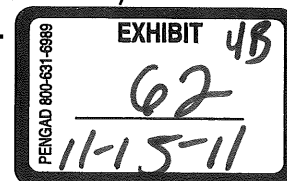


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

Circuit Court, Fifth Judicial Circuit, Seat 3

1. NAME: Clifford Scott
BUSINESS ADDRESS: 2026 Assembly Street, Suite 203
Post Office Box 555
Columbia, SC 29202
TELEPHONE NUMBER: (office): 803-771-0904
2. Date of Birth: 1954
Place of Birth: Williamsburg 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 December 25, 1980 to Malvina G. Scott. Never divorced; two children.
6. Have you served in the military?
 - (a) 19 September 1973 -- 2 February 1974; US Air Force; E-2; XXXXXXXXX; Honorably Discharged.
 - (b) 10 January 1982 -- 30 June 1987; US Army; O-3; XXX-XX-XXXX; Honorably Discharged
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) Xavier Univ. of Louisiana; Aug -1974—May 1975; Transferred to SC State College
 - (b) SC State College; Aug 1975-May 1976; Transferred to USC
 - (c) USC; Aug 1976- May 1978; BA: May 1978 (Magna Cum Laude/ Phi Beta Kappa)
 - (d) USC School of Law; Aug 1978-May 1981, JD: May 1981
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) SC November 1981 (Passed bar exam on first attempt).
 - (b) Georgia January 1993 (Passed bar exam on first attempt)Resigned from Georgia Bar in November 2001, because I decided I would not be practicing in Georgia.
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.
Served as a tutor for first year law students during my second and third years of law school: Aug 1979-May 1980; and Aug 1980- May 1981.



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) Public Defender Conference	09/26/2005;
(b) SC Black Lawyers Assn Retreat	09/28/2006;
(c) Lawyers Computers and Cable News	11/03/2006;
(d) Show me the Money: Military Family Support	01/10/2007;
(e) Law Office Technology	01/24/2008;
(f) Civil Law Update	01/25/2008;
(g) Day in Discovery	01/25/2008 & 01/26/2008;
(h) Breakfast Ethics Seminar	01/27/2008;
(i) Select Issues in SC Procurement	06/04/2008;
(j) SC Black Lawyers Annual Summit & Retreat	10/30/2008;
(k) Ethics Judicial Family Seminar	12/05/2008;
(l) Non-citizens in the Family Court Proceedings	02/28/2009;
(m) Veterans Disability Benefits	03/24/2009;
(n) SC Black Lawyers Annual Retreat	10/01/2009;
(o) SC Black Lawyers Retreat	10/01/2010;
(p) Staying Out Of Trouble	02/26/2011;
(q) Intellectual Property and the General Practitioner	02/27/2011;
(r) Digital Law Office	02/27/2011;
(s) The Virtual Office	02/27/2011;
(t) SC Association of Justice Convention	08/ 04-06/2011.

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

I taught a graduate school level course titled the Legal Aspects of Higher Education, in the USC College of Education, during the fall of 1993, and the spring of 1994.

12. List all published books and articles you have written and give citations and the dates of publication for each. Not Applicable

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 in the State Courts of SC in Nov. 1981;
- (b) Admitted to practice in the SC Federal District Court in January 1982;
- (c) Admitted to practice in the US Army Court of Military Review in March 1982;
- (d) Admitted to the US Court of Appeals for the Fourth Circuit in July 1987;
- (e) Admitted to practice in the Superior Court of Georgia in January 1993.

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) Member of the US Army Judge Advocate General's (JAG) Corps, from January 1982 through May 1987, during which I served as:

(1) Trial Defense Counsel, assigned to the 24th Infantry Division (now known as the 3rd Infantry Division) and Fort Stewart Georgia, from April 1982 until August 1984. In this position, I appeared in over 100 courts martial proceedings in which I represented members of the US military accused of criminal offenses. I also represented military service members in administrative proceedings.

