



**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Court of Appeals Seat 7

1. Name: The Honorable Stephanie Pendarvis McDonald

Home Address:

[REDACTED]

Business Address: South Carolina Court of Appeals  
1120 Senate Street  
Columbia, SC 29201

E-Mail Address:

[REDACTED]

Telephone Number: (office): (843) 958-5102 (Charleston courthouse)

[REDACTED]

2. Date of Birth: [REDACTED] 1969  
Place of Birth: Columbia, South Carolina  
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. No

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: Divorced.  
Divorced on September 21, 2007, Charleston Co., S.C. Family Court  
Stephanie McDonald was the moving party, One Year Continuous Separation.

One child.

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) University of South Carolina Honors College, 1987-1991  
Bachelor of Arts in Philosophy and English, *Magna cum Laude, with Honors from South Carolina College*, May 1991

(b) University of South Carolina School of Law, 1991-1994  
*Juris Doctor*, May 1994

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) Senate Judiciary Committee Law Clerk, 1992-94

(b) Moot Court, 1992-94:

Finalist (Argued before the S.C. Supreme Court - 1993)

Order of the Barristers, 1993-94

Captain, Craven Moot Court Team, 1994

(c) Law School *Pro Bono* Board, 1992-94

Vice-President, 1993-94

(d) Volunteer, Richland County Guardian ad Litem Project, 1993-94

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.

South Carolina – Admitted to practice in 1994

I have taken only 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.

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals to fill the vacancy existing upon the retirement of the Honorable Daniel F. Pieper.

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At-Large, Seat 9, to fill the unexpired term of the Honorable J. Michelle Childs. As I needed some time to wind down my law practice, I was sworn in on June 30, 2011, and began work on the Circuit Court on July 1, 2011.

Before my election to the Circuit Court, I was in private practice. After taking the Bar exam, I worked as an associate at Stuckey & Kobrovsky in Charleston. This firm later became Stuckey & Senn. I was primarily a civil litigator in cases involving constitutional and governmental issues, but I also worked on some probate matters and business litigation. My first three solo trials involved constitutional claims in United States District Court.

I became quite ill while pregnant with my only child and was forced to take a two-month leave of absence for home intravenous treatments. Upon my return to work in August of 1997, I did not return to the law firm, but maintained a solo practice from August of 1997 through approximately 2003. During this time period, I handled appeals for several attorneys and firms, including:

- Stuckey Law Firm
- Sandra J. Senn, P.A.
- Clawson & Staubes
- Rhoad Law Firm (Bamberg)
- Padgett Law Firm (Bennettsville)
- Jennings and Harris (Bennettsville)
- Jay Ervin (Darlington)

I also did other legal work for:

- Joye Law Firm
- David Whittington
- Robert Gailliard
- John Price Law Firm
- E. Bart Daniel
- J. Brady Hair
- Larry Kobrovsky
- Stanley Feldman

I continued to try cases with and handle appeals for attorney Sandy Senn during this time period, and in the early 2000s, we joined the late Teri Leinbach in the firm of Senn, McDonald, and Leinbach. In our law practice I handled a variety of appellate matters (for plaintiffs and defendants) as well as trial level civil defense for public officials, law enforcement agencies, state agencies, and local governments in state and federal courts.

I also served as a volunteer prosecutor for the South Carolina Attorney General's Criminal Domestic Violence Task Force. Most of that work took place in Orangeburg County.

I handled some trial level cases for plaintiffs, primarily in the field of employment discrimination and harassment, but I estimate that about 60% of my private practice work was in the area of civil defense.

At Stuckey and Senn, I did not handle financial or administrative matters, other than reviewing billing for my cases. From 1997 through approximately 2003, before joining Senn, McDonald, and Leinbach, I handled my own financial administrative matters. I did not maintain a trust account as all of my work during this time period was billed hourly to other attorneys and firms. At Senn, McDonald, and Leinbach, I was not involved with the trust account or the handling of the firm's general financial matters. I reviewed billing for my specified files and as needed for other attorneys or staff, and I handled some administrative personnel matters.

**Justices/judges applying for re-election to their current position may omit Questions 11–17.**

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.

Yes. On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At-Large, Seat 9. I was sworn in on June 30, 2011, and served continuously until I began at the Court of Appeals on July 1, 2014.

