



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

Court, Position, and Seat # for which you are applying:  
**Circuit Court, Fifth Judicial Circuit Seat 1**

1. Name: **Mr. James Emerson Smith Jr**

Name that you are known by if different from above  
(Example: A Nickname): **MacGyver, Jimmy, Jimmy Smith, Smitty.**

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: **1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201**

E-Mail Address: **[Redacted]**

Telephone Number: (home): **[Redacted]**  
(office): **(803) 255-9437**  
(cell): **[Redacted]**

2. Date of Birth: **[Redacted] 1967**  
Place of Birth: **Columbia, SC**  
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.  
**Yes, DD214 provided.**

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

- (b) If married, state the date of your marriage and your spouse's full name and occupation.  
**Married February 9, 1991; Kirkland Thomas Smith**
- (c) If widowed, list the name(s) of spouse(s). *N/A*
- (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. *N/A*
- (e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

**[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.  
**University of South Carolina – Aug 1986 through Dec 1990 – BA Political Science**  
**USC School of Law – Aug 1992 through May 1995 – 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.  
**Student Editorial Board - ABA Probate and Trust Journal**  
**Palmetto Law Society**
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.  
**State Bar of Georgia – admitted 1995 – took bar exam once.**  
**South Carolina Bar – admitted 1995 – took bar exam once.**  
**North Carolina Bar – admitted 1995 - took bar exam once.**  
**New York Bar – admitted 2016 – admission through reciprocity.**
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.  
**1995 – 1996, Associate Attorney, Nelson Mullins Riley & Scarborough, LLP**  
**Served as an associate attorney on the Joel Smith Team assisting in complex auto products and worked on the Steve Morrison Team assisting in software defense cases.**  
**Not involved in the administrative or financial management of the firm.**  
**1996 – 2003 US Army Reserves / SC Army National Guard Judge Advocate (JAG)**

Served in a variety of roles including, trial defense counsel in criminal matters, drafted wills and powers of attorney, prepared family law separation agreements, advised the Commander on operational law, handled 15-6 investigation reviews, reviews of nonjudicial punishment, summary, and general courts martial, and served as the JAG on a civil affairs team.

Not involved in the administrative or financial management as a JAG.

1997 – 1999, Managing Shareholder, James E. Smith Jr., P.A.

Solo General Practice handling as lead counsel in plaintiff's personal injury, corporate formation and transactions, commercial litigation, construction litigation, entertainment and intellectual property law, federal and state criminal defense, family law, probate, and estate planning.

Handled all administrative and financial management, including management of the trust account.

2000 – 2009, Shareholder, Smith Ellis and Stuckey, P.A.

Shareholder with three other attorneys handling cases as lead counsel in practice areas including those mentioned above and adding plaintiff and defense securities cases, medical malpractice, complex automotive products defense, product liability, premises liability, criminal defense, administrative environmental and regulatory cases.

Participated in the administrative and financial management of the firm, including assisting in the management of the trust account.

2010 – 2017, Managing Shareholder, James E. Smith Jr., P.A.

Continued to serve as lead counsel and co-counsel in all of the above-mentioned practice areas.

Handled all administrative and financial management, including management of the trust account.

2019 – 2022, Of counsel with The Finkel Law Firm

During this time, I was not involved in the active practice of law. I had a few legacy cases I was bringing to a conclusion. I was employed with the University of South Carolina.

Not involved in the administrative or financial management of the firm.

08/22 – 04/23, University of South Carolina School of Law – Veterans Legal Clinic

Provided guidance to clinic students under the student practice rule to appear in SC Courts on behalf of Veteran clients who need assistance in areas of family law, landlord/tenant, consumer law, disability claims and other areas.

Assisted clinic students in the administrative management of cases. There was no trust account to manage.

09/22 – Present, Nelson Mullins Riley & Scarborough, LLP – Partner

My current practice focuses on civil litigation.

I am responsible for the administration of my practice, but I am not involved in the larger firm administration, nor am I involved in the management of a trust account.

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. N/A
- (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.

