

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying: Family Court, At-Large, Seat 2

1. Name: Mr. Timothy E. Madden

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

Are you currently serving in some capacity as a judge? If part-time, please note.  
(Includes Municipal, Magistrate, Etc.) No

Home Address: [REDACTED]

Business Address: 104 South Main Street, Ninth Floor, Greenville, SC 29601

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 864-373-2279  
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1963

Place of Birth: Laurens, 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.

I never served in the military.

6. Family Status: In the space below, (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 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; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Family Status: Married on March 21, 1992, to Cami Leigh Madden (formerly McGregor). Homemaker and part-time retail sales clerk. Never divorced. Two children.



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) Wofford College, September, 1981, to May, 1985, Bachelor of Arts in Finance
  - (b) University of South Carolina School of Law, August, 1985, to May, 1988, Juris Doctor
  
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
  - (a) Part-time employment in the South Carolina Senate (1986)
  - (b) Part-time employment in South Carolina House of Representatives (1986-1988)
  - (c) Student lawyer appointed to represent undergraduates accused of honor code violations (1987-1988)
  - (d) Social fraternity (1985-1988)
  
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 1988. I took the South Carolina 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 has 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) August, 1988 until about January, 1993. Associate Attorney in private practice (small firm)  
  
Employer: Wilkins, Nelson, Kittredge & Simmons, P.A. (later Wilkins, Nelson and Kittredge, P.A., and then Wilkins & Nelson, P.A.)  
Practice: family law (80%+), civil litigation (10%), real estate (5%), appeals (5%)
  
  - (b) January, 1993, until February, 2006. Partner in private practice (small firm)  
  
Firm: Initially Wilkins & Nelson, P.A., later renamed Wilkins & Madden, P.A.

Practice: family law and related appeals (85-90%), civil litigation (about 10%), real estate (small percentage)

Other: Managing Partner (1993-2006). Responsibilities included financial management (including trust accounts), day-to-day administrative management, human resources, supervision and mentoring of less experienced lawyers

- (c) February, 2006, to present. Partner in private practice (large firm)

Firm: Nelson Mullins Riley & Scarborough, LLP

Practice: family law and related appeals (90%), civil litigation (10%)

Other: Office Managing Partner (2011-present), Partner Development Committee (2009-present), Marketing Committee (2007-2012), Strategic Planning Committee (2007-2008). Responsibilities include supervision and mentoring of attorneys in family law practice area, serving as liaison for the office's 42 lawyers and 40-45 staff with the firm's Executive Committee, general management responsibilities, and administration of the office marketing budget

**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.

At least 90% of my professional time for the entirety of my 31-year career has been spent representing clients in divorce/separate maintenance, equitable division of property, child custody, and related matters in the Family Court. At any given time I maintained no fewer than 20 and sometimes as many as 50 active, on-going family law matters (including appeals and premarital agreements). I estimate that I have tried over 100 family law cases to a decision in the Family Court. I am counsel of record in at least thirteen family law matters decided by the South Carolina Supreme Court and/or the South Carolina Court of Appeals. I have represented clients in contested litigation in practically every aspect of family law. I have litigated and appealed nearly every facet of equitable division, including the identity and divisibility of assets, the marital vs. non-marital character of assets, the divisible value, and the manner of division. For the first 20 years of my career I regularly represented clients in contested custody cases. During the past 11 years I

sporadically handled contested custody cases. In most of my cases alimony and/or child support was an issue to be decided. During the past 15 years, at the request of lawyers in Greenville and other parts of the state I periodically served as mediator for family law cases. I received training as an arbitrator by the American Academy of Matrimonial Lawyers, and have served as arbitrator of multiple family law issues in various cases.

Incident to or arising out of divorce cases, I have represented clients in step-parent and other relative adoptions. While I worked on a few other adoption matters early in my career, my experience in this area is limited.

My experience in child abuse and neglect cases is limited to a few cases more than ten years ago in which I was appointed to represent one of the parties, and those private docket cases over the entirety of my career in which the Department of Social Services was involved in some manner.

