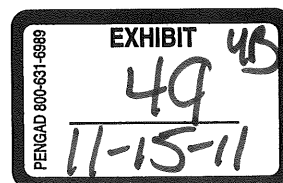


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, and Seat for which you are applying:  
Circuit Court, Fifth Judicial Circuit, Seat 3

1. NAME: Mr. Robert M.P. Masella  
BUSINESS ADDRESS: 917 Calhoun Street  
Columbia, SC 29201  
1045 Oakland Avenue  
Rock Hill, SC 29730  
TELEPHONE NUMBER: (office): (803) 748-9990, (803) 980-4400
2. Date of Birth: 1960  
Place of Birth: Brooklyn, NY
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 June 3, 1989, to Mia Jackson Masella. 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) Winthrop College, Rock Hill, SC, BA History, Political Science. (Attended between August 1979 to June 1980, transferred to Montgomery County Community College for athletic reasons, returned August 1982 until graduation December 1985).
  - (b) Montgomery County Community College, Pa., August 1980 through May 1981, January 1982 through Summer 1982. Graduated with Associates Degree.
  - (c) Spring Garden College, Philadelphia, PA, August 1981 through December 1981. I transferred back to Montgomery County Community College to graduate and return to Winthrop College to be eligible to resume collegiate athletic career pursuant to college athletic guidelines.
  - (d) Portland State University, Portland Oregon, summer 1984, participated in academic student exchange program.
  - (e) USC, School of Law, August 1992 through May 1995 graduation.
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.
  - (a) Georgia, 1995;
  - (b) South Carolina, 1995.



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) USC School of Law, Student Bar President, 1994-95;
  - (b) SC Environmental Law Journal, Editorial Staff, 1994-95;
  - (c) Student member of the John Belton O'Neill Inn of Court, USC Law 1994-95;
  - (d) Winthrop College, Varsity Soccer team, 1979-80 and 1982,
  - (e) NSCAA Collegiate 1982 All-American Soccer Team;
  - (f) Montgomery County Community College, Soccer team, Captain;
  - (g) Tau Kappa Epsilon fraternity, Winthrop College 1983-85;
  - (h) Model United Nations, Winthrop College 1985.

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) SCAJ Annual Convention	08/04/11- 08/05/11;
(b) Stewards of Children Training	03/26/10;
(c) 19 <sup>th</sup> Annual Criminal Practice in S.C.	02/26/10;
(d) SC Conference on Lawyer & Judicial Conduct	10/22/09;
(e) Fundamentals of Worker's Compensation	06/10/09;
(f) Commission and Attorney to Assist Sup. Ct.	10/21/08;
(g) Superior Direct & Cross-Examination	04/04/08;
(h) Family Court Bench/Bar	12/07/07;
(i) The ABCs of Social Security	08/25/06;
(j) 21 <sup>st</sup> Annual Criminal Law Update	01/27/06;
(k) Fourth Annual Civil Law Update	01/27/06;
(l) Ethics 2005 Seminar	09/21/05.

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

- (a) I lectured at the SC Bar's 2002 Criminal Law Hot Tips and spoke to representation of indigent clients and associated procedural issues;
- (b) I moderated and lectured at the SC Bar's 2005 Year in Review CLE.

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

The Reorganization of South Carolina Environmental Agencies. Temporary Operating Procedures For the Administrative Law Division.  
S.C. Environmental Law Journal, University of South Carolina School of Law (1995).

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 South Carolina in 1995;
  - (b) Admitted to practice before the State Courts of Georgia in 1995;
  - (c) Admitted to practice before the US District Court for the District of South Carolina, April 2000;
  - (d) Admitted to practice before the US Court of Appeals, Fourth Circuit, April 2000;
  - (e) Admitted to practice before the US District Court for the Northern District of Georgia, May 1996;
  - (f) Admitted to practice before the US, Court of Appeals, Eleventh Circuit, May 1996.
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.

