



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

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

1. Name: Mr. Thomas J. Rode

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: Charleston County

Business Address:

15 Middle Atlantic Wharf  
Charleston, SC 29401

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]  
(office): 843-937-8000  
(cell): [Redacted]

2. Date of Birth: [Redacted] 1983.

Place of Birth: Fort Lauderdale, Florida.

Social Security Number: [Redacted]

3. Are you a citizen of South Carolina? Yes.

Have you been a resident of this state for at least the immediate past five years? Yes.

4. SCDL# or SCHD#: [Redacted]  
Voter Registration Number: [Redacted]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

I have not served in the military.

6. Family Status: Married on October 5, 2013, to Julie L. Moore.  
Never Divorced. Two children.  
[Redacted]

- (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 on October 5, 2013, to Julie L. Moore who is an attorney.

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

Not applicable.

- (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.

Not applicable.

- (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.

- (a) North Carolina State University, 2001-2005.  
Bachelor of Science in Business Management, magna cum laude.

- (b) Charleston School of Law, 2005-2008.  
Juris Doctor, magna cum laude.

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) Federal Courts Law Review, 2006-2008. Marketing Editor.

- (b) Moot Court Board, 2006-2008.
- (c) Class rank: 3/136.
- (d) United States Attorney's Office, 2007. Extern/law clerk.

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 Bar, 2008.
- (b) I took the South Carolina bar exam one (1) time.
- (c) I have not taken the bar exam in any other state.

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) 2008-2011: Law Clerk to the Honorable Paula Thomas, South Carolina Court of Appeals.

My primary role as an appellate law clerk was to review and analyze the merits of appeals assigned to Judge Thomas. I made recommendations for disposition, first to Judge Thomas and then later to the other appellate judges reviewing the case. It was my responsibility to research and articulate a comprehensive explanation of the legal basis for those recommendations. This required me to conduct thorough review of the evidence in the record and orders issued by the trial court, prepare for and attend oral arguments, and develop an in-depth understanding of the legal rules implicated. It was also my responsibility to critically analyze the recommendations Judge Thomas received from the other appellate judges on the panel. I also employed a similar analytical process for the many appeals that were initially evaluated by the Staff Attorney's Office of the Court of Appeals.

Once the judges finalized their decision(s) on a particular matter, I was responsible for preparing drafts of the opinions or dissents that would be authored by Judge Thomas for publication. I drafted these opinions in collaboration with Judge Thomas and pursuant to her directives on the proper legal reasoning and outcome.

Finally, to the extent the Court received any petition for rehearing or petition for rehearing en banc, it was my duty to conduct the same type of evaluation and analysis described above. As a result, the number of appeals I handled and the variety of legal issues that I tackled during my three-year clerkship for Judge Thomas was in the hundreds.

- (b) 2011-2013: Associate Attorney at Savage and Savage P.A.

The general nature of my practice included criminal defense and personal injury in both State and Federal courts, as well as in various municipal, magistrate, and administrative courts

throughout the Charleston area. In this role I made regular and frequent appearances in both State and Federal courts. I tried multiple criminal cases with Andy Savage, a well-seasoned and respected criminal defense attorney and I learned a great deal in the process. I was not involved with the administration or financial management of this firm or management of its trust accounts.

(c) 2013: Associate Attorney at Babb Law Firm.

The general nature of my practice included criminal defense and personal injury. I was only in this position for a very brief period, and I was not involved with the administration or financial management of this firm or management of this firm's trust accounts.

(d) 2013 – 2014: Sole Practitioner at The Rode Law Firm.

In this role, I operated as a general practitioner and the majority of my practice consisted of criminal defense and personal injury. As a sole practitioner, I managed all aspects of administration and financial matters of the firm including the trust account.

(e) 2014 – Present: Attorney/Partner at Thurmond Kirchner & Timbes, P.A.