My experience in juvenile justice cases is limited to the matters I handled through a legal clinic in law school, during which I represented a child accused of murder and another child accused of rape.

Although my experience in abuse and neglect and juvenile justice cases is limited, my experience in working with clients, opposing counsel, guardians, mental health professionals, my extensive trial experience, and my overall experience as a lawyer provide me with the background and training to be an attentive listener, to make fair and reasonable inquiries and research when necessary, to assess credibility, to understand medical and mental health testimony and reports, and to understand the educational process and challenges impacting children in a given matter.

In the preceding five years I estimate I appeared in Family Court an average of 30 times per year. These appearances range from short, uncontested hearings related to the approval of settlement agreements, to multi-day contested trials.

- (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, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.
  - (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
    - (a) federal: About twice in the last five years (estimate)
    - (b) state: About 30 appearances per year
  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: 5% to 10% (varying each year)
    - (b) criminal: a small percentage (in my role as a volunteer prosecutor for domestic violence cases)
    - (c) domestic: 90 to 95%
    - (d) other: nominal
  14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
    - (a) jury: nominal
    - (b) non-jury: at least 90% (the only family law matters which are not responsive to this question are the premarital agreements)

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

I most often served as chief counsel, with assistance from younger partners or associates.

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) Moore v. Moore, 414 S.C. 490, 779 S.E.2d 533 (2015), and subsequent appeal, Moore v. Moore, Op. No. 2019-UP-208, 2019 WL 2372477 (S.C. Ct. App. June 5, 2019). This case was significant because it involved an issue of first impression, and because we were able to turn a loss at trial into a victory on appeal. In addition to making new law, the case is instructive on the complexities of equitable apportionment

cases (specifically those involving closely-held businesses), the value of developing a detailed evidentiary record, and the importance of presenting credible expert testimony.

- (b) Reyes v. Jeffcoat, No. CA 3:12-298-JFA, 2012 WL 4009641 (D.S.C. Sept. 12, 2012), and Fourth Circuit, Reyes v. Jeffcoat, 548 F. App'x 887 (4th Cir. 2013). This case was significant because it involved concurrent litigation in state and federal court, and the outcome of the federal court trial was critical to my client having an opportunity for a fair resolution of his divorce and related issues in South Carolina, as opposed to Venezuela. The federal court litigation focused on the application of the Hague Convention on the Civil Aspects of International Child Abduction because the family lived in South Carolina and Venezuela. It included a five-day trial and appeal. The federal court (including the Fourth Circuit Court of Appeals) agreed with our position. As a result our client resolved the divorce-related litigation in the South Carolina Family Court. Had the result from the federal court been different, our client would likely have been deprived of parenting time with his children and substantial marital assets.
- (c) Minor Child "R" Matter. This case was significant because the outcome determined whether an orphaned three-year old child would have the opportunity of normal childhood and upbringing as opposed to one which would be less stable. The child's father died unexpectedly when the child was two, and while the biological parents were living separately. The child's mother attempted to kill the child by shooting him with a handgun, which she then immediately turned on herself and committed suicide. Using all the available law and a career of experience, in intensely contested litigation, we were able to secure emergency and temporary custody of the child with a stable, loving family member, and thereafter temporary custody and ultimately adoption by the biological father's brother and sister-in-law. In this particular case, I know the family and we are members of the same church. I routinely see the child and know that he is a happy, normal and well-adjusted child.
- (d) Latham vs. Latham. This case was the most contentious divorce in which I was ever involved, and the only one, to my knowledge, where the adverse party hired someone to try to murder my client. Before the murder-for-hire plot became known, the case included extreme discovery and motions hearings, and was headed for a week-long trial. On the eve of trial the would-be killer was arrested on other charges and divulged the plans to law enforcement. My client and her children were taken into protective custody. Ultimately the opposing party and his girlfriend were charged by federal authorities with the relevant crimes. Both of them are now in federal prison after a criminal trial in which I testified. The case was featured on the television program "Dateline" and in another docu-drama on the Investigation Discovery channel.
- (e) Dickert v. Dickert, 387 S.C. 1, 691 S.E.2d 448 (2010). This divorce case was significant because of some of the unique financial issues involved, and because it is now routinely cited in negotiations and by trial judges as a guide for the appropriate amount of alimony. The business valuation issues in this case, and the Supreme Court's decision on them, gave me an important background for the preparation, trial

and appeal of the Moore case (see above). While the alimony decision in this case does not create a formula as some lawyers believe, the Supreme Court's opinion seems to be used by many as creating helpful guidelines which are useful in settlement negotiations.