**Much of the past five years I was not involved in the active practice of law as I was employed at the University of South Carolina. Throughout my nearly 28 years as a lawyer, I have handled numerous criminal and civil matters.**

**Criminal Matter Experience – In the earliest years of my practice, I gained valuable criminal case experience serving on the Federal CJA Panel. I was appointed to represent defendants charged with various federal drug related offenses. Over the years of my practice, I handled many state criminal cases that included charges ranging from traffic offenses, property crimes, disorderly conduct, to assault, domestic violence, and DUI. While as expected most of these cases concluded with a plea agreement, I tried several cases to a verdict. I can recall several successful defense verdicts in a domestic violence case, another in a DUI trial and a multi-count, multi-victim General Courts Martial Trial sexual assault trial case against a young Airman.**

**Civil Matter Experience – I have extensive civil matter experience on both sides of the bar, plaintiff, and defense, in cases large and small including numerous trials. I have served as lead counsel in election law trials, environmental full**

evidentiary trial in the administrative law court, construction litigation trials, automotive crashworthiness trial experience, defamation trial experience, motor vehicle accident trial, real property dispute trial experience, procurement, licensing and other administrative tribunal trials and others.

I have had lead counsel civil case experience in plaintiff and defense securities cases, plaintiff and defense employment law matters, plaintiff and defense class actions, plaintiff and defense commercial and business law, plaintiff and defense intellectual property cases, plaintiff medical malpractice cases, defense software cases, plaintiff and defense product liability cases, plaintiff and defense premises liability cases, plaintiff and defense landlord tenant cases, plaintiff qui tam cases, a variety of LLR licensing and enforcement cases, DOR licensing, and others.

- (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. N/A.
- (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. N/A.
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?  
**From January 2019 through May 2022, I worked full time at the University of South Carolina. These percentages reflect the five years prior.**
- (a) federal: 10%
  - (b) state: 90%
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?  
**From January 2019 through May 2022, I worked full-time at the University of South Carolina. These percentages reflect the five years prior.**
- (a) civil: 65%
  - (b) criminal: 10%
  - (c) domestic: 15%
  - (d) other: 10%
14. During the past five years  
**From January 2019 through May 2022, I worked full-time at the University of South Carolina.**
- (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? 1

- (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

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel? **Throughout my nearly 28 years of practice, I served as sole or lead counsel in over 95% of the matters I was engaged in. Nearly four of the past five years I was employed with the University of South Carolina and not in the active practice of law. Since returning to the practice of law last year I have most often served as sole or lead counsel.**

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? N/A.

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.

**I found it difficult to limit it to only five. I selected these to show the diversity of cases I have personally handled to include, criminal, civil, plaintiff, defense, trials, and appeals.**

- (a) *Teresa M. King v. Glenn MacDonald et al.*,

Civil Action No. 2012-CP-40-03794

**This was an important Defamation case for a variety of reasons. CSM (Ret) Teresa M. King was my client. She was the first female Commandant of the US Army Drill Sergeant School and her situation had gained national attention. This case dealt with some interesting personal jurisdiction issues where an out of state internet blog was subject to personal jurisdiction in South Carolina. The case ended in a verdict in favor of CSM (Ret) King.**

- (b) *Hattie Knuckles et al. v. Toyota Motor Corporation et al.*

Civil Action No. 2004-CP-42-00200

Civil Action No. 2004-CP-42-00201

**I represented the Defendants along with Joel H. Smith, Esq., of Nelson Mullins in this large complex automotive crashworthiness case. The trial Judge was Judge Mark Hayes who did an incredible job handling this litigation and trial. This was a nearly three-week highly complex trial that because of the size of the demonstrative exhibits was moved to the Spartanburg auditorium for a portion of the trial for expert witness testimony.**

- (c) *Richland County, SC v. SCDOR et al.*

Civil Action No. 2016-CP-40-3102

**I served as outside counsel for the Defendants, Counterclaim and Third-Party Plaintiffs. This was a complex high-profile case of first impression. I personally handled the matter from trial through appeal to the Supreme Court with assistance from SCDOR counsel and John S. Nichols, Esq., on the appeal.**

- (d) *Troy Burgess v. Race Automotive,*

Civil Action No. 97-CP-32-1556

I represented the Plaintiff in this commercial automotive servicing case bringing causes of action for Breach of Contract, Fraud, SC Unfair Trade Practices Act and others. The case ended in a verdict in favor of the Plaintiff. I included it because every lawyer remembers their first trial but also because of the excellent trial judge, Judge William P. Keesley. I learned so much from him during that two-day trial. I gained an appreciation of what a good judge can do for the administration of justice and the confidence all parties can have in the result.