I focus primarily on civil litigation and appellate work. My civil practice is generally described as business litigation, a lot of which is related to the construction and development industries. This includes contract disputes, mechanic's liens and construction defects. However, my practice areas are broad and I have litigated real property disputes, condemnation actions, insurance coverage disputes, homeowner association matters, unfair trade practices, and land use issues. I have also handled a variety of tort matters including bad faith actions, employment claims, and malpractice matters. I routinely represent both plaintiffs and defendants, and my practice has also included insurance defense.

My appellate practice is equally diverse. Since 2015, I have worked on roughly twenty (20) appeals to the Supreme Court of South Carolina, the South Carolina Court of Appeals, and the U.S. Court of Appeals for the Fourth Circuit. The types of appeals I have handled vary widely, and I have represented appellants, respondents, and amici curia parties. In addition to a variety of different civil matters, I have handled appeals from the Court of General Sessions, Family Court, Probate Court, and the Master-in-Equity. I have also handled appeals involving questions related to Worker's Compensation issues. This is in addition to the innumerable appellate issues I worked on as a law clerk at the South Carolina Court of Appeals.

In my current role, I am not heavily involved with the day-to-day administrative or financial management of the firm. While I am informed of these matters, my active role is typically limited to those things in which my involvement is necessary. Similarly, I monitor, review, and approve trust account transactions related to my specific clients, but I am not actively involved in the day-to-day management of the firm's IOLTA account(s) for clients whose matters I am not handling.

**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.

Not applicable.

- (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.

Criminal Matters:

In the past five years, I have not handled any criminal matters in Circuit Court. However, I have successfully appealed a criminal matter to the Supreme Court of South Carolina in State v. Cain, 419 S.C. 24, 795 S.E.2d 846 (2017). This case concerned the admissibility of expert scientific testimony on the issues of theoretical or hypothetical quantities in drug related prosecutions. Although my practice does not currently include criminal defense, my experience as an appellate law clerk provided me with extensive experience in addressing and analyzing a huge number of criminal appeals. These included a wide array of issues from evidentiary disputes to substantive questions regarding South Carolina's Criminal Code, to sentencing, and everything in between.

My experience in criminal law is not limited only to my work as an appellate law clerk. During my first several years in private practice, between 2011 and 2014, a large majority of my practice included criminal defense in both state and federal court. During this time, I tried multiple criminal cases. Moreover, while in law school I not only received the CALI Award (highest grade)

in Criminal Procedure, but I also worked as an intern for both a state and federal prosecutor. I worked as a summer intern in the District Attorney's Office (the equivalent of a circuit solicitor) in my hometown of Wilmington, North Carolina. During the school year, I worked as a legal extern in the United States Attorney's Office in Charleston. Combined, my experience has provided me with a substantive understanding of criminal law as well as a keen insight into the practical realities facing the participants in the criminal justice system. Not only do I have a solid understanding of the direct and collateral effects the criminal justice system has on the people charged and their families, I have also acquired a unique awareness of the burdens that the criminal justice system can place on prosecutors, defense attorneys, the court's administrative resources, and (most importantly) the people who are victims of crime.

#### Civil Matters:

During the past five years I have handled a variety of civil matters in Circuit Court for both plaintiffs and defendants. A fair amount of my litigation practice is business related and specifically pertains to businesses in the construction industry. I have represented both builders and homeowners in contract disputes, mechanic's liens, and construction defect claims. I have represented a variety of clients—from individuals and small business owners all the way up to large corporations. My practice also includes real property litigation, including ownership disputes, heirs property matters, and zoning/land use disputes. I have represented property owners as well as local municipalities/governmental entities.

I have also had the opportunity to handle cases in a variety of other practice areas. These have included maritime cases, electronic eavesdropping and wiretapping issues, insurance coverage and bad faith matters, professional malpractice claims, class action suits, claims for unfair trade practices, Section 1983 civil rights actions, defamation, products liability, and employment matters—among others. I have represented both plaintiffs and defendants, as well as defended clients on behalf of insurance companies. This varied practice, together with my appellate experience, makes me uniquely well qualified to serve as a Circuit Court judge.