The Circuit Court is South Carolina's Court of General Jurisdiction. It consists of the Court of General Sessions (criminal court) and the Court of Common Pleas (civil court). The Circuit Court also serves as a court of limited appellate jurisdiction, handling appeals from Probate Court, Magistrate's Court, and Municipal Court. Article 5 of Title 14 sets forth additional provisions relating to the operation of the Circuit Court.

I was Chief Administrative Judge for Common Pleas in the Ninth Circuit. (January 2014 – June 2014). For eighteen months prior to that, I was Chief Administrative Judge for General Sessions matters in the Ninth Circuit. (July 2012 – December 2013).

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals. I began work at the Court of Appeals on July 1, 2014, and have served continuously since that time.

The Court of Appeals is a statutorily created court; § 14-8-200(a) sets forth its jurisdiction. Generally, the Court of Appeals has jurisdiction when an appeal is taken from an order or judgment of the Circuit Court, Family Court, Administrative Law Court, or Appellate Panel of the Worker's Compensation Commission. This section also authorizes the Supreme Court to provide by rule for the Court of Appeals to consider petitions for writs of certiorari in PCR matters.

Limitations upon the jurisdiction of the Court of Appeals are set forth in § 14-8-200(b). The Court does not consider appeals which include a death sentence; final rate-setting decisions of the Public Service Commission; the constitutionality of state laws or county or municipal ordinances, unless the Supreme Court determines the constitutional question is not a

significant one and transfers the case; certain general obligation debt, revenue, and bonding matters; Circuit Court judgments addressing elections or election procedure; orders limiting an investigation by the State grand jury; or any order of the Family Court relating to an abortion sought by a minor.

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) Stoney v. Stoney, 425 S.C. 47, 819 S.E.2d 201 (Ct. App. 2018), cert. denied June 28, 2019. This case arose from complex and extremely acrimonious marital litigation for which venue was changed from Charleston to Orangeburg County. In 2016, we reversed and remanded for a new trial, but on December 17, 2017, our Supreme Court accepted Husband and his Intervenor-Brother's petitions writs of certiorari and reversed because our initial opinion referenced both the "abuse of discretion" and "de novo" standards of review in procedural and substantive contexts. The Supreme Court then vacated its December 2017 opinion and refiled a substituted opinion on April 18, 2018.

Our opinion listed here followed the Supreme Court's April 2018 remand of the case to the Court of Appeals. Although this 2018 opinion omits any reference to the "abuse of discretion" standard (other than as related to the Family Court's handling of Brother's intervention), the result was the same—we remanded the case to the Family Court for a new trial on all remaining financial issues. This past June, the Supreme Court denied Husband and Intervenor-Brother's most recent petitions for writs of certiorari.

- (b) Allwin v. Russ Cooper Associates, Inc., 426 S.C. 1, 825 S.E.2d 707 (2019). This opinion addresses the application of the three-year statute of limitations and discovery rule in the context of complex construction litigation. Allwin's petition for a writ of certiorari is pending.
- (c) Britton v. Charleston County, Op. No. 2018-UP-368 (S.C. Ct. App. filed Sept. 19, 2018). This case addressed whether a fatal heart attack suffered by a sheriff's office employee responsible for coordinating radio communications for over one hundred first responders was compensable. Officers on-scene and at a nearby command post were facing an armed standoff in which two police officers had been shot.

We affirmed the Appellate Panel of the Workers' Compensation Commission's order affirming the single commissioner's finding decedent's heart attack was compensable because it was induced by "unexpected strain or overexertion in the performance of the duties of employment or by unusual and extraordinary conditions in the employment." The opinion addresses the application of the "heart attack" exception as well as a party's procedural right to seek rehearing before the Appellate Panel prior to any appeal to the Court of Appeals. The parties settled the case after the issuance of this authored unpublished opinion.

- (d) State v. Daise, 421 S.C. 442, 807 S.E.2d 710 (Ct. App. 2017). In this criminal appeal, we affirmed defendant’s convictions for the murders of his girlfriend and her four-year-old son, the shooting (AWIK) of the couple’s two-year-old son, possession with intent to distribute marijuana, and trafficking cocaine. The opinion addresses a number of issues relating to issue preservation, the Confrontation Clause, witness pitting, the admission of photographs, records production, and cumulative error. No petition for a writ of certiorari was sought; the remittitur was sent on January 22, 2018.
- (e) Klein v. Barrett, Op. No. 5647, 828 S.E.2d 773 (S. C. Ct. App. filed May 8, 2019). This appeal from family court is significant because it addresses joint custody and the allocation of guardian ad litem fees, two issues which continue to be problematic in Family Court litigation. We affirmed the Family Court’s award of joint custody here and noted that our Supreme Court’s analytical framework for considering joint custody dates back to 1969. Further, Justice Waller’s 2003 case adopting the 1969 language imposes an “exceptional circumstances” requirement not specified by the General Assembly in 1996, when it codified joint custody as an option for Family Courts to consider in child custody determinations. See S.C. Code § 20-70-420(42) (Supp. 1996). No petition for a writ of certiorari was sought; the remittitur was sent on May 24, 2019.