Prior to graduation from the USC, during my final semester of Law School, I sat for and passed the Georgia State Bar examination. During August of 1995, after sitting for the SC Bar examination I began my work as law clerk for the Honorable Kaye G. Hearn who had recently been elected to the SC Court of Appeals. I worked with Judge Hearn helping her with the full breadth of cases decided by our Appellate Courts including all criminal matters other than murder and death cases and all civil matters not reserved for our Supreme Court's jurisdiction. I continued with Judge Hearn until August of 1996.

After completing my clerkship with Judge Hearn I joined Solicitor Geise as one of his assistants in the Richland County Solicitor's Office, As an assistant solicitor I began working exclusively with Drug Crime prosecution. I prosecuted and tried numerous cases including trafficking, distribution and possession of controlled substances. After working with the Drug Team for over a year I began to prosecute violent crimes. I handled all types of violent crimes from pre-arrest through trial in matters including armed robbery, domestic violence, burglary, sexual assault, assault of high and aggravated nature, assault with intent to kill and arson. I also tried non-violent cases to included shoplifting, driving under the influence and check fraud.

During November of 1998 I opened the Masella Law Firm, P.A. Initially I handled criminal defense matters and began accepting appointments to represent individuals who filed post-conviction relief actions. As my practice expanded we began to represent individuals who were injured in automobile accidents, workers compensation and other civil disputes. I have defended and prosecuted matters in common pleas court. After one of the firm's associates left the firm, I began to handle the family law case load. Our family law cases became a large part of our practice. After hiring young associates I started to teach them how to handle the common pleas matters as well as the criminal cases in the general sessions court. We have in the last five years prosecuted for and defended individuals and corporations in common pleas court. Many of the issues we handled have included contract disputes,

automobile accidents, claim and delivery actions and probate actions involving family disputes over assets.

Finally, I was appointed by the City of Columbia City Counsel to sit as one of their municipal court judges until August of 2004.

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"
16. What was the frequency of your court appearances during the last five years?
  - (a) federal: Over the past years I handled one or two criminal cases per year, Last year I appeared in my only federal civil matter which I originally filed in state court and which was removed by Defendant to the federal court. After briefing of the removal issue for the court the matter was remanded back to state court. I have not handled any federal matters in 2011.
  - (b) state: As I am now taking more of a supervisory role I have not appeared in criminal court as much as I had in years past. I will assist in preparation of the matters and help procure a positive result for the firm's clients. I am handling new cases but they are being resolved without having to bring the matters to a jury. Up until this year I usually appeared in General Sessions court to handle criminal cases at least once a month. I continue to have a healthy domestic practice which has me in court at least once every two weeks. My civil practice has in common pleas court handling hearings or trials on an average of three to four times per year.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
  - (a) civil: 25%;
  - (b) criminal: 25%;
  - (c) domestic: 45%;
  - (d) other: 5%.
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: 25%
  - (b) non-jury: 75%

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole 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) Jenkins v. Jenkins, I represented a woman who endured physical violence from her husband for years. Although he refused to follow numerous court orders we were able to keep him from harming her, obtained their divorce and defended the divorce on Appeal. 2007-UP-342.
- (b) State v. John Doe Criminal Domestic Violence High and Aggravated Nature  
My client was accused of strangling his wife with an electrical cord and threatening her with a butcher knife. This case was tried before a jury in Richland County before the Honorable William P. Keesley. After various applications of the rules of evidence, which the court ruled in our favor, cross-examination of the state's witnesses and application of the Criminal Domestic High and Aggravated Nature statute, about which I argued the relevant and necessary elements, the jury acquitted my client after the state rested and no defense case was presented. (I have identified my client as John Doe to protect my client's identity as all records of his arrest have potentially been expunged,)
- (c) Smith v. Widner, et. al. This was an action where plaintiff alleged the co-defendants in this action conspired together and with my client to defraud her of her right to inherit assets from defendants' father's estate. Plaintiff was divorced from decedent. Plaintiff alleged my client was involved in a conspiracy to defraud and that she fraudulently notarized plaintiff's signature on the waiver of her rights to decedent's state retirement benefits. My client was dismissed on all claims against her after plaintiff's case was presented.
- (d) Horton v. Peacock This was a mechanics lien matter which contained a counterclaim by the homeowner. I became involved when the original attorney of record passed away during the litigation. The case was tried before a jury. After a four day trial the jury returned a verdict in my client's favor. The issue determining the prevailing party for purposes of attorney fees became a matter for the court (S.C. Code §29-2-10 (as amended)). Initially the court determined the Defendant was the prevailing party but motions to reconsider were presented and our client eventually ended the matter with the home owner.
- (e) United States of America v. John Doe This was a matter before the Honorable Matthew J. Perry. The Government brought an action against our client for illegal use of another's social security number in an attempt to obtain a South Carolina driver's license. At the close of the Government's case we moved for a directed verdict which was granted as the government did not present sufficient evidence to show my client's use of another's social security number. (I have identified my client as John Doe to protect my client's identity as all records of his arrest have potentially been expunged,)