(e) *United States of America v. Kevin Fetrow, SSGT, USAF,*

I served as criminal defense counsel for Staff Sergeant Kevin Fetrow who was charged with multiple counts of sexual assault among five alleged victims. The case was brought as a General Court Martial and held before a military judge and panel (jury) on Shaw Air Force Base. It is significant not only to share the diversity of the cases I have tried but I learned valuable lessons about trial preparation and confirming evidence. I learned in preparation of the case that four of the five alleged victims would, if forced to testify under oath, recant any statement that my client committed any crime. I advised the prosecutor that they have a problem with their proof. Notwithstanding that information the prosecutor insisted on going forward with the trial. The near week long trial was a series of failed witnesses for the prosecution that ended in a very favorable verdict for my client, allowing him to continue to serve our Nation.

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) *Darrick Jackson, Mayor of the Town of Timmonsville v. Mark Sanford, Governor*  
Opinion No. 26918, January 24, 2011.

(b) *Tynaysha Horton v. City of Columbia,*  
Appellate Case No. 2012-211168, February 26, 2014  
DD

(c) *Richland County, South Carolina et al v. SCDOR et al.*  
Appellate Case No. 2017-00010

(d) *Assistive Technology Medical Equipment Sales, LLC v. Phillip DeClemente,*  
Appellate Case Nos. 2021-000037; 2021-000038

(e) *IOS, LLC v. Lander University,*  
Appellate Case No. 2021-001400

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) *United States of America v. Patrick Raymond Peer, Case No. 6:03-0027-1*  
United States Court of Appeals for the Fourth Circuit

(b)

(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. **N/A.**
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.**
- (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.
- Federal District Court for the District of South Carolina admitted 12/14/1995**  
**Federal District Court for the Western District of North Carolina admitted 10/11/1995**  
**Federal District Court for the Northern District of Georgia admitted 11/20/1995**  
**Federal Fourth Circuit Court of Appeals admitted 11/14/1995**  
**Federal Eleventh Circuit Court of Appeals admitted 10/12/1995**
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.
- **Numerous CLE and Conference appearances to provide a legislative update in various areas of the law.**
  - **Co-instructor for Sports and Entertainment Law at the University of South Carolina School of Law.**
  - **Veterans Legal Clinic – I provided direction and supervision of law students under the student practice rule handling legal matters for veterans in the areas of family law, landlord / tenant, construction claims, expungement, simple wills, and powers of attorney.**
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years. **See attached.**
23. List all published books and articles you have written and give citations and the dates of publication for each. **None.**
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.) **See attached.**

25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.  
**I have an AV rating with Martindale-Hubbell.**
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**  
(b) **John Belton O'Neill Inn of Court**  
(c) **SC Bar Military Law Section Committee Member**  
(d) **New York State Bar Association**  
(e) **Georgia Bar Association**  
(f) **North Carolina Bar Association**
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.  
**South Carolina House of Representatives – Nov. 1996 through Nov. 2018**  
**Patriots Point Development Authority – May 2023 to Present.**
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.  
**Governor - 2018**
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.

**Musician, The Root Doctors August 1986 – August 1992**

**Bass Player, Backing Vocals - Cover Band**

**SC House of Representatives: January 1988 – July 1992**

**Page and Legislative Aide**

**SC Army National Guard: November 2003 – Present**

**Infantry Officer**

**The Congaree Group, LLC: January 2011 – January 2020**

**CEO Valet Parking Business**

**James Smith & Associates, LLC – April 2022 – Present**

**Business Development & Consulting**

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.  
**James Smith & Associates, LLC – I have an agreement with the University of South Carolina School of Law to assist in the transition of the Veterans Legal Clinic to the newly hired Director. Though there is not a definite date to conclude this engagement, I expect it to conclude by the end of 2023.**
32. Are you now or have you ever been employed as a “lobbyist,” as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a “lobbyist’s principal,” as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed. **No.**
33. Provide, as a **separate attachment**, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
  - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

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

**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? **No.** Have you ever defaulted on a student loan? **No.** Have you ever filed for bankruptcy? **No.** If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

