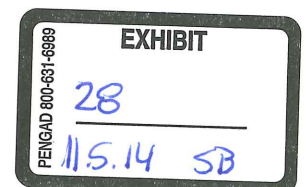


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Master-in-Equity, Horry County

1. NAME: Ms. Cynthia Graham Howe
BUSINESS ADDRESS: 1301 Second Avenue
Conway, SC 29526
P.O. Box 1236
Conway, SC 29528-1236
TELEPHONE NUMBER: (office): 843-915-5310 or 843-915-7852
2. Date of Birth: 1952
Place of Birth: Burlington, NC
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 August 6, 1983, to Joseph Leroy (Lee) Howe, Jr.
Divorced on August 6, 1976, Jackson County, NC. One year's separation. Cynthia Jeanne Graham Cheek was the moving party. 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) UNC at Chapel Hill, 1970-71 (transferred to Western Carolina University);
 - (b) Western Carolina University, B.S.Ed., *summa cum laude*, 1971-74;
 - (c) Western Carolina University, M.A.Ed., 1974-76;
 - (d) USC, School of Law, J.D., 1978-81.
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.

SC, 1981
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) UNC Dean's List; Civitan Scholarship, 1970-71;
 - (b) Western Carolina University:
Patrons of Quality Scholar, 1974;
Most Outstanding Female Education Major, 1974;
Phi Kappa Phi National Honor Society, 1974;
Phi Delta Kappa Professional Education Honor Society, 1974;
National Teacher Corps, 1974 - 76;
 - (c) USC, School of Law:
Moot Court Board, Sec/Treas, 1980-81;
AmJur Award, Damages, 1980;
Phi Alpha Delta Legal Fraternity, 1979 - 81;



Recipient of Strom Thurmond Scholarship, 1980 – 81;
 Chief Advocate for Student Government, 1980 – 81;
 Wig and Robe Honor Society, 1981;
 law clerk for Nelson Mullins Riley & Scarborough, 1978 – 81.

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) Spring Conference CLE | 05/01/13; |
| (b) 2013 Annual Judicial Conference | 08/21/13; |
| (c) 2013 Masters-in-Equity Bench Bar | 10/11/13; |
| (d) Annual Circuit Court Judges Conference | 05/02/12; |
| (e) 2012 Annual Judicial Conference | 08/22/12; |
| (f) Law Practice Diversity: Leadership | 10/05/12; |
| (g) Masters-in-Equity 2012 Bench Bar | 10/12/12; |
| (h) 2011 Annual Judicial Conference | 08/17/11; |
| (i) Masters-in-Equity 2011 | 10/14/11; |
| (j) 2010 Judicial Conference | 08/18/10; |
| (k) 2010 Masters-in-Equity Bench/Bar | 10/08/10; |
| (l) Mastering the Game: Skills Law | 10/22/10; |
| (m) 2009 Annual Judicial Conference | 08/19/09; |
| (n) SCWLA/NCAWA Conference | 09/30/09; |
| (o) 2009 Master-in-Equity Bench/Bar | 10/09/09. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- I was the moderator for the 2013 Masters-in-Equity Bench-Bar;
 - Before becoming the Horry County Master in Equity and while representing the Myrtle Beach Police Department, I spoke on potential conflicts of interest which may arise when representing police officers and also representing their employer at the SC Municipal Attorneys Association seminar in December 2003 in Columbia, SC;
 - Before becoming the Horry County Master in Equity and while representing the Myrtle Beach Police Department, I spoke on legal issues several times each year to the recruiting classes of the Myrtle Beach Police Department during Pre-Service Legal Training.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- Admitted to practice before the State Courts of SC in 1981;
 - Also admitted to practice before the Federal District Court of SC in 1983;
 - Admitted to practice before the Fourth Circuit Court of Appeals in 1990;
 - Admitted to practice before the United States Supreme Court in 1999.
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) 8/81 – 8/83 Law clerk to the Honorable David W. Harwell, then Associate Justice, SC Supreme Court;
- (b) 8/83 – 11/06 Associate, then Partner, Van Osdell, Lester, Howe & Lester, PA (or one of its predecessors in interest)

Civil litigation and Appeals

- 1. Van Osdell, Lester, Stewart, & McCutchen, PA
 - 2. Van Osdell, Lester, Stewart, McCutchen & Brittain, PA
 - 3. Van Osdell, Lester, Stewart, McCutchen, Hearn, Brittain & Martin, PA
 - 4. Van Osdell, Lester, & Howe, PA
 - 5. Van Osdell, Lester, Howe & Jordan, PA;
 - (c) 11/06 – 5/07 Of Counsel, Battle & Vaught, PA (civil litigation and appeals);
 - (d) 5/07-- 4/09 Partner, Battle, Vaught & Howe, PA (civil litigation and appeals);
 - (e) 4/09 – present, Master, Horry County Master in Equity.
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.

AV, Martindale-Hubbell (last available rating)

22. Have you ever held judicial office?

I presently serve as the Horry County Master in Equity, having been appointed by the Governor upon recommendation by the House and Senate. I was confirmed by the Senate on March 27, 2009. My term began on April 1, 2009, to finish the term of Judge Stan Cross who retired. I began a new term on August 1, 2009, which expires on July 31, 2015.

A Master in Equity may hear all cases referred to him or her (where the parties consent, default cases, and foreclosure cases), and once a case is referred to him or her, the Master has all the same power and authority as a circuit judge sitting without a jury in a similar matter. A Master's "jurisdiction" is not limited by a monetary amount. However, a defendant, under certain circumstances, may still be allowed to demand a jury trial on a counterclaim and have the case returned from the Master's court to the circuit court for a jury's determination.