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) Boulware v. State, Decided December 21, 2009 by the South Carolina Supreme Court, Unpublished Memorandum Opinion No. 2009-MO-067.
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.
- (a) United States of America v. Nigel Rayshad Parker, Decided June 19, 2007, United States Court of Appeals for the Fourth Circuit, Unpublished Opinion No. 06-4857
22. Have you ever held judicial office? .
- Yes, City of Columbia Municipal Court, August 2000 through August 2004. City Council appointment. Municipal courts have jurisdiction over cases arising under ordinances of the municipality, and over all offenses which are subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both, and which occur within the municipality. In addition, S.C. Code Ann. § 22-3-545 provides that municipal courts may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of \$5,000, or both, upon petition by the solicitor and agreement by the defendant. The powers and duties of a municipal judge are the same as those of a magistrate, with regard to criminal matters; however, municipal courts have no civil 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.
- I am not aware of any case which I presided over or that any order I issued was appealed; therefore there would be no reported opinions regarding my decisions.
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.
- Masella Law Firm, P.A. August 2000 through August 2004.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- (a) Applied for Circuit Court, At-Large Seat #9, however I withdrew my candidacy prior to screening.
- (b) Applied for position with Columbia Municipal Court in 2004 and 2011.

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?
- (a) White Business Machines, sales representative/sales manager, office equipment sales. May 1985 through June 1991;
  - (a) Pitney Bowes Corporation, sales representative, office equipment sales, June 1991 through August 1992.
28. Are you now an officer or director or involved in the management of any business enterprise?
- (a) Owner and President of MFOX, Inc. a real estate holding company which owns the office building and equipment used by Masella Law Firm, P.A.
  - (b) President and sole member of Masella Law Firm, P.A. a general practice law firm with offices located in Columbia and Rock Hill, South Carolina.
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. 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? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy?

On March 15, 1989, three filings were made by the South Carolina Department of Revenue and were satisfied. They are for \$135.88 (period ending 12/87 satisfied April 24, 1991), \$119.06 (period ending 12/87 satisfied November 1, 1990) and \$1,447.62 (period ending 12/86 Satisfied November 5, 1990).

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?

In 1999 I was named as a defendant by a client to whom I was appointed to represent in a post-conviction relief action. One month after my appointment this person sued both me and the assistant attorney general assigned to his case. for conspiring against him. The court granted summary judgment to all defendants.

A complaint was filed by a building supplier against the contractor who was constructing my home and I was named along with the mortgage company in the suit. I was not served the complaint and the action was

dismissed prior to my involvement. The mechanic's liens which were filed against my property were cancelled.

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) Attorney to Assist Disciplinary Counsel, appointed by Supreme Court during 2002-10;
  - (b) South Carolina Bar Association
    - i. Member and Chairperson for the SC Bar CLE Publications Subcommittee. (2000-04);
    - ii. Chairperson for the South Carolina Bar CLE Programs Committee. (2004-06);
  - (c) Georgia Bar Association;
  - (d) South Carolina Association for Justice.
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) St. Joseph's Catholic School, School Board member (2004-2007), School Board President 2005-2007,
  - (b) United States Tennis Association, Wheel Chair Tennis Committee 1995 to present. Committee Chair November 2006 through November 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.

