



Martha M. Rivers Davisson

2nd Judicial Circuit, Seat #2

**AMENDMENT TO PERSONAL DATA QUESTIONNAIRE**

**July 31, 2023**

**Amending the next to final paragraph of this answer to strike the term “mass tort” to wrongful death and other grammatical changes. I have pasted the entire response here with that change. Please replace the response to number 11 as follows:**

11. Please answer the following:

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

My first job was as a law clerk to a circuit court judge. I then began working at a small law firm, primarily for the local criminal defense lawyer in the Second Judicial Circuit. I assisted in preparing and defending clients with him for three years. For a multitude of reasons, we held trials during almost every term of court. Therefore, I quickly became experienced at researching case law, interviewing defendants, and assisting in felony trials from the beginning of my career. Being a small county and small town, I learned a respect for law enforcement, the judicial process and the families of both the victims and the defendant.

Until last year, I maintained a contract with the South Carolina Office of Indigent Defense and was appointed criminal cases through the public defender’s office. Typically, these cases involved burglary, armed robbery, murder, and drug offenses. As the defense attorney, I collected and reviewed discovery

information, attended preliminary hearings, filed and argued motions before the court, negotiated and attended pleas in criminal court and represented clients in trials. With the COVID protocols, the number of trials held within the past five years has been limited. I did not renew my contract in June 2022.

In my career, I have represented defendants in felony and non-felony arrests that involve violent and non-violent crimes. The last criminal cases I handled involved the identification issues for a murder on a store camera recording. The defendant had also stated to multiple people in the legal system that he did not intend to shoot the victim. Had the trial proceeded, the issues of the case would have been malice aforethought and specific versus general intent. I also represented a gentlemen accused of multiple break ins and thefts while potentially using illicit drugs. The multiple arrests presented a challenge in determining potential pleas and sentencing issues. The alleged drug use also presented challenges to his ability to assist in his defense. As a criminal defense attorney, I have represented persons in cases involving Driving Under the Influence, Armed Robbery, Murder, Possession of drugs, Possession of Firearms, Firing into a Dwelling, Trafficking in drugs, Possession with Intent to Distribute, and/or Assault and Battery (of various degrees and offenses).

As a small town general practitioner, I have also maintained a civil practice. My civil practice has primarily been plaintiff's oriented and has involved contract disputes, land disputes, and personal injury. In the past decade, my practice became more family court oriented. Family Court has some unique procedural rules and does not allow for a trial by jury. Otherwise, I have utilized similar trial preparation and trial techniques for civil and family court. As a civil attorney, I have been involved in class action litigation, wrongful death litigation, wreck cases, property disputes, evictions, slip and fall cases and unfair trade practices. The majority of personal injury cases settle, however, I have represented parties through motions practice, discovery, investigations, depositions, and trials in the civil court.

I may appear before a circuit judge once a quarter to once a year depending on the status of cases. The frequency of appearances has reduced since 2020. I have a strong base of knowledge in both civil and criminal law, but intend to continue to strengthen and update that knowledge for service on the bench.

**Please replace question 14 with the following:**

14. During the past five years

(a) What percentage of your practice was in trial court, including cases that settled prior to trial? 75%

(b) What number of cases went to trial and resulted in a verdict?

I am in the trial court in family court on an almost weekly basis. South Carolina Indigent Defense contracts with attorneys to handle matters on behalf of qualifying defendants for a set fee. This is pursuant to Rule 608. I was a 608 contract attorney for criminal cases in Bamberg County and Barnwell County for approximately ten years. I did not renew that contract in July 2022. Those cases are trial court cases. The vast majority plea. We did attempt to hold a trial in 2022 on a murder charge, but I developed Covid type symptoms during jury selection. I have not held any other trials in criminal court since then. Although I no longer hold a contract for appointments, I still have clients from the prior years and recently accepted additional cases from the Office of Indigent Defense for a client I was appointed to represent in 2021. All other jury trials in criminal court were more than five (5) years ago.

Since 2014, I have been a 608 contract attorney for cases involving the SC Department of Social Services. These cases are regularly called to court and result in many trial phases as parents or other caregivers have one to two years to reunite the family after removal of their children. Trials may be held at the merits stage, the permanency planning stage, or upon various other events in the case. I would estimate that I am involved in some type of trial in a DSS action once a month between the three counties (Aiken, Bamberg and Barnwell). These trials involve the Rules of Civil Procedure as well as the various statutes and rules that are applicable to this unique area of law.

I also handle litigation in my non-appointment or private case load. In the past five (5) years, I have managed at least 2 trials in my civil practice. All other litigation or potential litigation settled prior to trial.

(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.)

None of my cases resolved after presentation of the plaintiff's case

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

None

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

I am the only attorney in my firm, Rivers Law LLC. I handle all cases directly. In the past five years, my practice has continued to be a general practice offering simple estate planning, family law services, civil personal injury advocacy, and criminal defense. In 2020, I opened an office in Aiken, South Carolina. This has helped me serve clients throughout the Second Judicial Circuit. I was asked to assist another attorney on a limited basis for one case in the past five years. I participated in one hearing with him. I have not been associated by any other attorney and have not associated another attorney for my cases in the past five years. I have taken referrals from an attorney who had a recent illness as a courtesy to her and her clients. She is not currently involved in these cases, and litigation is ongoing.

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?

Not applicable.

**Please supplement the response to Item 36 with the following:**

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 further ce 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?

As of October 27, 2023, I have purchased stamps to mail a notice of candidacy letter to the members of the General Assembly at the cost of \$112.20.

*M Rivers*

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Martha M. Rivers Davisson

10/27/2023

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

Judicial Merit Selection Commission

P.O. Box 142

Columbia, SC 29202