

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

Circuit Court, Fifth Judicial Circuit, Seat 3

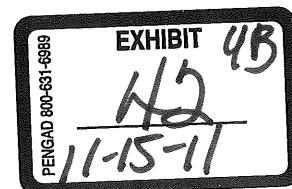
1. NAME: Mr. Joey R. Floyd
BUSINESS ADDRESS: 1735 St. Julian Place, Suite 200
Columbia, SC 29206
or
P.O. Box 61110
Columbia, SC 29260
TELEPHONE NUMBER: (office): 803-252-7693
2. Date of Birth: 1975
Place of Birth: Manning, SC
3. Are you a citizen of South Carolina? yes
Have you been a resident of this state for at least the immediate past five years? yes
5. Family Status: Married on October 20, 2001, to Ellie Cavanaugh Floyd. Never divorced; two children.
6. Have you served in the military? No.
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) The Citadel – 1993-97, BS Civil Engineering;
 - (b) The University of South Carolina – 1998-2001, 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, Admitted in 2001
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.

The Citadel

 - (a) Cadet Leadership:
 - (1) Company Clerk (First Semester, Sophomore year, 1994);
 - (2) Company Supply Sergeant (Junior Year, 1995-96);
 - (3) Cadet Major (Executive Officer of Law Barracks, 1996-97).
 - (b) Summerall Guards (1996-97)

University of South Carolina Law School

 - (a) Student Bar Association;
 - (b) Peer Mentor.



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) Annual Free CLE Ethics Seminar	11/3/06;
(b) 2006 Ultimate Trial Notebook	11/17/06;
(c) National Institute for Trial Advocacy – SE Regional	5/19/07 – 5/25/07;
(d) NC/SC Construction Law Section	9/14/07;
(e) 2008 Master In Equity Bench/Bar	10/10/08;
(f) Keeping the “Lawyer” in Lawyer	10/28/08;
(g) Annual Free CLE Ethics Seminar	11/7/08;
(h) 2009 Master In Equity Bench/Bar	10/9/09;
(i) 2010 Masters in Equity Bench/Bar (and make-up CLE)	10/8/10;
(j) Consumer Law Section (SC Bar Convention)	1/20/11;
(k) Administrative Regulatory Law Committee, Government Law Section (SC Bar Convention)	1/21/11;
(l) Corporate Banking & Securities Law Section (SC Bar Convention)	1/21/11;
(m) Law Firm Management Seminar (SC Bar Convention)	1/22/11.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

I was a speaker for the 2008 Master In Equity Bench/Bar CLE (October 2008) on the topic of Supplemental Proceedings and collecting on Judgments.

12. List all published books and articles you have written and give citations and the dates of publication for each. N/A

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 State Courts of SC on 11/13/01;
- (b) Admitted to practice before the Federal District Court 12/4/01; and
- (c) Admitted to practice before the US Court of Federal Claims 3/29/10.

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.

I have been associated with one law firm since being admitted to practice law (2001–11). The firm has changed names once during my employment/association. The firm name was Bruner Powell Robbins Wall & Mullins, LLC (2001–10) and the firm name was changed in 2010 to Bruner Powell Wall & Mullins, LLC, after a member of the firm departed from the firm.

My law practice has been, almost exclusively, a civil law practice in which I have handled construction litigation (representing Plaintiffs and Defendants), professional malpractice matters (defense), collection (representing creditors and debtors), business litigation and general litigation matters (representing Plaintiffs and Defendants). My practice has, generally speaking, maintained a variety of litigation matters over the years. However, over the past two to three years, the malpractice defense portion of my practice has increased.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (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 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.

My practice has been a heavy litigation practice, dating back to 2001. I have been involved in all sorts of litigation ranging from the simplest of issues to some of the most complicated/complex litigation. I have handled a number of legal malpractice matters which can be some of the most complex litigation because of the "case within the case" scenario presented in every legal malpractice action. Each legal malpractice action comes to us with its own unique issues. I have been involved in legal malpractice actions involving issues related to personal injury, worker's compensation, probate and real estate matters. I have exclusively represented the Defendant(s) in the legal malpractice actions, which has been exceptionally rewarding due to the fact that my clients in legal malpractice actions are attorneys. I have also had the opportunity to represent appraisers in appraisal malpractice actions, which has been interesting over the past several years as the global economy has stalled.

