, I have tried to steward the talents entrusted to me and honor those who have invested in my life by working diligently and zealously for my clients and community. To pay it forward, in a sense. It would be a tremendous privilege and honor to serve my fellow citizens and our State as a judge on the Court of Appeals.

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: _____