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) Brasington Tile Co. v. Worley, 327 S.C. 280, 491 S.E.2d 244 (1997)
  - (b) First Baptist Church of Mauldin v. City of Mauldin, 308 S.C. 226, 417 S.E.2d 592 (1992)
  - (c) B.P. Staff v. Gurantee Insurance Company, 391 S.C. 308 (2009 WL 9529179)
  - (d) Hull v. Spartanburg Cty. Assessor, 372 S.C. 420, 641 S.E.2d 909 (Ct. App. 2007)
  - (e) Keowee Inv. Grp., LLC v. Pickens Cty., S.C. Dep't of Transp., Op. No. 2004-UP-459, 2004 WL 6331837 (S.C. Ct. App. Aug. 30, 2004)
  
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)
  - (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.

I have never 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)
  
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 Supreme Court, 1988 to present
  - (b) United States District Court for the District of South Carolina, 1989 to present
  - (c) United States Court of Appeals, 1989 to present
  - (d) United States Supreme Court, 1992 to present

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.

- (a) National Family Law Trial Institute, Houston, Texas. (2010-2019). This program is an 8-day intensive trial skills course open to and attended by practicing attorneys from various states who seek to improve courtroom presence in divorce-related litigation. As a volunteer member of the faculty, every other year as part of this program I co-teach an advanced course focused on the issue of business valuation in divorce cases. I normally present a lecture called “Business Valuations – Lawyer to Lawyer”, and participate in a demonstration of cross examination of a business valuation expert. As part of the program I critique students on presentations. Periodically I serve as one of the faculty members responsible for a small group (about six) participants for the entirety of the program. On the last day of the program there is a mock trial and I have served as judge in the mock trial.
- (b) Institute for Associates, American Academy of Matrimonial Lawyers, Chicago, Illinois. (2016-2018). This program is a three day program which serves lawyers from various states who are new to the area of family law. As a volunteer member of the faculty I was responsible for mentoring a small group of lawyers throughout the program, and lectured in both the regular and advanced courses. The lecture topics were business valuation for lawyers, deposing the expert witness, direct examination of the expert witness, and cross examination of the expert witness. In the 2018 advanced course I delivered some of these lectures using a case-study approach based on the Moore vs. Moore case.
- (c) Southwest Divorce Conference, Advanced Financial Topics, Presented by Arizona Chapter of the American Academy of Matrimonial Lawyers, 2017. This program is a multi-day continuing education conference. At the invitation of the organizers, I served with a nationally-known expert in the role of keynote speakers. I lectured and presented multiple times during the course of the seminar on topics related to business valuation and expert testimony.
- (d) Greenville County Bar, 2017. This program was the end-of-the-year annual continuing education seminar. I participated in a panel discussion during the family law segment. The panel consisted of experienced and less-experienced practitioners. The focus of the discussion centered on maintaining and managing a successful family law practice.
- (e) South Carolina Bar, various years in various seminars. Below I describe these to the best of my recollection.
- (1) “Hot Tips for Family Law”. For several years I presented at the annual “Hot Tips” JCLE seminar presented by the Family Law Section and made



presentations on different issues such as the use of requests for admission in Family Court, service of subpoenas on out of state witnesses, and other topics.

