

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, Eighth Judicial Circuit, Seat 2

1. NAME: Eugene Cannon Griffith, Jr.
BUSINESS ADDRESS: P.O. Box 375
Newberry, SC 29108
TELEPHONE NUMBER: (office): (803) 321-1430
2. Date of Birth: 1964
Place of Birth: Newberry, South Carolina
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
5. Family Status: Married on August 17, 1991, to Elizabeth Rushing Griffith.
Never divorced, three children.
6. Have you served in the military? No military service.
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) College of Charleston, Fall Semester 1983; transferred to USC
 - (b) USC: Spring 1984 through Spring 1987
College of Business Administration: BS in Finance
 - (c) USC: School of Law: Fall 1988 through December 1990 J.D.
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

I was admitted to the South Carolina Bar in May 1991. I have not taken any other bar examinations.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) Student of South Carolina College 1985-87;
 - (b) Member Association of Honors Students 1985-87;
 - (c) Sigma Nu Fraternity 1985-87;
 - (d) Intra-Fraternity Council - Chair of Scholarship Committee;
 - (e) Senate Page 1984 Legislative Session for Senator Robert C. Lake, Jr.;
 - (f) Senate Page 1985-1987 Legislative Sessions for Senator Thomas H. Pope, III.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.



- | <u>Date</u> | <u>Conference/CLE</u> |
|-------------------|---|
| (a) 09/24/2006 | SC Solicitors Conf.: Prosecution Accountability; |
| (b) 09/24/2007 | SC Solicitors Conf.: Partners in Prosecution; |
| (c) 08/09/2008 | SC Association for Justice Annual Convention; |
| (d) 05/06/2009 | Circuit Court Judges Conference; |
| (e) 07/08/2009 | New Judges Orientation; |
| (f) 08/06/2009 | SC Association for Justice Annual Convention; |
| (g) 08/19/2009 | Annual Judicial Conference; |
| (h) 11/2009 | SC Defense Lawyers' Convention; |
| (i) 01/22/2010 | Annual Civil Law Update; |
| (j) 01/22/2010 | Annual Criminal Law Update; |
| (k) 05/05/2010 | Circuit Court Judges Conference; |
| (l) 08/09/2010 | SC Association for Justice: Annual Convention; |
| (m) 08/19/2010 | Annual Judicial Conference; |
| (n) 10/10-21/2010 | General Jurisdiction National Judicial College; |
| (o) 10/10-21/2010 | Ethics: National Judicial College; |
| (p) 01/21/11 | Annual Civil Law Update SC Bar Annual Meeting; |
| (q) 01/21/11 | Annual Criminal Law Update SC Bar Annual Meeting; |
| (r) 05/05/11 | SC Circuit Court Judges' Conference. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I taught the legal section in Newberry County to students who enrolled in the Reserve Police Officer Certification Classes. Over the past ten years, I have taught four or five groups of candidates.
 - (b) In 1999, I taught the Legal unit to the Volunteers for the Newberry County Guardian *ad litem* program.
 - (c) Panel Member for Case Law Updates at SC Public Defenders Annual Conference. September 2009
 - (d) Panel Member for Case Law Updates at SC Solicitors Association Annual Conference. September 2010
12. List all published books and articles you have written and give citations and the dates of publication for each. No publications
13. 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 SC State Courts, May 15, 1991;
 - (b) Also admitted to practice before the Federal District Court for the District of SC, September 14, 1994.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

- (a) March 1991-July 1991: Clerk to the Honorable James E. Moore, Circuit Court
 - (b) July 1991-June 1992: Clerk to the Honorable John P. Gardner, S.C. Ct. of App.
 - (c) July 1992-February 1997: solo practice as Griffith Law Firm – general practice of law. My office handled real estate transactions, mortgage closings, magistrate’s trial work, criminal trial defense, civil trial work, domestic relations trial work, and estate and probate matters.
 - (d) February 1997-February 2009: In February 1997, Rushing and Griffith, P.C. was formed by Eugene C. Griffith, Jr. and Elizabeth R. Griffith. The scope and type of law practice did not change significantly and was operated as a general practice. Don S. Rushing bought into the corporation and opened an office in Lancaster, SC. Don S. Rushing has operated a limited practice in the Lancaster office. Towards the end of my practice the type of work performed in the Newberry office changed slightly. In January 2005, I agreed to work as a special prosecutor for the Eighth Judicial Circuit for the terms of General Sessions Court held in Newberry County. After agreeing to act as special prosecutor, I was unable to accept cases as a criminal defense attorney. I also handled numerous condemnation actions on behalf of the SCDOT. I was also appointed under Circuit Court rules in numerous civil cases to act as special referee for non-jury matters, such as partitions and foreclosures.
 - (e) February 27, 2009 – present: Resident Circuit Court Judge for the Eighth Judicial Circuit, Seat 2
 - (f) May 2010 – present: Chief Administrative Judge for the Eighth Judicial Circuit
15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who’s Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. Rating of BV by Martindale-Hubble in 2008.
22. Have you ever held judicial office?
I was elected to the South Carolina Circuit Court for the Eighth Judicial Circuit, Seat 2 February 11, 2009, and was qualified February 27, 2009.
23. If the answer to question 22 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.
Since I have only been on the bench for 29 months, I have only had one of my decisions complete the appeal process. I have listed other cases which I consider significant.
- (a) State v. Bobby Lee Burdine 2011- UP – 285 Appeal affirmed decision to allow a resisting arrest conviction be based upon an arrest for disorderly conduct episode which occurred on private property but within the purview of public.

