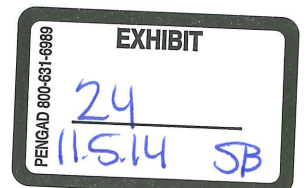


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Administrative Law Court, Seat 4

1. NAME: The Honorable Deborah Brooks Durden
BUSINESS ADDRESS: 1205 Pendleton Street, Suite 224
Columbia, SC 29201
TELEPHONE NUMBER: (office): 803-734-0550
2. Date of Birth: 1961
Place of Birth: Columbia, 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 10, 1992, to Wiley Kevin Durden. Three Children.
Divorced on December 2, 1988, Richland County Family Court, State of SC.
Charles Heins Burts was the moving party, One Year's Continuous Separation.
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) Columbia College, *Magna Cum Laude* 1979-83, BA in English;
 - (b) USC School of Law, 1988-91, 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.
 - (a) SC, 1992;
 - (b) Alaska, 1993.
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) Columbia College 1979-83
 1. Order of the Purple Seal (academic honors society)
 2. Alpha Kappa Gamma (leadership fraternity)
 3. Sigma Tau Delta (English fraternity)
 4. Who's Who in American Colleges and Universities
 5. *Columbian* annual staff
 - a. copy editor 1981-82
 - b. photography editor 1982-83;
 - (b) USC School of Law 1988-91
 1. Student Bar Association
 - a. Legislative Council 1988-90
 - b. Committee Chairman/Editor of student Facebook directory 1989-90
 2. Moot Court, Captain of Craven Competition Team;



3. American Jurisprudence Awards in Civil Procedure II and Trusts and Estates;
 4. Wig and Robe Society.
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</u> |
|--|-------------|
| (a) Practice before Masters in Equity | 04/02/09; |
| (b) Rule 608 Appointments | 05/07/09; |
| (c) Live Note | 08/14/09; |
| (d) SC Women Lawyers Conference | 09/30/09; |
| (e) Internet for Lawyer | 01/21/10; |
| (f) Civil Law Update | 01/21/10; |
| (g) Changing Landscape of Water and Air Regs | 01/22/10; |
| (h) Breakfast Ethics | 01/23/10; |
| (i) Advanced Legal Writing | 09/17/10; |
| (j) Law Office Technology | 01/21/11; |
| (k) Administrative Law | 01/21/11; |
| (l) Environmental and Natural Resources | 01/21/11; |
| (m) Ethics | 02/03/11; |
| (n) Bridge the Gap | 08/01/11; |
| (o) Internet for Lawyers | 09/01/11; |
| (p) SCWLA Nonprofits | 09/01/11; |
| (q) Bridge the Gap | 03/05/12; |
| (r) RCBA Ethics & Substance Abuse | 11/09/12; |
| (s) Bridge the Gap | 7/31/12; |
| (t) Immigration Law | 3/1/12; |
| (u) Bridge the Gap | 3/11/13; |
| (v) Bridge the Gap | 8/5/13; |
| (w) 2013 Legislative Update | 8/13/13; |
| (x) Bridge the Gap | 1/2/14; |
| (y) Administrative Law Update | 1/10/14; |
| (z) Consumer Law | 1/23/14; |
| (aa) Environmental and Natural Resources | 1/23/14; |
| (bb) Probate, Estate Planning | 1/24/14; |
| (cc) Tax Law | 1/25/14; |
| (dd) Breakfast Ethics | 1/26/14; |
| (ee) Advanced Legal Research | 6/9/14; |
| (ff) WestlawNext | 5/29/14. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I have lectured at the SC Bar “Bridge the Gap” programs for new lawyers giving an overview of practice before the Administrative Law Court since 2011;
 - (b) I made presentations on the topics of accommodation taxes and bankruptcy sales in property valuation to judges attending the 2012 National Conference of State Tax Judges;

- (c) I made a presentation on the topic of personal property valuation litigation to the 2010 Academy for County Auditors, Treasurers and Tax Collectors;
 - (d) I taught training sessions for SCDOT staff on the effect of S.C. Act 114 of 2007 which restructured the agency;
 - (e) I lectured at a SC Bar Government Law Section CLE concerning state legislative action related to eminent domain law;
 - (f) I lectured at a CLE hosted by the International Eminent Domain Institute on the topic of relocation assistance benefits, and how newly promulgated federal regulations would affect those benefits in the future;
 - (g) I taught a segment of a CLE for attorneys who handle condemnation cases for SCDOT explaining relocation assistance benefits available for landowners and displaces and the interplay between those benefits and just compensation payments made in condemnation litigation;
 - (h) I taught a segment of a CLE for attorneys who handle SCDOT condemnation cases for SCDOT on the subject of FOIA and Discovery Requests and strategies for avoiding surprise at trial.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- Ten Commandments of Practice at the ALC (SC Bar Bridge the Gap CLE materials 2011) and annual updates of those materials
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) SC State Courts, October 12, 1992;
 - (b) Alaska State Courts, June 22, 1993;
 - (c) Federal District Court, District of Alaska, June 22, 1993;
 - (d) Federal District Court, District of SC, June 27, 1995;
 - (e) United States Court of Appeals for the Fourth Circuit, March 20, 1997.
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) 1991-92 Judicial Law Clerk
 - 1. After graduation from USC law school and sitting for the SC bar exam, I moved to Anchorage, Alaska, where I served as law clerk to Alaska Superior Court Judge Karen Hunt from August 1991 to September 1992. Judge Hunt handled complex civil litigation and I performed legal research related to those cases and wrote memoranda of law and proposed orders on all motions to dismiss and motions for summary judgment. I also evaluated motions for injunctive relief filed with the court.
 - 2. I served as law clerk to Alaska Superior Court Judge John Reese from December 1992 to April 1993 handling family court matters. I reviewed motions filed with the court and recommended action on those motions. During this time I studied for the Alaska Bar exam and took that exam in January, 1993.
 - (b) 1993-97 Private Practice

