



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

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

Circuit Court, Ninth Judicial Circuit, Seat 4

1. Name: Jason A. Daigle

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

n/a

Are you currently serving in some capacity as a judge? If part-time, please note.
(Includes Municipal, Magistrate, Etc.)

No

Home Address:

[Redacted]

County of Residence:

Charleston County

Business Address:

Clement Rivers, LLP
25 Calhoun St., Ste 400
Charleston, SC 29401

E-Mail Address:

[Redacted]

Telephone Number:

(home): [Redacted]
(office): 843-724-6609
(cell): [Redacted]

2. Date of Birth:

[Redacted]
1976

Place of Birth:

Muskogee, OK

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#:

SCDL# [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.

No

6. Family Status:

(a) State whether you are single, married, widowed, divorced, or separated.

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

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

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

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

Married to Kathy Aboe Carlsten Daigle on December 29, 2014. Kathy is a lawyer.
Never divorced. Never widowed.

We have three kids:
[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) Washington and Lee University School of Law
2000-2003, J.D.
 - (b) University of Texas at Austin
1994-1999, B.A.
 - (c) Austin Community College
1997 – summer class
 - (d) Paris Junior College
1992-1995 – advanced credit in high school and summer classes

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) Judicial Extern for the Honorable James C. Turk, United States District Court for the Western District of Virginia, 2001
 - (b) ABA Negotiation Competition, 2001-2002
 - (c) Mock Trial Competition 2001-2002
 - (d) W&L Law News, staff writer, 2001-2003

9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.
 - (a) South Carolina – admitted 2005 – took the bar exam once
 - (b) Texas – not admitted – 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) Fish & Richardson, Dallas, TX (2004) – Paralegal/unlicensed attorney – civil litigation
 - (b) Robertson & Hollingsworth, Charleston, SC (2005-2006) – associate attorney – civil litigation
 - (c) Anastopoulo & Clore, Charleston, SC (2006) – associate attorney – civil litigation
 - (d) Pierce Hems Sloan & McLeod, Charleston, SC (2006-2009) – associate attorney – civil litigation

- (e) Maybank Law Firm, Charleston, SC (2009-2014) - associate attorney – civil litigation
- (f) Clement Rivers (formerly Young Clement Rivers) (2014 – 2019) associate attorney – civil litigation; (2020 - present) Partner – civil litigation
- (g) I was not involved with the administrative or financial management (including management of trust accounts) of any of those firms as an associate attorney. As a partner at Clement Rivers I have been involved with the administrative and financial management of the firm as a voting partner. I have had no involvement with the management of the 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.

Civil Court – I have been a civil litigator for over 18 years. I have tried about 15 civil cases in state court – both jury trials and bench trials. I have arbitrated several other cases. I have argued and defended motions dozens and dozens of times in state court. Conservatively, I would estimate I have appeared in state court, one way or another, well over 200 times. I have handled a wide array of civil cases including:

construction defects, termite claims, slip/trip and falls, premises liability, dram shop, trucking, civil rights, products liability, public nuisance, contract disputes, mechanic's liens, insurance disputes, professional liability, auto accident, tort claims act cases, business negligence, and commercial disputes. I have represented both plaintiffs and defendants over the course of my career. I would estimate that my practice has been 80% defense and 20% plaintiff. Although, of the cases I have tried the split was about 50/50 plaintiff and defense. The past 5 years has been slow for court appearances because of COVID. However, on average, I would still estimate have appeared at least monthly, if not several times a month, before a circuit court judge in the past five years.

Criminal Court – I have never practiced criminal law. I have been involved in about five criminal matters that were related to civil cases that I was defending. Of those, I have only gone to General Sessions court a few times and was not actively involved in the process. As a judge in criminal proceedings, I would not be the one trying the case. My job in criminal cases is to ensure that everyone gets a fair trial and that the rules are followed. My civil practice has given me more than adequate experience with the rules of evidence and jury trials in general. Further, my experience in civil litigation has exposed me to all kinds of people. I have had to evaluate people regularly in depositions and trials. Knowing people and evaluating people is critically important in criminal proceedings, especially bonding and sentencing. I will have to go back and familiarize myself with criminal procedure, sentencing guidelines, and the criminal code in general. These are all things I had to in both law school and for the bar exam. I have no doubt I will be up to speed on criminal matters well before I would take the bench.

- (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?

- (a) federal: about 1 case a year
- (b) state: frequently – at least monthly, sometimes weekly

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: 100%
- (b) criminal: 0%
- (c) domestic: 0%
- (d) other: 0%

14. During the past five years

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

100%

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

None

(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.)

One

(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?

Chief 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.