- (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.

Not applicable.

- (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.

Not applicable.

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: During the past five years, I have handled eight (8) matters in U.S. District Court and one (1) appeal before the U.S. Court of Appeals for the Fourth Circuit. Thus, my actual appearances in federal court over the past five years have been relatively infrequent, particularly during and since the pandemic.
  - (b) State: During the past five years, I have handled roughly fifty-five (55) separate matters in Circuit Court, and roughly twenty (20) matters before the Supreme Court of South Carolina and/or the South Carolina Court of Appeals. I make regular court appearances that average approximately once per month. My court appearances were more frequent prior to the pandemic.
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% (I handled one criminal appeal in 2017 and have handled many criminal matters in my career— just not in the past five years.)
  - (c) domestic: 0% (I handled one Family Court appeal in 2021.)
  - (d) other: n/a

14. During the past five years

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

During the past five years, roughly 70% of the cases I handled were pending in either state or federal trial court. Roughly 5-10% of my practice involved matters that would otherwise have been in trial court but were either resolved pre-suit or were resolved through alternative dispute resolution. The balance of my practice (roughly 20-25%) involved matters on appeal.

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

I have tried one case to verdict in the past five years.

- (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.)

I have not had any cases meeting this unique description in the last five years.

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

In the past five years, I have not had any cases that settled between jury selection and openings, but I had one case that settled hours before jury selection.

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

I am most often chief counsel and/or co-counsel with one or more attorneys in my firm.

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.

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) In re Mt. Hawley Ins. Co., 427 S.C. 159, 161, 829 S.E.2d 707, 709 (2019).

This matter came before the Supreme Court of South Carolina on a certified question from the U.S. Court of Appeals for the Fourth Circuit. The question was significant because it involved a matter of first impression in South Carolina concerning attorney-client privilege in the context of an insurance bad faith action—a scenario that places the policy considerations of attorney-client privilege in conflict. Specifically, the case dealt with what is known as the “at issue” exception to attorney-client privilege. This case sought to resolve the extent to which a party could rely on the substance of attorney-client communication, either explicitly or implicitly, before the attorney-client privilege would be considered waived. The arguments, as well as the Supreme Court’s analysis, explored the extent to which the laws and public policy of this State embrace the various interpretations of this rule that had been observed around the country. Ultimately the Supreme Court developed its own analytical framework to evaluate this issue that is instructive in bad faith matters.

(b) State v. Cain, 419 S.C. 24, 795 S.E.2d 846 (2017).

In this criminal appeal, the Supreme Court of South Carolina confronted the novel question of whether a defendant could be convicted of possession with the intent to distribute drugs where the only evidence offered to satisfy the quantity element of the crime was expert testimony about “theoretical yield.” The evidence offered was an expert’s opinion as to the theoretical quantity of drugs or contraband the defendant might have been able to manufacture, possess, or distribute. The Court ultimately rejected the use of “theoretical yield” evidence in the manner it was used in this case. Not only did this case involve a matter of first impression, but it was also legally significant because it demonstrated how evidentiary rules—particularly those concerning expert testimony—overlap with the substantive requirements of the criminal code. The matter was also significant because it implicated unique questions of issue preservation that arose post-trial. These preservation issues—while seemingly mundane—are exceptionally important to appellate procedure and appellate practitioners.

(c) Cavanaugh v. Cavanaugh: 2017-CP-10-03376.



This matter dealt with civil claims and private rights of action brought for alleged electronic wiretapping and eavesdropping under both South Carolina and federal law. This case presented several technical and seemingly novel issues that had not previously been litigated in our state courts. As a result, the case presented an exciting and stimulating academic challenge to research and develop the necessary legal arguments on behalf of my client. Over years of contentious litigation, the case was a great opportunity to hone the skills necessary to synthesize and present hyper-technical arguments to the Circuit Court. While the case likely would have presented several novel issues for our appellate courts, the matter settled before trial.