General litigation and business litigation matters are also rewarding to me because my clients and I have come to a mutual respect for one another. More specifically, I respect my client's

business decisions on certain matters and my clients respect my legal advice, even though they do not always follow all parts of my advice.

Another area of my practice would be collection matters, which has been rewarding to me in that most of my creditor clients have well-intentioned customers that seem to find themselves on hard times. I have enjoyed putting deals/repayment plans together that satisfy my client and my client's customer that could lead to the rebuilding of a relationship between creditor and debtor.

Generally speaking, the more complex litigation tends to have more complex procedural histories, including second and third amended complaints, along with fourth party complaints, cross claims and counterclaims.

While I have limited experience in criminal matters, I am confident that I will be able to learn the criminal system quickly based on the fact that I have learned numerous legal principles over the course of nearly ten years in my law practice. I will also take advantage of as many continuing legal education courses as possible to broaden my spectrum of knowledge in criminal matters. I would use all tools available to me as a circuit court judge to continuously educate myself on civil and criminal matters.

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.

BV Rating by Martindale-Hubbell

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: I have handled and/or been involved in a number of federal court cases over the past five years. I would estimate that I have been involved in 5 – 10 federal court matters during the past five years. The federal court matters that I have been involved with over the past five years have all been disposed of by way of a summary judgment motion (where I/my firm represented the party moving for summary judgment), referred to arbitration or settled. As a result of the electronic case filing and electronic case management, a number of federal court cases that I have been involved in have been disposed of and/or resolved through electronic filings. Over the course of the past five years, I can only recall one case where a hearing was deemed necessary by the Court (Motion for Summary Judgment). I would

estimate that the Federal Court portion of my practice would be approximately 5% of my practice.

(b) state: I have handled numerous state court cases over the past five years and routinely appear in Circuit Court for motion hearings and roster meetings. I also frequently appear in the Equity Courts of South Carolina as a part of my collection practice.

17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?

(a) civil: 99%;

(b) criminal: 1%;

(c) domestic: 0%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?

(a) jury: 75%;

(b) non-jury: 25%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

Associate Counsel and over the past 3 years, as sole counsel. I am also assisting other attorneys in my firm on various matters as associate counsel.

19. 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) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. This case is a reported case, 361 S.C. 476, 605 S.E.2d 563. I, along with Hank Wall in my firm, represented the Defendants in this particular action against a Plaintiff's claim of, among other causes of action, inverse condemnation. This case provided the Court of Appeals with an opportunity to expand and clarify various issues relating to inverse condemnation. When this case was tried the first time (October 2002), the case law on inverse condemnation was far from clear. This is also the only trial that I have been involved in where the same case was tried twice as a result of the appeal.

(b) Fortson v. Randy Skinner, Greenville County C/A No.: 08-CP-23-1124 and U.S. District Court C/A No.: 6:08-cv-01107. I represented Randy Skinner, a South Carolina attorney and United States Bankruptcy Trustee, in an action filed by Major Fortson. Fortson claimed that Randy Skinner, while carrying out his duties as the United States Bankruptcy Trustee, failed to properly carry out his duties. The State Court action and the Federal Court action were ultimately dismissed on the basis of the Barton Doctrine. The Barton Doctrine basically states that before filing an action against a United States Trustee, a litigant must obtain permission from a United States District Court Judge. The Barton

Doctrine provides a layer of insulation against frivolous filings by litigants who can be disgruntled debtors or creditors in the United States Bankruptcy Courts.