(2) Claims Judge Advocate with the US Army Claims Service, from August 1984 through June 1987. In this position, I was responsible for investigating, and assisting in the supervision, management and resolution of federal tort claims at military installations and involving US Army Corps of Engineer activities. I investigated and resolved claims which included: property damage claims, personal injury claims resulting from motor vehicle collisions, and Corp of Engineer activities; medical malpractice claims, involving catastrophic injuries such as brain damage and wrongful death.

This position required me to prepare detailed legal memoranda for consideration of the Judge Advocate General of the Army, the Secretary of the Army and the US Department of Justice.

(b) Associate with the law firm of Johnson, Toal & Battiste, P. A., June 1987 until November 1988.

I represented parties in civil, criminal, and administrative matters, and appeared in summary courts, Probate Court, Family Court, the Court of Common Pleas and the Court of General Sessions. I also represented parties in appellate matters and appeared, during my tenure with this law firm, before the SC Court of Appeals, the SC Supreme Court and the US Court of Appeals for the Fourth Circuit. During my association with this firm, I was entrusted to handle, on my own, professional liability matters and serious criminal cases.

(c) Legal Counsel with the SC Department of Mental Retardation (now known as the Department of Disabilities and Special Needs) from November 1988 through August 1989.

In this position, I provided legal representation to departmental officers and employees, and represented the agency in administrative hearings, such as intra agency employee grievance matters, and at the Budget and Control Board level, before the State Employee Grievance Committee.

(d) Associate General Counsel, USC, from Sep. 1989- Jan.1994.

In this position, I provided representation to USC officers and employees, to include members of the President's Office and deans and departmental chair persons.

I prepared presentations for consideration by the Board of Trustees and other Officers of the University, and for state and federal

agencies. I provided counsel and representation regarding issues involving first amendment freedoms, intellectual property, academic freedom, real property, federal and state labor and employment law, and state and federal regulatory issues. I also represented the University in administrative proceedings and in civil matters in the state courts.

(e) Private Practice of Law Since January 31, 1994.

Since reentering private practice in 1994, I have represented clients in civil, criminal and administrative matters, to include:

State and federal tort claims and other personal injury matters; state employee grievances and other state administrative matters; workers compensation; probate court matters; domestic relations; adoptions; juvenile matters; military criminal and administrative matters; representation of veterans in veterans benefits matters; represent clients in federal administrative matters, including EEOC, Merit Systems Protection Board, DOD administrative matters and social security cases.

- (1) From May 1996 through December 1998, I was a member of a partnership known as Gibbs, Scott and Redmond (the main office of which was in Florence). I operated primarily out of the Columbia Office.
- (2) From April 2000 through August 2004, I served as a part-time contract employee with the Newberry County Public Defender's Office. I appeared in court in at least two hundred cases while serving as a part time employee with the Newberry County Public Defender's Office between April 2000 through August 2004. I participated in four General Sessions jury trials as a part time public defender during that period.
- (3) In addition to maintaining a private practice, since the spring of 2006, I have served as a special contract employee of the USC, Office of General Counsel. In that role, I provide legal advice and representation to University officials regarding various legal matters, including contractual matters, investigations, representation of the University in employee and student grievances, EEO complaints, and litigation.

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.

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. To my knowledge, I am not rated.

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 filed two actions in federal court during the past five years: One was a federal tort claim action, which settled at mediation, and no court appearance was required. The other action was a petition to quash a subpoena issued by the Department of Defense Office of the Inspector General. The Court ruled on the motion based upon the pleadings and memoranda filed with the court. No court appearance was required. I appeared in Federal Court in the fall of 2010 in a criminal matter before a federal Magistrate. The matter involved a citation issued to an immigrant working on Fort Jackson without a work permit.
- (b) State: General Sessions: Approximately 6 (including trial; guilty pleas, bond Hearings). Common Pleas: Approximately 15 (including trial, motions, appeal from summary court). Summary Court: Approximately 15 (including trial, preliminary hearings, bond ,hearings),
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 50%;
- (b) criminal: 5%.
- (c) domestic: 5%;
- (d) other: 40% Administrative; VA, Military, wills/probate; business counseling; agency representation
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: Of the five Common Pleas jury trial cases in which I have been involved during the last five years, I tried one of those cases. The other 4 cases were settled during or after the discovery period.
- (b) non-jury: During the last five years, I tried three non jury Common Pleas cases.