(a) Andrew McIntire, et al vs. Seaquest Development Company Inc. et al
2016CP1001833 – Charleston County Circuit Court

This case was one of the first cases in South Carolina to use the Notice and Opportunity to Cure Act to dismiss a case. The case was appealed and the ruling was overturned on other grounds. We then had a week long arbitration where the same motion was made prior to openings and again at the conclusion of the arbitration. The case was settled prior to the arbitrator's ruling on the motion.

(b) Allan Dapore, et al vs. Upper Deck Tavern Limited, et al
2016CP1002198 – Charleston County Circuit Court

This case involved a trip a fall inside a business that resulted in catastrophic injuries. The liability was complicated as the building was under a series of leases and subleases between the named defendants. Although I did not have to try the case, we were able to work through the complicated array of leases and obligations between the defendants to negotiate an excellent settlement for the plaintiff.

- (c) Stephen Paul Young vs. STIHL Incorporated, et al
2015CP0802283 – Berkeley County Circuit Court
This case involved a product defective design of a chop saw against an international company with \$5B in yearly revenue and defended by a high powered international law firm. Defective design cases are inherently complicated and involve legal issues unlike other civil cases. I had to litigate this case and avoid summary judgment and exclusion of experts in order to obtain an excellent settlement for the plaintiff.
- (d) James E King vs. Santee Resort Condominium Association Inc., et al
2011CP1400541 – Clarendon County Circuit Court
This was a defamation case that went to trial in Clarendon County. We obtained a jury verdict that, according to the Clerk, was the second biggest verdict in Clarendon County at the time.
- (e) Concord West Of The Ashley Homeowners Association, et al vs. Julian Lecraw & Company Holdings Inc., et al
2008CP1001659 – Charleston County Circuit Court
This was huge construction defect case where I represented the developers that converted apartment buildings in to condominiums. This was one of the largest construction defect cases in the state at the time and involved complicated issues of original construction, conversion renovations, and the duties of conversion developers.

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) Seaquest Development Company, Inc., Third-Party Plaintiff/Appellant vs. Red Bay Constructors Corp., et al, Respondents
Case No. 2016-CP-10-01833 – Charleston County Circuit Court
Appellate Case No. 2021-001055 – SC Court of Appeals

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) None

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.

South Carolina State Courts – January 2005
South Carolina Federal District Court – June 2005
South Carolina Bankruptcy Court – June 2007

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.

No

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

Uploaded

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.)

(a) Funk v. McNair, South Carolina, First Judicial Circuit, 2020

(b) McIntire v. Seaquest, South Carolina, Ninth Judicial Circuit, 2017

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 am not a member of any rating organization, and as far as I know I have not been rated by any such organization.

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

(b) Charleston County Bar Association

- (c) Federal Bar Association (formerly)
- (d) American Bar Association (formerly)

27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

No

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

n/a

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

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) Group Insurance Sales Representative
Great West Life (now The Canada Life Assurance Company)
1999-2000
Sold group healthcare, disability, and life insurance products to larger employers in central Texas

(b) Recruiter
Washington and Lee University School of Law, Office of Admissions
2003
Attended law fairs and put on presentations at colleges and universities across the country

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

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

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

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.
No
35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.
No
36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?
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.
None
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.

My wife is a partner at the law firm of Copeland Stair Valz & Lovell, LLP. I would have to recuse myself from any cases involving her law firm.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

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

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

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. 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?

No

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.

Yes. I was sued in 2006 by Discover Bank on a credit card debt. I was never served with the lawsuit and was unaware I had been sued until 2016. The lawsuit was dismissed 6 months after it was filed. I paid the debt.

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

Yes. I have been covered by my various firms' malpractice insurance since 2005. The policy that currently covers me has a \$10M limit and a \$50k deductible.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

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

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

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

I have LinkedIn and Facebook accounts

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

LinkedIn – [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?

I do not use it now and I would not use it in my judicial capacity.

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) Academic Magnet High School Foundation Board - Chairman

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.

More than anything, my professional experiences as a litigator have influenced the kind of judge I plan to be. Throughout my 18 year career I have encountered many different kinds of lawyers and judges. I have learned from each of them. Some of them inform what I want to be as a judge, while others inform what I do not want to be as a judge. I feel very strongly about the integrity of the South Carolina Bar and our Oath of Civility. I feel very strongly about the impartiality and service of the judiciary. Judges perform a very important public service that ensures litigants get a fair shot at the legal system and that lawyers are able to properly represent their clients. Insisting on high standards of integrity and civility from lawyers goes a long way in that endeavor. I think being composed, engaged, and respectful from the bench encourages attorneys to maintain civility and builds confidence within the bar and the public in general.

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: _____