- (b) Dr. Richard Taylor, Dr. Parker Young, J. David Chestnut and the Erskine Alumni Association v. General Synod of the Associated Reformed Presbyterian Church, Inc. - This case involved a conflict among Members of the ARP General Synod and several displaced Board Members regarding the reduction of the number of Board of Directors to Erskine College.
 - (c) Fay v. County of Laurens, City of Clinton, et alius. This case involved a pro se litigant challenging the issuance of a bond by the County of Laurens to construct infrastructure in the City of Clinton.
 - (d) Farrow v. Darby - This case involved a novel issue of law dealing with the inferred negligence of improperly maintaining domestic livestock when the wayward steer was never found after the accident.
 - (e) Dent v. Executive Relocations Service – This case involved an issue dealing with the assignment of a third-party cause of action by an at-fault party to a plaintiff after the settlement of the first party cause of action.
24. Have you ever held public office other than judicial office? No.
25. 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. None.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- Yes, twice. I was an unsuccessful candidate for House of Representatives District 40 in November 2002. I lost the general election to Walton J. McLeod. And, I was a candidate for the Circuit Court At-Large Seat No. 13 in February 2008. I withdrew to allow the Honorable Larry Hyman to be elected unopposed to that seat.
27. 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?
- I have had no other jobs or occupations, beyond part-time jobs held during college and law school.
28. Are you now an officer or director or involved in the management of any business enterprise?
- (a) Weir Club, LLC – I own a 10% interest in the 10 member LLC. The Weir Club, LLC owns as its primary asset a 408-acre tract of land, which is used as a hunting and fishing area for the members. I am the statutory agent.
 - (b) Ernest A. Brooks Memorial Trust for Gamecock Excellence – I was appointed trustee on January 6, 2006. The testamentary trust, created by Mr. Brooks in 1984, pays income annually to the USC Gamecock Club. The USC Gamecock Club is the trust's only beneficiary.

29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest.
- I lease an office building to the law firm of Zimmerman and Shealy. On any occasion that a member or employee of Zimmerman and Shealy appears before me, I make a disclosure on the record of this lease relationship to the other parties in the case. I then allow the attorneys and parties to discuss this issue with their clients outside of my presence. If any concern is present, I recuse myself and make attempts to assist them in getting case before another judge to avoid delay.
31. 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? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? Not to my knowledge.
33. 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? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. 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? No.
37. 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)? No.
38. 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? No.
39. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign."

Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.

41. 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. None.
42. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
43. 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? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
44. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
45. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
46. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
47. 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) Newberry County Bar Association: Secretary/Treasurer 1992-93; Vice-President 1994-1995; President 1996-98;
 - (b) South Carolina Bar Association, Member: 1991-present;
 - (c) South Carolina Association for Justice (formerly SCTLA), Member: 1993-2009;
 - (d) American Association for Justice (formerly ATLA), Member: 1995-2009;
 - (e) American Bar Association, Member: 1991-2009; Judicial Division 2009-present;
 - (f) Newberry County Public Defender Corporation Board: 1994-2004.
48. 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) Central United Methodist Church: Administrative Board Chair- 2001-03, Treasurer 2006-08; MYF Youth Parent 2008-present;
 - (b) Prosperity Recreation Department, Dixie Youth Baseball: Assistant Coach 2000-2011; Head Coach 2008;

- (c) Newberry County Chamber of Commerce: Member 2006-February 2009;
 - (d) Newberry County Tax Advisory Committee: 2006-February 2009.
49. 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.

I do not know of any information which would negatively affect my candidacy. I do believe that the patience taught to me by my parents is a positive attribute which helps me every day in performing my duties as a judge. I also believe that practicing in a small town in a one-lawyer office provided me with a breadth of experience in dealing with legal issues but more particularly dealing with people which helps in my duties as a judge.

50. References:

- (a) David Fisher
1724 Wilson Road
Newberry, SC 29108
(803)345-7404
- (b) Richard B. Carter
1805 Main Street
Newberry, SC 29108
(803)276-8463
- (c) H. Edgar Anderson
1412 Griffith Park
Newberry, SC 29108
(803)276-4905
- (d) Wayne K. Pratt
P.O. Box 424
601 South Street
Newberry, SC 29108
(803)276-1206
- (e) Jackie S. Bowers
P.O. Box 10
1226 College Street
Newberry, SC 29108
(803)321-2110

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: E. C. Griffith, Jr.

Date: August 4, 2011