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. Do NOT attach a separate list.
- (a) United States vs. Charles Ragins, 840 F.2d 1184 (4th Cir. 1988)
This case was an appeal from the Federal District Court of SC to the United States Court of Appeals for the Fourth Circuit, and involved issues of double jeopardy. I prepared the brief and argued the case. The case was argued on December 4, 1987 and decided on March 8, 1988. In the version of the case which appears online, the case erroneously indicates I am/was from New York.
 - (b) Unfortunately I do not remember the case name, and my call to the US Court of Appeals for the Armed Forces (which, at the time, was the US Court of Military Appeals) did not prove fruitful. The case occurred in 1983 or 1984, while I was a member of the US Army Judge Advocate General's Corps, stationed at Fort Stewart, Georgia. The Army brought a discharged soldier back on active duty to court-martial him for an offense which occurred prior to his discharge. I challenged the Army's right to do so and filed a petition and brief with the US Court of Military Appeals. The case was significant, because, as I recall, this was an issue which was unsettled at the time. Additionally, as I recall, the court issued an order staying the court-martial proceedings. As a result, we were able to resolve the case through a negotiated resolution.
 - (c) State vs. Magwood; tried in Charleston County Court of General Sessions in June 2011. The case was significant, because it involved a prominent member of the Charleston County Sheriff's Office who was charged with misconduct in office.
 - (d) State vs. Lynch ; tried in Lee County in mid 2000s. The case was significant, because it involved two defendants who were charged with starting a riot and taking hostages at the Lee County Correctional Institution. The case received prominent media coverage throughout the state at the time of the prison riot.
 - (e) Easaw vs. Dept. of the Army; tried in 2009, before an EEOC administrative law judge and involved allegations of race discrimination in hiring of a motor vehicle operator at Fort Jackson. I consider the case to be significant, because, as of that time, as I understand it , this was one of few cases of this type in which an EEOC administrative judge ruled against Fort Jackson.
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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). Do NOT attach a separate list of your briefs.

- (a) The last time I handled a civil case in the SC Court of Appeals was in the Late 1980s, and I do not recall the name of the case.
 - (b) Sara Davis v. University of South Carolina; (Employee Grievance Matter) Appealed from Budget and Control Board to Administrative Law Court Docket Number: 2008-ALJ-30-0389-AP. I represented the Respondent, USC.
 - (c) Singleton v. Bland; 2007-CP-40-3944; appeal from Magistrate Court to Court of Common Pleas.
 - (d) Sara Leonard v. Standard Corporation; 2005-CP-28-113; Appeal from Workers' Compensation Commission to Court of Common Pleas.
 - (e) Mary F. Young v. SC Budget and Control Board Employee Insurance Program; 2004-CP-40-4291; Appeal to Court of Common Pleas.
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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter). Do NOT attach a separate list of your briefs.
- (a) United States vs. Ragins, 840 F.2d 1184 (4th Cir. 1988)
 - (b) State vs. Moody. This was an appeal I handled in the SC Supreme Court in 1987 or 1988.
22. Have you ever held judicial office? Not Applicable.
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. Not Applicable.
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?
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. Not Applicable
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? Not Applicable
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? .
- Several years ago, I created a stuffed animal (leopard) toy character called PJoeBrown and created an item of religious jewelry : The Birth of Life Cross, which I attempted to market without much success. (This was during the late 1990s and early 2000s)
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. 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?

During the 1990s, after I returned to private practice, because of the amount of the taxes owed, an installment arrangement was made with the IRS to pay the taxes, Even though an installment agreement was reached, a lien was filed, because of the amount of the taxes owed while the taxes were being paid. The taxes were paid in full pursuant to the installment agreement.

As I recall, sometime during the early 2000s, my wife and I received a notice that an additional \$200.00 (approximately) was owed to the SC Department of Revenue. The notice was mislaid; we forgot about it and the Department of Revenue filed a lien for the taxes, which we promptly paid when we received notice of the lien.