- (2) Fall Seminar Presented by Family Law Section, Grove Park Inn, Asheville, NC. (about 2012). Along with another lawyer and some financial experts, this was a workshop seminar at which I presented on financial topics over the course of several sessions.
  - (3) Workshop Seminar Presented by Family Law Section, Greenville, SC (about 2009). With a CPA, I led a multi-hour workshop focused on reading and understanding tax returns, and using the data from tax returns in Family Court.
  - (4) JCLE for Family Court Judges (about 2007). I presented on the topic of pleadings in Family Court.
  - (5) At one seminar (I do not recall the specific one or date), I presented on the topic of representing foreign nationals in Family Court.
  - (6) Video CLE led by former Family Court Judge Leslie Riddle called "Whipping Up Some Justice" on the topic of pleadings and temporary hearings in Family Court.
- (f) SC Association of Public Accountants Seminar (about 2011). I served on panel focused on business valuations in Family Court.
- (g) New Judge Orientation School (about 2002). I presented on the topic of equitable apportionment at this school for new Family Court Judges in South Carolina.
- (h) Greenville Technical College, Paralegal Program. In the early 1990's I taught a few courses to paralegal students. To the best of my recollection the courses I taught were family law and real property.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

My CLE reports for the requested period are attached.

23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) South Carolina Practice Manual (Howard/Moise ed. 2000), author of chapter titled "*Marital Dissolution and Child Custody*"

I also served on the Editorial Board for the Third Edition of Marital Litigation in South Carolina: Substantive Law, Roy T. Stuckey (SC Bar CLE, first published in 1991, subsequent editions published through 2010 with annual supplements).

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.)

The following documents are attached:

- (a) Final Order and Divorce Decree dated September 8, 2014, entered in civil action 2012-DR-23-3232
- (b) Order (Regarding Plaintiff's Contempt Complaint filed February 20, 2019), dated June 17, 2019, entered in civil action 2014-DR-23-5441

For each of these documents I received instructions from the judge and wrote the order according to these instructions.

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.
- (a) Best Lawyers in America. Included in the area of family law each year since 2001. Recognized as Lawyer of the Year in Greenville in family law (2012 and 2020, to be announced August 15, 2019).
  - (b) Super Lawyers (South Carolina). Included in the area of family law each year since 2008. Recognized as one of the "Top 25" in the state in two non-consecutive years.
  - (c) Martindale-Hubbell. AV rating.
  - (d) Greenville Business Magazine. Included in the Legal Elite edition since 2012.
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. Member, House of Delegates (1990-2004)
  - (b) Greenville County Bar Association
  - (c) American Academy of Matrimonial Lawyers. Board of Governors (2014-2016), South Carolina Chapter President (2010-2012), Chapter Vice President (2008-2010), Chapter Secretary (2006-2008), and Chapter Treasurer (2004-2006)
  - (d) American 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.

- (a) South Carolina Education Lottery Commission. 2001 to 2016. Chair (2006-2016), Vice Chair (2001-2006). Appointed.
- (b) South Carolina Transportation Infrastructure Bank Board. 1997 to 2001. Vice Chair. Appointed.
- (c) Greenville County Transportation Committee. 1993 to 1997. Elected by Greenville County Legislative Delegation.

To the best of my knowledge I timely filed my reports with the State Ethics Commission when and as required.

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.

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. I have, however, invested in a few small, closely-held businesses.

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.

I serve as the managing partner of the Greenville office of my law firm, Nelson Mullins Riley and Scarborough LLP, and have held this position since 2011. My duties include serving as a liaison between the firm's Executive Committee and our office, administering the office marketing budget, lateral recruiting, monitoring productivity, and related matters.

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.**

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

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.

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?

To date my only expenditure is about \$45 (I have not yet received an invoice) for Federal Express charges to obtain some of the original letters of reference which are included with this application.

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.

(a) By me individually:

- (1) Senator Ross Turner, 2016, \$50
- (2) Senator Scott Talley, 2016, \$250
- (3) Representative Chip Huggins, 2016, \$500

- (4) Representative Jason Elliott, 2016, \$250
- (5) Representative Jason Elliott, 2018, \$250

(b) By a business with which I am associated. By the terms of the partnership agreement at Nelson Mullins Riley and Scarborough, LLP, part of my compensation is contributed to the NMRS State/Local PAC. I do not control the amount contributed, or have any role in the contributions made by this PAC. When contributions are made to members of the General Assembly, a portion is reflected in my name according to South Carolina Ethics Commission filings. That portion is not itemized by candidate. The total dollar amount of my contributions to the PAC by year for the requested period is as follows:

- (1) 2019, \$200
- (2) 2018, \$551
- (3) 2017, \$615
- (4) 2016, \$651
- (5) 2015, \$640

The recipients of the contributions are detailed in the PAC's filings with the South Carolina Ethics Commission. After declaring an intention to become a judicial candidate, I ceased participation in this PAC.