One's perspective is derived from a compilation of experiences that serve as learning opportunities. My life experiences have afforded me the benefit of understanding and balance. I consider myself to be fortunate. Although some would see my physical situation as misfortune, I have instead considered that to be an opportunity and a challenge to be able to pull myself above my circumstances.

As a young adult, I suffered a severe injury which paralyzed my body, but not my mind. That is when I determined that I would turn what others might consider misfortune into fortune. I worked to become one of the top producers for the division of the Fortune 500 company I represented. I was fortunate to earn the trust of the faculty and my peers at law school, who elected me as President of the Student Bar Association. I graduated law school at the age of 35, and I began my legal career working as the law clerk for the brightest individual I have ever known. While working with her I learned how a judge could affect the lives of others and how to find and apply the relevant law to the matters before her. I learned that a kind but firm hand was necessary. I learned how to find the issue to resolve the conflict and do no more to impact the lives of the litigants.

After leaving the Court of Appeals I began working with the 5<sup>th</sup> Circuit Solicitor's office where I handled a broad scope of criminal matters, trying drug

traffickers, armed robbery defendants, white collar criminals, sex offenders, and persons charged with various felonies and misdemeanors. In 1998, after two years as a prosecutor, I opened my own office in Columbia. Since then, I have defended hundreds of clients charged with crimes, including numerous felony and misdemeanor crimes, handling their cases through trial. I have been fortunate to use my knowledge, experience, and diligence to handle cases in which my clients have been acquitted in both state and federal courts. I have handled legal issues as an attorney and as a judge serving the municipality of Columbia.

In addition to my criminal legal experiences, I have extensive experience handling cases on both sides of the civil bar. I have represented plaintiffs in various matters, and I have also defended clients who have been sued. Furthermore, I have applied the rules of procedure and evidence trying cases in our family court during the past fifteen years.

I believe I have an empathetic understanding about the impact and effect of crimes on the victims of criminal acts. I too was a victim of a crime. In short, I represented a woman who was constantly abused by her husband. My first exposure to this individual was while serving as a judge in the municipal court. She approached me, asking to dismiss a domestic violence warrant against the abuser. I refused to dismiss the warrant. A good time later, she came to my office and asked me for help as her attorney. I represented her for a number of years and kept him from victimizing her by holding him to the letter of the court's orders. After I took the case through the appellate process, where my client prevailed, he turned his anger on me. After confronting him outside my office the day after he learned that the appellate court did not side with him, and after he threatened my life, he returned to destroy my office with a gallon of gasoline and a match. Thus, I understand what victims endure, although I will not allow him to victimize me.

I will bring my life experiences and my knowledge of the law, from all sides of the bar, to serve the citizens of South Carolina, and if I am fortunate to be given that honor, the people of South Carolina who appear before me will see that I am impartial and objective and that I have the life experiences and knowledge to apply the law as written, be diligent in my work, and be dedicated to ensuring that justice will prevail.

50. References:

- (a) Prof. S. Alan Medlin  
1713 Phelps Street  
Columbia, S.C. 29205  
(803) 777-7465
- (b) Mr. Eric Fosmire  
McAngus Goudelock & Courie, LLC  
700 Gervais Street, Suite 300  
Columbia, S.C. 29201  
(803) 227-2219

- (c) Mr. John Mobley  
925 Calhoun Street  
Columbia, SC 29201  
(803) 933-0010
- (d) Mr. John Nichols  
Bluestein, Nichols, Thompson, Delgado, LLC  
1614 Taylor Street  
Columbia, S.C. 29202  
(803) 779-7599
- (e) Mr. Ted Crowson  
BB&T Assistant Vice President  
1901 Assembly Street  
Columbia, SC 29201  
(803) 251-1335

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: Robert M. P. Masella

Date: August 10, 2011