- (c) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This case began as a simple collection matter that had the potential to be an important case concerning the “diligent creditor rule.” To some extent, the existing case law in South Carolina is not clear on how “lazy” creditors should be treated when an aggressive creditor finds certain personal property of a common debtor. While there is some authority that tends to suggest that the Courts should only reward the efforts of the diligent creditor, the case law is not absolute and this particular case had the potential to be a leading case as a result of my efforts in supplemental proceedings when I located over \$50,000.00 in a bank account that the debtors claimed was for the benefit of all creditors. Unfortunately, one of the debtors filed for bankruptcy and the appeal was ultimately dismissed by the Court of Appeals on the basis that the appeal became moot.
 - (d) Ellison v. Heart Rate, Inc., et.al., C/A No.: 3:06-cv-1053. This case was a products liability action against, among others, an exercise machine manufacturer. I represented the machine manufacturer in this particular federal action. The Plaintiff failed to procure an expert to opine on the alleged defect(s) and the federal court dismissed the Plaintiff’s action, relying in part on the Plaintiff’s failure to procure an expert. This case illustrates the importance of adhering to the Court’s Orders.
 - (e) Carews v. RBC Centura Bank, et.al. C/A No.: 2010-CP-32-442. I represented the appraiser in this civil action. The Plaintiffs in this civil action were borrowers who were building a million dollar home and, during construction, their builder encountered financial problems so severe that it/he was unable to finish the home. The borrowers alleged that the appraiser was negligent in making her inspections during the construction of the home. The trial court recently granted the appraiser summary judgment on the basis that the appraiser did not owe any duties to the borrowers. This ruling may be appealed and will provide the appellate court with an opportunity to expand on the duties of appraisers in South Carolina.
20. 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) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. The case is reported at 361 S.C. 476, 605 S.E.2d 563.
 - (b) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This appeal was not ruled upon by the Court of

Appeals and was dismissed as moot as a result of the Defendant's/Debtor's bankruptcy filing.

I have assisted other attorneys in my firm on various civil appellate matters.

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
22. Have you ever held judicial office? No.
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. N/A.
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? 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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I submitted an application for a US Magistrate position in Florence, SC, in, I believe, late 2009 or early 2010. I was not selected for the position.

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, upon graduating from The Citadel, I practiced civil engineering with an engineering firm in Augusta, Georgia (Cranston Robertson & Whitehurst). I was employed with the engineering firm for approximately one year (June 1997–June 1998) before entering law school in the fall of 1998. While employed with the engineering firm, I passed the Engineer In Training exam.

28. Are you now an officer or director or involved in the management of any business enterprise?

I am a Member of the law firm of Bruner Powell Wall & Mullins, LLC. Jim Bruner is the Manager Member of Bruner Powell. Bruner Powell does not have officers or directors.

I am also a Member in 1735 St. Julian Place, LLC and I serve as the Building Manager for 1735 St. Julian Place, LLC. My duties are basically those of a "facilities manager" in that I am responsible for the upkeep and maintenance of the building located at 1735 St. Julian Place, Columbia, SC.

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 am not aware of any financial or business relationships that could result in a possible conflict of interest.

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? 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?
Yes. I filed a civil action in Richland County (a claim and delivery action) seeking possession of a machine owned by my client/the creditor. I was successful in locating and repossessing the machine on behalf of my client. The Debtor/Defendant (the adverse litigant) filed an action against me, a number of other attorneys and circuit court judges to retaliate against myself, other attorneys and judges for adverse actions against the Debtor. The action was filed in the United States District Court, C/A No.: 3:05-cv-1113-CMC, on April 13, 2005 and dismissed on May 5, 2005. I have included a copy of the Complaint and Order dismissing the case with this Personal Data Questionnaire. I also believe that this same adverse litigant may have filed another action against me, which was also ultimately dismissed. However, I have been unable to locate a copy of any other filed pleadings.
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) American Bar Association;
 - (b) Richland County 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) Washington Street United Methodist Church Childcare Development Center, Former Board Member and Former Chairman of the Board
 - (b) Washington Street United Methodist Church, Missions Committee, Member of the Committee
 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.

Growing up in Turbeville, SC, provided me with a different perspective on life. I grew up in, and around, a farming community/lifestyle. Today, I have the privilege of serving as an attorney and interacting with professionals. To a certain extent, I have been able to draw on the benefits of both lifestyles and I believe I have the ability to connect with people from all walks of life. Additionally, after appearing in Court on numerous occasions over the course of my law practice, I understand the traits and characteristics that make a good Circuit Court Judge.

50. References:

- (a) Elizabeth Holstein, Banker;
- (b) Joseph R. Blanchard;
- (c) Haigh Porter;
- (d) W. Donald Britt, Jr.;
- (e) Fred L. Price, Jr.

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: Joey R. Floyd

Date: August 11, 2011