(d) Brown v. VSHZ; Traxxas, LP & Amazon.com Inc., 4:15-4684-BHH

This case dealt with an alleged product defect and failure to warn, stemming from the explosion of a lithium-ion battery. Although this is a well-known risk with these batteries now, it was less widely known at the time. While the subject matter was interesting and presented intriguing legal issues concerning the extent to which liability flows to attenuated sellers in the stream of commerce, this case was significant to me for a different reason. I represented one of many large corporate defendants and it presented one of the first and most notable matters in which I was able to observe how the relationships and interactions between corporate in-house counsel, litigation counsel, and local counsel can converge to have a significant impact on the volume and type of issues, motions, and arguments that come before the Circuit Court. In learning to marshal these competing interests I developed an ability to efficiently cut through the complicated and voluminous legal theories and proposed strategies to get to the heart of the issues that are relevant under South Carolina law and local practice.

I strongly believe that all parties are entitled to their day in court and the opportunity to have their grievances resolved as efficiently as possible. A Circuit Court judge set to tackle a lengthy motions roster may be presented with one motion on a complicated \$10 million dollar dispute, and another case that is a simple and small-value dispute. Both cases are deserving of the Court's time and attention, but a Circuit Court judge must be able to strike a balance that ensures a singular matter does not syphon away all the Court's time. This necessarily requires a Circuit Court judge be able to effectively synthesize complicated matters to the more manageable core issues, but also requires the ability to appreciate how one case could negatively impact another. While no silver bullet exists, having the ability to predict and appreciate how some cases might be made overly complicated is an important tool that could help me strike this balance. That is the reason I include this case among the significant cases I have handled.

(e) Hollinshead v. Medical University of South Carolina; 2:19-cv-2517-RMG-BM

This case is significant primarily for personal reasons. Many lawyers have "that one case" that sticks with them as the years go on. This is that case for me. It was the perfect combination of a deserving client who suffered a terrible event and a result that actually set the wrong right and felt like true justice. This was a wrongful termination matter in which the plaintiff, an African American, alleged that shortly after receiving a promotion, her new boss, who was white, initiated an escalating course of sexual and racial harassment. The plaintiff claimed she reported the conduct to Human Resources—which investigated and confirmed the claims to be true—but instead of taking any steps to address the matter, the plaintiff was summarily terminated. Ultimately, with my

help, the parties reached a settlement that not only compensated the plaintiff for her losses, but also afforded her the opportunity to return to employment—a very rare occurrence.

This matter is not significant for any prestige or monetary award. Instead, this matter is significant to me because of the justice that was obtained. The plaintiff, who suffered atrocious mistreatment because of her race, was able to reclaim her dignity in a way that money alone could never have done for her. The ability to help facilitate that result gave me a sense of accomplishment that struck at the very heart of why I became a lawyer. For that reason, this case will remain one of the most significant cases I've 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) In re Mt. Hawley Ins. Co., 427 S.C. 159, 829 S.E.2d 707 (2019) – Supreme Court of South Carolina.
  - (b) Mims v. USAA Cas. Ins. Co., No. 21-1654, 2023 U.S. App. LEXIS 6727, (4th Cir. Mar. 21, 2023) – U.S. Court of Appeals for the Fourth Circuit.
  - (b) Martin v. Valipour, No. 2023-UP-080, 2023 S.C. App. Unpub. LEXIS 101, (Ct. App. Mar. 8, 2023) – South Carolina Court of Appeals.
  - (c) United Servs. Auto. Ass'n v. Pickens, 434 S.C. 60, 862 S.E.2d 442 (2021) – Supreme Court of South Carolina.
  - (e) Morris v. State Fiscal Accountability Auth., No. 2023-UP-201, 2023 S.C. App. Unpub. LEXIS 260 (Ct. App. May 24, 2023) – South Carolina 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) State v. Cain, 419 S.C. 24, 26, 795 S.E.2d 846, 847 (2017) – Supreme Court of South Carolina.
  - (b) This list does not include the numerous criminal appeals I worked on while a law clerk at the South Carolina Court of Appeals.
  