Judge Katherine Tiffany and I will be presenting on the topic of joint custody in September at the S.C. Bar’s annual “Hot Tips from the Coolest Domestic Law Practitioners” CLE.

- 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) Admitted to practice before the State Courts of South Carolina in 1994;
  - (b) Admitted to practice before the United States District Court for the District of South Carolina (1995); and
  - (c) Admitted to practice before the United States Court of Appeals for the Fourth Circuit (1995).
- 21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
  - (a) I presented on “Appellate Court” at the 2019 New Circuit Judges Orientation School;
  - (b) I served as a panelist on “Leading from the Bench” at The Citadel’s 12th Annual Principled Leadership Symposium (2019);
  - (c) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2019 Trial Academy;

- (d) I served as a panelist at the SC Defense Trial Attorneys' Women in Law Committee 2019 forum titled "Can We Really Have It All? (A discussion about challenges unique to female professionals)";
- (e) I co-presented a three-hour program on "Tips from the Bench" at CSOL's 2<sup>nd</sup> Annual CLE Seminar on November 30, 2018;
- (f) I presented at the SC Bar's 2018 CLE "The Unauthorized Practice of Law and How it Impacts Licensed Attorneys";
- (g) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2018 Trial Academy;
- (h) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2017 Trial Academy;
- (i) I served on a panel addressing questions relating to appeals in workers' compensation cases at the Injured Workers' Advocates 2017 Annual Meeting;
- (j) I served as a panelist at the Charleston County Bar's 2017 "What Works" CLE;
- (k) I served as a panelist for the SC Bar's 2016 "Ethics with the Judges" Sporting Clays CLE;
- (l) I served as a trial judge and speaker at Professor Debra Gammons's 2016 CSOL Mock Trial competition;
- (m) I co-presented on "How to Best Present Your Case Before the Appellate Courts" for lawyers attending the 2015 Injured Workers' Advocates Annual Meeting;
- (n) I presented on "Tips from the Appellate Bench" at the Fourteenth Circuit's 2015 "Tips from the Bench: What Your Judges Want You to Know" CLE
- (o) I served as a panelist for the 2015 SC Women Lawyers Association's 2015 breakfast program on women running for public office;
- (p) I served as a panelist for the 2015 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (q) I presented on the "Top Ten Ways to Avoid Reversal on Appeal" at the 2015 South Carolina Circuit Judges Conference;
- (r) I served as a panelist for the 2014 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (s) I spoke on the topic of "Civility, Competence, and Candor: Minding your Manners to Avoid Obvious Courtroom Pitfalls" at the 2014 USC School of Law's Reunion CLE;
- (t) I served as a panelist for "A View from the Bench" for lawyers attending the SC Association for Justice's 2014 Annual Meeting;
- (u) I served as a panelist for the 2013 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (v) I served as a panelist for "Tips from the Bench" for lawyers attending the 2013 SC Defense Trial Attorneys Summer Meeting;
- (w) I served as a panelist for the 2013 SC Bar Program "Fast Break on Fast Track Jury Trials: How it will Work";
- (x) I spoke to law students attending the 2013 CSOL Professionalism Series on "Professionalism in the Courthouse";
- (y) In 2013, I presented a lunch program on "Mental Health Issues and the Courts" to the Historic Rotary Club of Charleston;
- (z) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2012 Trial Academy;