I have not defaulted on a student loan.

I have never filed bankruptcy

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?

When I was a full-time employee with the USC, I was one of many university employees and officers named in a lawsuit, which was dismissed by the courts. As I recall, the plaintiff, a person named Maria Faltas, sued each member of the Board of Trustees, many of the officers of the University, to include the General Counsel and myself. The lawsuit had to do with whether the University should have granted her a graduate degree, to the extent that I can remember the case. Ultimately, as I indicated above, the lawsuit, or lawsuits, because I'm not sure how many lawsuits she ended up filing, were determined to be without merit and were dismissed.

My wife and I were also sued approximately 10 years ago as a result of an automobile accident in which another driver, who was at fault, collided with my wife's car. The lawsuit was tried in Richland County and the verdict was rendered for us.

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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed. 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. Not Applicable.
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. Not Applicable.
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.
I estimate that I have incurred approximately \$90 in expenses for copies and postage to send an introductory letter and a resume to members of the General Assembly.
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) SC Bar.
 - (b) For several years, beginning in approximately 1998, I served on the SC Bar Foundation Board.
 - (c) I was also a member of the Introduction Subcommittee of the SC Bar's Task Force on Diversity and Inclusiveness during the above time period.
 - (d) Former member of The SC Bar's House of Delegates.
 - (e) During the mid 1990s, I was vice president and president of the SC Black Lawyers Association, and I currently serve as assistant treasurer of that organization.
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) Pee Dee Area Veterans Advisory Council (former member)
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 come from a humble background. In fact, I am not ashamed to say that for most of my upbringing, I was very poor. However, my economic status during my formative years did not cause me to believe that I was less than anyone else, or that, conversely, others were better than me.

I graduated from a segregated Williamsburg County high school in 1973 (St. Mark Elementary and High School). While our school did not possess the resources of schools in more affluent communities, our teachers and our principal tried to instill in each of us qualities which would enable us to go into the world and make a positive contribution.

I would like to think that I have contributed something positive to society, although probably not as much as I could have contributed at this point in my life. I hope, if I am given the privilege and honor of serving as a member of the SC judiciary, that I will be able to make an even more meaningful contribution to our society, by upholding the laws that preserve the freedoms which still cause so many to flock to the shores of the US.

Since becoming an attorney, my background has been quite varied. I believe the variety of my experiences, and the length of time I have practiced law will aid me tremendously in deciding matters that come before me, and in dispensing justice impartially and evenhandedly.

I have read the letters of recommendation which have been provided in my behalf. I am truly humbled by those letters.

When I was a very young adult, perhaps not more than 19 or 20 years old, my great aunt (the sister of my maternal grandmother) told me that I was

"one in a hundred." She obviously saw something in me that caused her to believe that I had the potential to do great things in life. The extent to which I have done anything great, I leave for others to decide.

Service as a judge is an honor and a privilege. I can think of no better way to live up to the potential which my great aunt saw in me. I recognize some readers of this statement may think this is a bit sappy, but it's truly how I feel. Therefore, to the extent this statement aids those who will determine my qualifications to sit as a member of the Circuit Court, I would like each reader to know that the sentiments expressed in this statement are sincere and reflect my true feelings.

50. References:

- (a) I. S. Leevy Johnson, Esquire
Johnson Toal and Battiste, PA
1615 Barnwell Street
Columbia, SC 29201
803-252-9700
- (b) Walter H. Parham, Esquire, General Counsel, USC
Columbia, SC
803-777-7855.
- (c) Dr. Willie L. Boyd, M.D.
2719 Middleburg Dr # 203
Columbia, SC 29204;
(803) 771-6277
- (d) Eddy L. Lane, Attorney at Law
2026 Assembly Street, Suite 202
Columbia, SC 29201
803-400-1181
- (e) Mr. Will Tucker
Assistant Manager, TD Bank, NA
1501 Main Street
Columbia, SC 29201
803-540-2750

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: Clifford Scott

Date: August 10,2011