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.

I have not held judicial office.
  
19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.
  - (a)
  - (b)
  - (c)
  - (d)
  - (e)

Not applicable.

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, 2008.
  - (b) U.S. District Court for the District of S.C., 2011.
  - (c) U.S. Court of Appeals for the Fourth Circuit, 2020.

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.

Yes. I taught legal research and writing to first year law students at the Charleston School of Law from 2013 through 2017. This course involved lectures, two or three times per week on topics related to general legal issues and standards of review, formulating arguments, researching legal issues, and composing various legal documents, motions, and appellate briefs. It also included preparing for and delivering oral argument. Dealing with a crowded class of students, all with varying degrees of experience and legal knowledge, was good preparation for dealing with difficult personalities, explaining concepts simply, delivering prompt feedback, and ensuring continued progress toward keeping to a longer-term schedule. These are skills that will translate well in serving as a Circuit Court judge.

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.

Super Lawyers, Rising Star.  
Best Lawyers – Appellate Practice.  
Lawyers of Distinction – Appellate Practice.

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) Charleston County 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.

I have not held public office.

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.

Not Applicable.

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.

No.

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

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.)

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

Please see attached.

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 tax lien or other collection procedure has been instituted against me by any federal, state, or local authority. I have not defaulted on student loans. I have never filed for bankruptcy.

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?

I have not made any expenditures.

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.

The following donations have been made through my law firm.

- (a) Peter McCoy - \$1,000.00
- (b) Tom Young, Jr. - \$1,000.00
- (c) Greg Hembree - \$1,000.00
- (d) Robert Robbins - \$1,000.00
- (e) Christopher Murphy - \$1,000.00
- (f) Sandy Senn - \$1,000.00
- (g) George "Chip" Campsen - \$1,000.00

My wife, Julie L. Moore, has made the following contributions.

- (a) Deon Tedder - \$500.00.

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 business relationship with my current law firm, Thurmond Kirchner & Timbes, P.A., could create a potential conflict of interest if I were elected Circuit Court judge. I would resolve any potential conflict by recusing myself from any matters in which my current firm is involved.

My wife is an attorney and member of Duffy and Young, LLC, which would create a conflict of interest if I were elected Circuit Court judge. I do not believe this conflict of interest could be resolved, and I would recuse myself from any matter in which my wife or her firm have any interest.

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.

I do not have any interest in real property that meets these criteria.

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

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

Attach a copy of any contract or agreement.

Not applicable.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

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.

Not applicable.

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.

Not applicable.

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

Not applicable.

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.

In or around 2005 or 2006, I was ticketed for operating a boat with an expired registration. This was on Lake Hickory which I believe is in Catawba County, North Carolina. The boat belonged to a family friend, but because I was operating the boat the ticket was issued to me. The boat owner took responsibility for the expired registration and paid the fine. At the time I believed the citation was merely a fine, akin to a simple traffic ticket. However, when applying for admission to the South Carolina Bar in 2008, I learned this ticket appeared on a criminal background check. I am unsure whether this is the type of offense covered by this request, but in the interest of disclosure, I am listing it, nonetheless.

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.

I have not been sued by a client. I have been a named party to a lawsuit. In 2018, my wife and I filed a construction defect lawsuit against the general contractor and other entities involved in the construction of our home. (Case No.2018-CP-10-2781). The suit was settled early in the litigation process.

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.

I am presently covered by malpractice insurance through my firm Thurmond Kirchner & Timbes, P.A., which provides coverage of \$2,000,000.00 per claim and \$4,000,000.00 aggregate, with a deductible of \$10,000.00. To my knowledge, I have always been covered by malpractice insurance while in private practice and have not had a tail policy.