- (aa) I spoke on “Ethics in the Courtroom” at the Charleston Lawyers Club’s 2012 “Tips from the Bench and Bar” CLE;
- (bb) I co-presented on “The Fairness in Civil Justice Act of 2011” at the 2011 SC Defense Trial Attorneys Annual Meeting;
- (cc) I served as a panelist for the 2011 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (dd) In 2010, I served on the faculty for a day-long CLE seminar on “The Mechanics of Civil Procedure”;
- (ee) In 2006, I spoke at the Insurance Reserve Fund’s Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the changing composition of the Fourth Circuit and United States Supreme Court;
- (ff) At the 2004 South Carolina Conference of Countywide Elected Officials (SCACEE Conference), I spoke about the operation of South Carolina’s Freedom of Information Act and provided an update on recent South Carolina cases impacting countywide elected officials;
- (gg) In 2003, I taught a one-hour session at the South Carolina Defense Trial Lawyers’ Trial Academy. I believe it was on cross-examination;
- (hh) I presented the “Ethics” portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was “Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter”;
- (ii) At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided an investigation checklist for Attorneys to Assist and spoke on how to conduct a thorough investigation;
- (jj) In 1998, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Las Vegas about the South Carolina Bar Young Lawyer’s Division’s “Lawyers as Mentors” project and provided instruction for other YLDs interested in starting similar programs in their states; and
- (kk) In 1997, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Tampa about the South Carolina Bar Young Lawyer’s Division’s “Citizenship in Schools” project and provided instruction for other YLDs interested in starting similar programs in their states.

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

My continuing judicial education reports for 2014-15 through 2018-19 are attached.

23. List all published books and articles you have written and give citations and the dates of publication for each.

- (a) Co-author, *Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities*, The Urban Lawyer, 1997.

24. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)



25. What is your rating or membership status, if any, by any legal 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.

Martindale Hubbell: AV

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  
Positions held for the Young Lawyers Division:

Chair, Law School for Non-Lawyers project (1998)  
Co-Chair, Lawyers as Mentors project (1997)  
Chair, "Citizenship in Schools" project at Fraser Elementary School (1996)  
Co-Chair, Lawyers for Literacy project (1995)  
Delegate, ABA Annual Meeting (Young Lawyers Division), San Francisco, 1997

- (b) Charleston County Bar Association  
(c) Charleston Lawyers Club (1994-2004)  
President, 1998-99  
(d) Federal Bar Association (former member)  
(e) South Carolina Women Lawyers Association  
(f) American Bar Association (Judicial Division)

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 other than judicial office, but in the past, I have been appointed by the Supreme Court to positions affiliated with the Office of Disciplinary Counsel. From 1999-2002, I served as an Attorney to Assist Disciplinary Counsel. From 2003-2011, I was an attorney member of the Judicial Conduct Commission. No such Ethics Commission reports were required until my election to the bench, and I have filed my Rule 501, SCACR, disclosure statement each year.

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.

Yes. In 2009, I was found to be qualified, but was not nominated, for the position of Circuit Judge, At-Large, Seat 8.

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, other than jobs in high school and college.

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.**

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?

I have not yet made any expenditures, but I will supplement this response and any other required reporting documents as needed. I do plan to send a letter to members of the General Assembly (other than those who are members of JMSC) announcing my intent to seek re-election to Seat 7 of the Court of Appeals; I will report my postage expenditures at that time.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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.

I have accepted lodging and meals from the South Carolina Association for Justice, South Carolina Defense Trial Attorneys Association, Injured Workers Advocates, and South Carolina Bar Association when attending their conferences or speaking for their programs. These items are reported on my annual Rule 501, SCACR, disclosure form and on my Statement of Economic Interests. I enjoy normal social hospitality with my friends, many of whom are attorneys.

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

No.

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.

Not to my knowledge.

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 never been sued by a client. A pro se plaintiff attempted to sue me in 1996, after I successfully defended his case against the Charleston County Sheriff and various other governmental defendants. The Honorable Robert S. Carr, United States Magistrate Judge, dismissed the case as frivolous on pre-screening and did not authorize service of process.

I have been named as a defendant in my capacity as a Judge of the Court of Appeals when disgruntled litigants sue the Court, but I am not aware of having been singled out as a defendant in any such litigation.

I am a plaintiff, through my homeowners' association, in the construction defect litigation, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Kathy Milner, Individually and on behalf of all others similarly situated, vs. Island Pointe, LLC, et al, Civil Action No. 2015-CP-10-995. A number of the defendants and subcontractors settled prior to trial. At least two insurance companies moved to intervene; Judge Jennifer McCoy denied these motions. Her orders were appealed, but the supreme court remitted one of the insurer's appeals after the company moved to withdraw it. Judge McCoy presided over the jury trial of the remaining construction defect claims in May 2019. The Charleston County jury returned a substantial verdict for the plaintiffs. My understanding is that most of the case has now been resolved through settlement.

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.

Not applicable.

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 done no campaigning thus far, but I do plan to send a letter to members of the General Assembly (other than those who are members of JMSC) announcing my intent to seek re-election to Seat 7 of the Court of Appeals.