1. In April 1993, I became an associate at Faulkner, Banfield, Doogan and Holmes' Anchorage office. Faulkner Banfield is a large firm with offices in Juneau, Fairbanks and Anchorage, Alaska representing primarily business clients. During my association with the firm I worked on Workers Compensation matters, professional liability cases, and tort cases. Approximately 50% of the cases I worked on were in the Federal District Court. I also successfully argued an appeal of a constitutional issue before the Alaska Supreme Court.
 2. In 1994, my husband's service commitment to the U.S. Air Force ended and I left Faulkner Banfield so that he and I could move to SC. I became an Associate at Gergel, Nickles & Grant. During my association with the firm from 1994 to 1997, I represented teachers and other employees in employment matters and worked on motions and discovery in tort claims cases, Fair Labor Standards Act cases, and other civil litigation.
- (c) 1997-2009 Government Service
- In August 1997, I accepted a position as Assistant Chief Counsel at the SC Department of Transportation. While at SCDOT I handled a wide variety of legal matters including condemnation cases, contract matters, legislative issues, environmental matters, and administrative law. I handled all contested cases at the Administrative Law Court for the department concerning environmental permits, the payment of relocation assistance benefits, and the certification of Disadvantaged Business Enterprises. I drafted and promulgated all agency regulations. I counseled agency staff and associate counsel on condemnation and real estate law. My responsibilities at SCDOT also involved reviewing and analyzing legislation pending at the state legislature, drafting proposed legislation and amendments, and providing testimony before legislative subcommittees.
- (d) 2009-Present Administrative Law Judge
- Since February 2009 I have served as a judge on the SC Administrative Law Court.
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.?
None
 22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
February 2009 to present - Administrative Law Court
The Administrative Law Court has jurisdiction over contested cases, appeals, regulation hearings, and certain injunctive relief. The jurisdiction of the Court is created by SC statutes, most notably the Administrative Procedures Act. Judges are elected by the SC General Assembly. The Court's jurisdiction is limited to those matters delineated by statute. The Court may consider the constitutionality of a statute or regulation only with respect to how that statute or regulation was applied in the case.
 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) Hickey v SC Department of Health and Human Services, (Docket No. 10-ALJ-08-0656) not reported. Held that PCA II benefit cap must be promulgated as a regulation to be enforceable;
 - (b) Answer Carolina v SC Department of Revenue, (Docket No. 08-ALJ-17-0481) not reported. Held answering service business not liable for telecommunications tax;
 - (c) Emerson Electric Co. and Affiliates v. SC Department of Revenue, (Docket No. 08-ALJ-71-0351) not reported; affirmed by S.C. Supreme Court at 395 S.C. 481, 719 SE 2d 650 (2011). Held allocation statute applies to nonresident corporation for interest expense deductions where no taxable dividend income was earned, and rejected as-applied constitutional claims;
 - (d) Carolina Walk LLC and Serrus Carolina Walk, LLC v. Richland County Assessor, reported at 2012 WL 529413; affirmed in unpublished opinion of the S. C. Supreme Court at 2014 WL 2575405. Held purchase price was not an arms-length sale that could be used to establish fair market value of real property. More contemporaneous sales within the same development were more compelling evidence of the value of the subject properties;
 - (e) Cellular Sales of SC, LLC v. S.C. Department of Employment and Workforce, reported at 3013 WL 173705; affirmed in unpublished opinion by SC Court of Appeals at 2014 WL 2586885. Held sales representative and others similarly situated were employees and not independent contractors.
24. Have you ever held public office other than judicial office? 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. None
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- I ran, unsuccessfully, for a seat on the Administrative Law Court in 2006. I was found qualified and nominated by the Judicial Merit Selection Commission, but withdrew from the race prior to the election in the General Assembly.
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?
- Prior to attending law school I worked as a claims examiner and then as a technical writer at Colonial Life and Accident Insurance Company from 1983-88. The only jobs I held prior to that time were part-time or summer jobs I held while in high school and college.
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? 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?
None other than divorce proceedings noted above.
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? N/A
38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?
I use Facebook to keep up with personal friends and family. I never post anything on the internet related to my job as a judge and I do not have internet contact with SC lawyers except for 2 close personal friends who are unlikely to appear in the ALC and for whom i would be required to recuse myself.
39. 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
40. 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
41. 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
42. 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
43. 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
44. 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
45. 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
46. 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
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No
48. 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
49. 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 Association;
- (b) SC Women Lawyer's Association.
50. 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) Girl Scout Leader, 2001-14;
- (b) Trenholm Road United Methodist Church.
51. 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.
52. References:
- (a) Caroline Westbrook
Vice President, First Citizens Bank
4801 Forest Drive
Columbia, SC 29206
803-931-1009
- (b) Daniel R. Unumb
125 Ashworth Drive
Lexington, SC 29072
803-520-8080
- (c) Deborah Shuler
124 Pond Ridge Road
Columbia, SC 29223
803-736-0576
- (d) Graham B. Stowe
701 Elm Avenue
Columbia, SC 29205
803-318-1897
- (e) Pamela L. Jenkins
140 Branch Hill Lane
Columbia, SC 29223
803-788-2811

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Deborah Brooks Durden

Date: August 5, 2014