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.

It is almost impossible for me to name or list 5 of my most significant orders or opinions. I literally preside over 1000's of foreclosure cases in a year. Even though many of them are default foreclosure cases, many of the Defendants come to the final hearings, distraught that their homes are being foreclosed and that they and their families may be forced to move from the only home they've ever known, or become homeless. I hope that, at the least, am able to ease their anxieties, explain the foreclosure process, and many times, offer them some hope by putting the foreclosure sale off a month or two, giving them information on SC Help, and/or requiring the lender, if it has not already, to offer the defaulting borrowers a chance at a loan modification. Putting off the foreclosure sale for a month or two to allow the defaulting borrowers to explore all their options is generally all the defaulting borrowers can expect from the judicial system.

Since I have taken my position as the Horry County Master in Equity, the Administrative Judges have tried to keep most attorneys from referring any cases to me other than foreclosure cases, partition cases, cases involving easements, quiet title matters, and a few accounting cases, at least until the foreclosure backlog eases.

24. Have you ever held public office other than judicial office? 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? No.
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) 1968–72 Belk’s part time while in high school and college;
 - (b) 197 –74 Western Carolina University, School of Education, part-time typist while in college;
 - (c) 1974–76 Fairview Elementary School, Sylva, North Carolina (National Teacher Corps Project), Teacher, 5th and 6th grades;
 - (d) Summer 76 Western Carolina University, Cullowhee, NC, instructor of College freshmen with low verbal SAT scores;
 - (e) 1976–78 Teacher, Loris High School, Loris, SC (English/Reading);
 - (f) 1977–78 Reading Coordinator for Secondary Schools, Horry County (part-time position).
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?

In 1997, my husband and I sued to obtain the return of our earnest money deposit in a breached residential real estate contract in which we were the purchasers. The seller was unable to provide a clear CL-100 (clean termite letter) so that we were unable to obtain conventional financing, a term required of the real estate contract. Nevertheless, the seller refused to return our earnest money deposit. When we sued for the return of our deposit, the seller counter-claimed to force us to purchase her house. Not long after we sued, we were granted summary judgment, and the seller’s counter-claim was dismissed with prejudice.

Joseph L. Howe, Jr. & Cynthia Graham Howe v. Tina M. Kotsovos & Nancy Davis d/b/a/ Seaside Realty Company, 97-CP-26-1707.

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? If applicable, have you ever been covered by a tail policy?

I believe that a “tail policy” is what I discussed with the General Agency and that I’m covered for acts that I may have committed while I was practicing law even though I may be sued for those acts while I’m serving on the bench. This “lag” may occur because of our discovery rule.

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 am not active on Facebook, LinkedIn, Twitter, etc., nor do I have an account, as far as I am aware.

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.

I have sent either a letter of introduction to those members of the Horry County delegation who are new and do not know me or a letter to inform those members of the delegation that I already knew that I was running for re-appointment. These expenses equal \$5.88. I did not ask for, nor did I receive, a commitment from any of these members. (I excluded the Honorable Alan Clemmons, who is a member of the Judicial Merit Screening Commission.)

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) Horry County Bar Association, Pres (1993), VP (1992), Sec (1991);
 - (b) SC Bar Association;
 - (c) SC Women's Law 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) Member, First Presbyterian Church of Myrtle Beach;
 - (b) Myrtle Beach Woman's Club, Membership Coordinator, Ways & Means Chair;
 - (c) Commission on Lawyer Conduct, 2003—09.
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.

My first day as Horry County Master was April Fool's Day, 2009. What a day it was! I had no idea how prophetic it would be. The Horry County MIE office had been without a full-time Master for about a year, as the prior Master, Judge Stan Cross, had been on medical leave because of a cancer diagnosis. By April 1, 2009, the foreclosure crisis was in full swing. I began almost immediately to take home paper-work to sign every night and on weekends because my days were filled completely by hearings. That first year, in 2009, 2874 cases were referred to our office. During the 2009-2010 fiscal year, the Horry County MIE office collected \$2.8 million in fees and commissions.

I begged County Council for a paralegal. Finally, after a year, it allowed me to hire a paralegal, the County's first. A year later, with Chief Justice Toal's blessing, the County hired a part-time Special Referee to assist me in default foreclosure cases. A year after that, County Council allowed me to hire a part-time law clerk.

We have continued to generate \$2.8 or \$2.7 million in funds every year until this year. I believe our funds will be less this year, as foreclosures finally have declined. Even with the enormous amount of work involved in the Horry County MIE office, I still enjoy this position. I believe that I treat the people involved in the foreclosure process fairly, and consequently, they see that the judicial process is fair. Therefore, they are able to keep their dignity throughout one of the worst times of their lives.

52. References:

- (a) The Honorable H. Tom Rice
U.S. House of Representatives
2411 N. Oak Street, Suite 405
Myrtle Beach, SC 29577
843-340-8179;
- (b) Ralph P. Stroman, Esquire
8 Red Squirrel Lane
Pawleys Island, SC 29585
843-237-1030;
- (c) George M. Hearn, Jr., Esquire
HEARN & HEARN, P.A.
1206 Third Avenue, Suite B
Conway, SC 29526
843-248-3172;
- (d) Ms. Sharlene Zwing
409 42nd Avenue North
Myrtle Beach, SC 29577
843-450-7427;
- (e) Andrew Hochsprung, CSSR
Wells Fargo Bank
7102 North Kings Highway
Myrtle Beach, SC 29572
843-449-3212.

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

Signature: The Honorable Cynthia Graham Howe

Date: August 6, 2014