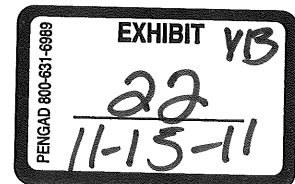


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Mr. Alexander Stephens Macaulay
BUSINESS ADDRESS: Oconee County Courthouse
205 West Main Street
Post Office Box 428
Walhalla, SC 29691
TELEPHONE NUMBER: (office): (864) 638-4266
2. Date of Birth: 1942
Place of Birth: Sullivan's Island, Charleston County, SC
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 April 11, 1969, to Maria Locke Boineau Macaulay. Never divorced; two children.
6. Have you served in the military? Yes.
1964-1975 (Vietnam 1966-67), United States Army, Medical Service Corps, Captain (USAR), XXXXXXXX, retired, Honorable Discharge, 4 February 1975.
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.
The Citadel, 1959-63, BA History; Western Carolina University, summer session 1963, organic chemistry; Columbia College, fall term 1963, organic chemistry; USC, spring and summer terms, dental school; Medical College of Virginia School of Dentistry, 1964-65, US Army ROTC Contract; and USC School of Law, 1967-70, JD.
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. South Carolina 1970.
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.
Law Clerk for the Attorney General of South Carolina, 1968-70.
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>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Trial & Appellate Advocacy	01/21/11;
(b) Criminal Law Section	01/21/11;
(c) SCDTAA Convention	11/11/10;
(d) Judicial Conference	08/18/10;
(e) SCAJ Convention	08/05/10;
(f) New Judges' School	07/07/10;
(g) Cir. Judges Ass.	05/05/10;
(h) Oconee Bar Seminar	03/19/10;
(i) Judicial Conference	08/19/09;
(j) New Judges' School	07/08/09;
(k) Judicial Conference	05/06/09;
(m) Oconee Bar Seminar	05/01/09;
(n) Civil Law Update	01/25/08;
(o) Criminal Law Update	01/25/08;
(p) SCDTAA Convention	11/01/07;
(q) Judicial Conference	08/22/07;
(r) New Judges' School	07/01/07;
(s) Civil Law Update	01/26/07;
(t) Criminal Law Update	01/27/07;
(u) SCDTTA Convention	11/09/06;
(v) Judicial Conference	08/23/06;
(w) New Judges' School	07/10/06;
(x) Oconee Bar Seminar	02/24/06;
(y) SC Bar Ethics	01/29/06;
(z) Criminal; Law Update	01/27/06;
(aa) Civil Law Update	01/27/06.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- I have taught the Criminal Law Section of the New Judges' School since 2004 as a member of the Circuit Judges Advisory Committee.
 - I have lectured at the USC Law School on Torts Update for the SC Bar CLE.
 - I have made presentations on ethics and critical conflicts to the SC Defense Trial Attorneys' Association.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
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.
- Admitted to practice before the State Courts of SC in 1970;

- (b) Also admitted to practice before the Federal District Court in 1971, and the Fourth Circuit Court of Appeals in 1972; and
 - (c) Admitted to practice before the Supreme Court of the United States in 1974.
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) 1970-72: Assistant Attorney General of SC, representing the State and its subdivisions in criminal and civil trials and appeals in all levels of the State and Federal Courts, and as counsel for various state agencies, to include DSS, ABC and DOT;
 - (b) 1973-94: Private practice in civil and criminal trial and appeals, including torts and contracts — representing individual and corporate defendants and plaintiffs in eminent domain proceedings, commercial and property transactions, domestic and estate matters and municipal affairs, having served as attorney for the Towns of Seneca and Walhalla.
 - (c) Miley and Macaulay, 1973-76;
 - (d) Miley, Macaulay and Boggs, 1976-80;
 - (e) Miley, Macaulay, Day and Agnew, PA, 1981-84;
 - (f) Miley and Macaulay, 1984-86;
 - (g) Miley, Macaulay and Cain, PA, 1986-88;
 - (h) Miley and Macaulay, 1988-1994.
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. Martindal-Hubble: AV.
22. Have you ever held judicial office? Yes.
 Elected Judge of the Tenth Judicial Circuit, Seat # 2, in 1994, serving continuously since, with unlimited civil and criminal jurisdiction.
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.
- (a) Lucas v. Rawl Family Ltd. Partnership, 359 S.C. 505, 598 S.E.2d 712 (2004), authored as Acting Associate Justice.
 - (b) Patel v. Patel, 359 S.C. 515, 599 S.E.2d 114 (2004), authored as Acting Associate Justice.
 - (c) Patel v. Patel, 359 S.C. 534, 599 S.E.2d 124 (2004), authored as Acting Associate Justice.
 - (d) State v. Cabrera-Pena, 361 S.C. 372, 605 S.E.2d 522 (2004), authored as Acting Associate Justice.
 - (e) State v. Bixby, 388 S.C. 528, 698 S.E.2d 572 (2010), death sentence affirmed.