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

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



50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

I have not requested, either directly or indirectly, the pledge of any member of the General Assembly. I have not been offered any conditional pledge, nor have I received any assurance that a public official will seek the pledge of any member of the General Assembly.

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.

I have not requested that any third parties contact members of the General Assembly on my behalf. The only campaigning I have done is to reach out to colleagues to request letters of recommendation required as part of the application process.

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.

I have not contacted any member of the Judicial Merit Selection Commission, and to my knowledge, no other person has contacted any member of the Commission about my candidacy.

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) Michael A. Timbes, Esq.  
Thurmond Kirchner & Timbes, PA  
[Redacted]
- (b) Thomas “Tommy” C. Brittain, Esq.  
Brittain Law Firm  
[Redacted]
- (c) John Massalon, Esq.  
Wills Massalon & Allen LLC  
[Redacted]
- (d) Lindsay Joyner, Esq.  
Gallivan, White & Boyd, PA  
[Redacted]
- (e) Ainsley Tillman, Esq.  
Ford Wallace Thomson, LLC  
[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.

I have a Facebook account under the name [Redacted] and a corresponding account on Instagram. I also have a Twitter account under the name [Redacted] I am not an active user of social media. My use is minimal and limited primarily to Facebook, which I visit most often to follow the accomplishments and life-events of family and close friends.

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

My use of social media is minimal and would remain confined to the limited, personal uses described above.

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) Old Windermere Neighborhood Association – Board Member.
- (b) South Carolina Bar Association, Young Lawyers Division Committee Chair, Star of the Quarter.
- (c) South Carolina Bar Foundation – Ambassador Board Member.

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

In candor, I went to law school without a full understanding of what it truly meant to be a lawyer. However, through some great fortune, I discovered the law is something I am passionate about and my passion made me good at it. I became a dedicated student of the law and was constantly curious to understand it better. Through hard work I graduated near the top of my law school class. This gave me the opportunity to become an appellate law clerk which super-charged my ability to study the law and provided me with substantive experience on a wide array of legal issues and cases. No other job could have given me this foundation and appreciation for the law of our state. Through this experience, I learned how to identify and evaluate issues, how to recognize potential pitfalls, and how to avoid problems that could result in unnecessary appeals that delay the resolution of cases for litigants.

As important as the academic experience, my appellate clerkship provided me with the opportunity to work closely with many exceptional judges at the Court of Appeals. No better mentors could possibly exist for a future judge. Of the many and most lasting lessons I learned from these judges was how imperative it is for a judge to approach every case with an open mind and without assuming you know everything there is to know about the law. At first, I was surprised, but then inspired by the humility of the jurists I worked with. I came to appreciate how necessary this trait is for a judge, who cannot let preconceived ideas or assumptions about the law guide his analysis or impact his ruling. I learned that to serve the law, a judge must remain open to changing his mind when a studied analysis demonstrates his assumptions about the law were wrong. The humility to acknowledge the limitations of your knowledge, the willingness to discover those limitations, and the academic courage to admit you might be wrong, are all indispensable to serving as a judge. This is something I learned firsthand from the very start of my career.

My time in private practice has also informed my knowledge of a judge's role. Having handled all types of matters—criminal, civil, trials, and appeals—I am familiar with the legal and practical issues facing practitioners. I know, firsthand, the passion, stress, hard work, unpaid hours, and soul that trial lawyers (on both sides) put into their work for their clients. A Circuit Court judge sits precisely at the intersection of where the academics of the law meet the practical and administrative realities of a crowded docket. While it always hurts to lose, a judge cannot take the efforts of litigants for granted. A judge must be willing to rule and to do so in a way the law requires and do so efficiently. I believe this requires a judge to strike a very difficult balance that ensures the highest fidelity to the law as well as administrative efficiency. My unique set of experiences have allowed me to develop a keen ability to navigate both of those competing duties. If I were elected Circuit Court judge, I believe I could provide a true benefit to the judiciary and the people of my community.

[signature page to follow]

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: \_\_\_\_\_