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? **None.**
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.
- |                         |                     |                 |                             |
|-------------------------|---------------------|-----------------|-----------------------------|
| <b>James E Smith Jr</b> | <b>– 04-08-2022</b> | <b>\$250.00</b> | <b>Rep. Spencer Wetmore</b> |
| <b>Kirkland T Smith</b> | <b>– 04-20-2023</b> | <b>\$250.00</b> | <b>Rep. Heather Bauer</b>   |
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. **None.** Explain how you would resolve any potential conflict of interest.
40. Describe any interest you or a member of your immediate family has in real property:
- in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
  - 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
  - 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:
- nature of any potential conflict of interest;
  - nature and value of any public improvements; and
  - South Carolina state or local public agency which purchased or is leasing or renting such property.
- Attach a copy of any contract or agreement.  
**None.**
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. **None.** Attach a copy of any contract or agreement. **N/A**

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here. N/A
43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received. N/A
44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office? N/A
45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.
- 1) **On or about September 2009, I was detained in France at a traffic control point after returning from dinner and heading back to our hotel in Normandy. My family was visiting the D-Day invasion sites. I am not certain because of the language barrier but I believe I was held for being non-compliant at the traffic control point. I was never charged with any offense and eventually I was released.**
46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No. If yes, explain.
47. Have you ever been sued by a client? No. Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? Yes. If so, give details, including, but not limited to, dates, and resolutions. **I am currently a named Plaintiff in a federal lawsuit against 3M and other parties for defective ear protection manufactured by the Defendants and issued to me in the military, resulting in permanent hearing loss and tinnitus.**
48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? Yes, every year since 1995. 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.
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? **No.** 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? **No.** If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? **No.** If so, give the details.
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? **No.** 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? **No.** If so, give details.
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? **No.** 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.
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? **No.** If so, give details.
55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*
  - (a) **The Honorable David H. Wilkins**
  - (b) **James A Bennett**
  - (c) **John S. Nichols**

(d) Associate Dean Emily Suski

(e) John T. Lay

**Original Letters of Recommendation Submitted.**

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.? **While serving in the General Assembly, I had an active social media presence on a variety of platforms. Since leaving public office, my social media participation has reduced greatly and focuses mostly on my family and friends and some work-related posts.**

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

**Instagram [Redacted]**

**Threads [Redacted]**

**Twitter [Redacted]**

**Twitter [Redacted]**

**Twitter [Redacted]**

**Twitter [Redacted]**

**TikTok [Redacted]**

**Spotify [Redacted]**

**Tumblr [Redacted]**

**LinkedIn [Redacted]**

**Snapchat [Redacted]**

**Pinterest [Redacted]**

**BeReal [Redacted]**

**Nextdoor [Redacted]**

**Facebook [Redacted]**

**Facebook [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?

**When a lawyer becomes a judge, there are changes to his or her public and private life that affect financial and personal associations in order to eliminate any appearances of impropriety. As a judge, I would comply with all ethical guidelines for the use of social media. If permitted, I would like to create social media communications to advance a better understanding of our judicial system and the rule of law.**

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) **Liberty Fellowship**

(b) **Riley Diversity Leaders Fellows**

(c) **Friends of the Edisto FRED, Board Member**

(d) **Congaree Riverkeeper, Board Member**

(e) **The River Alliance, Board Member**

- (f) **WREN, Board Member**
- (g) **Big Red Barn Retreat – Warrior PATHH, Board Member**
- (h) **Patriots Point Development Authority, Board Member**
- (i) **Medal of Honor Center for Leadership, Board Member, Executive Committee**
- (j) **US Global Leadership Coalition State Advisory Board and Veterans Advisory Board**
- (k) **SC Humanities Council, Board Member**

Law Related Professional Honors and Awards:

- (a) **1997 Most Distinguished USC Young Alumni Award**
- (b) **1999 South Carolina Bar Young Lawyer of the Year**
- (c) **2008 Richland County Bar Civic Star of the Year**
- (d) **2010 Distinguished Service Award USC College of Arts and Sciences**
- (e) **2012 Riley Institute, Wilkins Award for Legislative Leadership**
- (f) **2017 The Compleat Lawyer Award – Gold Medallion**
- (g) **2018 Distinguished Service Award USC Veterans Alumni Council**

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.

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: \_\_\_\_\_  
James E Smith Jr

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Notary Signature)

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