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, I am familiar with the 48-hour rule.

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 JMSC member about my candidacy, and I am not aware of anyone else having contacted any member on my behalf.

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) The Honorable J. C. Nicholson, Jr.  
Active/Retired Circuit Court Judge

[REDACTED]

- (b) The Honorable Julie J. Armstrong  
Charleston County Clerk of Court

[REDACTED]

- (c) Patricia Howard  
Chief Staff Attorney  
South Carolina Court of Appeals

[REDACTED]

- (d) R. Michael Ethridge  
Ethridge Law Group

[REDACTED]

- (e) Kermit S. King

[REDACTED]

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?

I have Facebook, Snapchat, Instagram, and Twitter accounts, but I am more of an observer than a poster. I occasionally comment on Facebook, but never on matters relating to politics, our case work, or matters potentially forbidden by the Canons of the Code of Judicial Conduct or Judicial Department policy. I have reviewed the Advisory Opinions relating to social media and ABA Formal Opinion 462.

I do use my Facebook account to post messages announcing emergency closures of the Charleston County Judicial Center and other such announcements that members of the Bar and public may need to see. For example, during the 2015 flooding and recent hurricanes, a number of counties had closures. I shared this information as I received it from our clerks of court. I have also shared links to orders from our Supreme Court addressing the computation of time during and after inclement weather events.

When I was in private practice, I signed up for a free Linked In account. I have thus far been unable to inactivate it, but other than my name and geographical location, there is no information posted there.

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) Mentor, South Carolina Lawyer Mentoring Program (2009-2010)
- (b) Board Member, South Carolina Bar Foundation (1998-2001)
- (c) Board Member, Association of Junior Leagues International, New York, NY (2006-2009)
- (d) President, Junior League of Charleston (2010-2011)
- (e) Commissioner, City of Charleston Mayor's Office for Children, Youth & Families (2000-2003)
- (f) Chair and Parliamentarian, 120<sup>th</sup> Annual Meeting of the Episcopal Church Women of the Diocese of South Carolina (2004)
- (g) President, St. Philip's Episcopal Church Women (ECW) (2003-2004)
- (h) Member, City of Charleston Leadership Team, National League of Cities Municipal Leadership in Education Project (2001-2003)
- (i) Board Member, Youth Service Charleston (2001-2003)
- (j) Junior League of Charleston Community Impact Award (2002)
  
- (k) Leadership Charleston Class of 2001
- (l) Youth Mentor, Mitchell Elementary School (1998-2001)
- (m) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001)

Law School Awards: American Jurisprudence Award for Evidence



American Jurisprudence Award for Moot Court  
First Year Legal Writing Award

Undergraduate: Carolina Cares, USC's Philanthropic Organization (1988-1991)  
President (1990-1991)  
Alpha Delta Pi Sorority (1987-present)  
President (1990-1991)  
Student Alumni Association (1989-1991)  
Secretary/Treasurer (1990-1991)  
Interclub Council (1989-1991)  
Secretary/Treasurer (1989-1990)  
USC Community Service Programs Advisory Board (1990-1991)  
Assistant Student Advocate (Student Government) (1989-1990)  
Campus Judicial Board (1990-1991)  
Hurricane Hugo Relief (Salvation Army) (1989)  
Association of Honors Students (1987-1991)  
Mortar Board (1989-1991)  
Omicron Delta Kappa (1990-1991)  
Order of Omega (1989-1991)

Honors: Algernon Sydney Sullivan Award  
Phi Beta Kappa  
Mortar Board Graduate Fellowship  
Dorothy Shaw Leadership Award (National Sorority Award)  
USC Hall of Leaders  
Josiah Morse Award for Philosophy

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.

I has been my honor and privilege to serve on the Circuit Court and the Court of Appeals, and I hope the Commission and General Assembly will allow me to continue. While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel, and I personally handled at least forty-five (45) appeals. I assisted other attorneys and firms with over twenty (20) others. I know what it means to be a practicing courtroom lawyer, and I believe this allows me to bring additional understanding to my judicial role with respect to my temperament, decision-making, and continuing study. Treating others with fairness, impartiality, integrity, and dignity—in life and in the courtroom—is critical to the practice of law and our judicial system. I hope I have demonstrated such characteristics during my time on the bench. Good temperament, patience, scholarship, and the willingness to make difficult decisions are important traits for any judge, and I am always working to try to improve in these areas.

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: \_\_\_\_\_