24. 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?
- (a) Appointed to the State Board of Education, representing the Tenth Judicial Circuit, Anderson and Oconee Counties, 1979-80.
 - (b) Elected to the SC Senate: District One, Seat Three, representing Abbeville, Anderson, Oconee and Pickens Counties, 1981-84; District One, representing Anderson, Oconee and Pickens counties, 1985-92; and District One, representing Oconee and Pickens counties, 1993-94.
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.
- Unsuccessful in the June 1970 Democratic Primary for nomination to be a candidate for the South Carolina House of Representatives from Richland County.
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? Yes.
- Commissioned Officer, United States Army, active duty 1965-67. Vietnam: 1966, Intelligence Officer/Advisor USARV/MACV; 1967, Medic, 2nd Bn, 5th Cav, 1st Air Cavalry Division.
28. Are you now an officer or director or involved in the management of any business enterprise? No.
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. None.
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? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? No. Have you ever defaulted on a student loan? No. 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? Yes.
As a member of the State Board of Education, I was named as a Defendant in John Plumey, et al. v. School District of Greenville County, South Carolina, et al., CA No. 80-1407-3, U.S.D.C.S.C., which was dismissed as to all defendants.
36. Have you ever been investigated by the Department of Social Services? No. 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? No. 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? None.
44. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. 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) South Carolina Bar Association;
 - (b) Oconee County Bar Association, President 1980;
 - (c) American Bar Association.
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) Walhalla Presbyterian Church, Elder and Sunday School Teacher;
 - (b) Tri-State Trout Club;
 - (c) Society of the Cincinnati for the State of South Carolina;
 - (d) Huguenot Society of South Carolina;
 - (e) St. Andrews' Societies of Columbia and Upper South Carolina;
 - (f) Society of the High Hills of Santee;
 - (g) Society of Lower Richland;
 - (h) South Caroliniana Society;
 - (i) South Carolina Historical Society;
 - (j) Tarantella Club of Columbia;
 - (k) Oconee Assembly;
 - (l) Columbia Cotillion Club;
 - (m) Caroliniana Ball.
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 was actively engaged in the practice of law from 1970 to 1994, first, as an Assistant Attorney General, representing the State and its citizens, and then in private practice, representing individual and corporate plaintiffs and defendants, in civil and criminal matters, trials and appeals. The cases were tried, or ultimate disposition made on appeal, in all levels of courts of our State and the United States — from County Magistrate Courts to the United States Supreme Court. Those experiences gave me an appreciation for those who are or become involved in our system of justice — the lawyers and their clients, the court personnel and, most importantly, the citizens who are summoned to court as witnesses and jurors.

Since June 1994, I have presided over terms of Circuit Court, jury and non-jury, civil and criminal, to include capital cases, trials and appeals, throughout our State. On occasion, I have been privileged to serve as an

acting associate justice on our Supreme Court, even writing opinions — not all of which were unanimous. Such experiences have given me a deep respect for the rule of law. At times, I remind others and myself that, as a judge, I must do what I have to do under the law and not what I may want to do.

As a former legislator, I know who establishes public policy and, having served in the executive branch in the office of the Attorney General and on the State Board of Education, I am aware of which branch of government enforces and implements those policies. Therefore, I am content to interpret and apply those policies made and provided according to law.

Nevertheless, the life experiences that have influenced me the most were not from public service but growing up on a farm and serving in the military. With each, I experienced and learned something about the value of people. It is not who you are, what you have nor where you are from that determines a persons' worth but, rather, what you do with what you have and if you can be relied upon. Therefore, we all deserve to be treated fairly, with respect and courtesy.

50. References:

- (a) JoAnn A. Bryson, President
Blue Ridge Bank
Post Office Box 889
Walhalla, South Carolina 29691
(864) 638-5444
- (b) Honorable John E. Palmer, Jr.
523 Brookside Acres Road
Mountain Rest, South Carolina 29664
(864) 718-0086
- (c) Honorable Martin D. Watkins, Jr.
612 Mimosa Road
Westminster, South Carolina 29693
(864) 647--2692
- (d) Honorable Amon A. Martin, Jr. D.D.S
Post Office Box 815
208 North Walnut Street
Seneca, South Carolina 29679
(864) 882-2372
- (e) Dr. Alton J. Barnett
127 South Oak Pointe Drive
Seneca, South Carolina 29672
(864) 885-9482

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: Alexander Stephens Macaulay

Date: August 4, 2011