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.

Partner, Nelson Mullins Riley & Scarborough LLP. - I will recuse myself from hearing matters involving attorneys from this firm for several years.

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.

None

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

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and

- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

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

None

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.
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.
44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?
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 which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I do not recall any client ever filing suit against me.

I have been a named defendant in some civil proceedings as a result of being awarded attorney's fees on behalf of a client. These civil proceedings did not seek any relief from me (I was named because of the attorney's fee lien created by the award). I remember this occurring less than five times in the course of my career. As far as I know none of these are currently pending.

I may have been named a defendant in my official capacity as a member of the South Carolina Education Lottery Commission when I served on that Commission in one or more cases filed during that time. If so, the relevant time period is 2001 to 2016. I cannot recall specifically and do not have any records. If I was named in this manner, all such cases were resolved without a trial and there were no judgments entered against me.

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 am covered by malpractice insurance and have been covered since I started practice in 1988. When I closed Wilkins & Madden, PA and joined Nelson Mullins Riley and Scarborough, LLP in 2006, I obtained tail coverage to provide coverage for my work and that of partners and associates in the old firm. Currently, the coverage limits of the policy on which I am covered is \$100 million per claim and the deductible is \$1 million per claim.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been 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 sanction, discipline, or finding of misconduct of any kind.

[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

**Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, (3) Memo of Guidance, and (4) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.**

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened or have you been offered a conditional pledge of support by any legislator pending the outcome of your

screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No. I have not asked anyone to campaign on my behalf. I am not aware of anyone who has campaigned on my behalf. As of the date of this application my only actions which might be classified as "campaigning" consist of letting a few members of the General Assembly, colleagues and friends know of my intent to seek this position.

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 packet.*

- (a) Thomas W. Traxler, [REDACTED]
- (b) S. Alan Medlin, [REDACTED]
- (c) David H. Wilkins, [REDACTED]
- (d) Nancy Cannon, [REDACTED]
- (e) William Hogan Brown, [REDACTED]



With the permission of Chief Counsel to the Commission, the attached letters of reference which were compiled when I intended to seek the position of Family Court Judge, Thirteenth Judicial Circuit, Seat 5 are submitted for this position of Family Court Judge, At-Large, Seat 2.

56. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

Yes. If I am elected judge, I will update my occupation on LinkedIn, will continue the private restrictions on any other social media accounts I maintain, and will not post public messages on any social media account.

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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) Compleat Lawyer Award, University of South Carolina Law School Alumni Association
- (b) Distinguished Service Award, Wofford College Alumni Association
- (c) Liberty Fellow
- (d) Westminster Presbyterian Church, Greenville, South Carolina. Previous service as Elder and Chair, Weekday School Committee.
- (e) Welvista, Columbia, South Carolina. Board of Directors, 2008-2014.
- (f) Upcountry History Museum, Greenville, South Carolina. Board of Directors, 2010-2013.
- (g) South Carolina Student Loan Corporation, Board of Directors, 2004-2007
- (h) Greenville Country Club

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.

- (a) As referenced in response to question number 11 above, in my family law practice I represent clients in trials and appeals. This experience provides additional benefits which will be beneficial as a Family Court Judge. Some of these cases involved unique legal issues, including at least one case of first impression. By practicing at both levels of the court system I believe I developed a deeper understanding of how to build a proper record at the trial level, and the importance of properly drafted orders. The significant family law appeals in which I served as counsel of record are:

- (1) Conits v. Conits, 417 S.C. 127, 789 S.E.2d 51 (Ct. App. 2016), cert. granted, decision rev'd, 421 S.C. 391, 807 S.E.2d 695 (2017), opinion withdrawn and

superseded on denial of reh'g, 422 S.C. 74, 810 S.E.2d 253 (2018), and cert. granted, decision rev'd, 422 S.C. 74, 810 S.E.2d 253 (2018), and Op. No. 2018-UP-185, 2018 WL 2058196 (S.C. Ct. App. May 2, 2018)

- (2) Moore v. Moore, 414 S.C. 490, 779 S.E.2d 533 (2015), and subsequent appeal, Moore v. Moore, Op. No. 2019-UP-208, 2019 WL 2372477 (S.C. Ct. App. June 5, 2019)
- (3) Wilburn v. Wilburn, 403 S.C. 372, 743 S.E.2d 734 (2013).
- (4) Dickert v. Dickert, 387 S.C. 1, 691 S.E.2d 448 (2010)
- (5) Gilfillin v. Gilfillin, 334 S.C. 213, 512 S.E.2d 534 (Ct. App. 1999), rev'd, 344 S.C. 407, 544 S.E.2d 829 (2001).
- (6) Gaffney v. Gaffney, 401 S.C. 216, 736 S.E.2d 683 (Ct. App. 2012)
- (7) Myers v. Myers, 391 S.C. 308, 705 S.E.2d 86 (Ct. App. 2011)
- (8) LaFrance v. LaFrance, 370 S.C. 622, 636 S.E.2d 3 (Ct. App. 2006)
- (9) Powell v. Powell, Op. No. 2005-UP-595, 2005 WL 7084864 (S.C. Ct. App. Nov. 21, 2005), rev'd, Op. No. 2008-MO-038, 2008 WL 9881746 (S.C. Sept. 8, 2008)
- (10) Greene v. Greene, 351 S.C. 329, 569 S.E.2d 393 (Ct. App. 2002) (I was not trial counsel)
- (11) Kisling v. Allison, 343 S.C. 674, 541 S.E.2d 273 (Ct. App. 2001)
- (12) Wheeler v. Gill, 307 S.C. 94, 413 S.E.2d 860 (Ct. App. 1992)
- (13) Pirkle v. Pirkle, 303 S.C. 266, 399 S.E.2d 797 (Ct. App. 1990)

- (b) My work in a small firm and a large firm gives me appreciation for the demands and stressors placed on all lawyers. I understand what is required of a solo practitioner and small firm lawyer to meet overhead and make a payroll, and manage the daily stress of client relationships. I appreciate the pressure on lawyers in larger firms to be a producer and meet firm-required goals. This background will help me be patient and understanding in addressing administrative issues.
- (c) For a few years, I served as a volunteer prosecutor of domestic violence crimes in a program created by the South Carolina Attorney General. In addition to refreshing my knowledge of some aspects of criminal law, this role provided insight into the challenges faced by law enforcement in domestic disturbances.
- (d) From time to time, in addition to my law practice, I took financial risks by investing in a few closely-held businesses (none of which remain active today). I gained an appreciation for the challenges faced by those who open and operate a business. Although I rarely made any money from these ventures, being a part of them helps me understand and appreciate the same struggles and benefits experienced by many Family Court litigants who operate small businesses.
- (e) As one of the original members of the South Carolina Education Lottery Commission, and as Chair of this Commission for ten years, I gained a working knowledge of a billion-dollar a year business from its infancy to successful maturity. I learned both how to organize and launch a large-scale business enterprise, and how to set and guide policy for this organization, all within the confines of the statutory authority created by the General Assembly. The business aspects of this experience will be valuable in understanding issues presented in the Family Court. The policy and administrative

aspects of this experience will be beneficial in working with Court Administration and the transition from the private sector to government service.

- (f) Every year I gave a part of my time and experience to those who could not afford to pay me. By spending time with those who do not have the resources to fight, I was constantly reminded of the tremendous impact any case – but particularly one in Family Court – has on the litigants. As a result of this pro bono work, I will always bear in mind that no matter the legal significance (or lack thereof) of the issue which is in dispute in any given case, the practical and personal importance of the issue, and the day in court to those litigants is paramount.

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 \_\_\_\_\_, 2019.

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

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