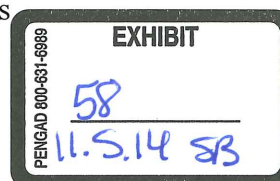


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 9

1. NAME: Mr. Clifford Scott
BUSINESS ADDRESS: 2026 Assembly Street, Suite 206
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 Graham Scott. Never divorced, two children.
 6. Have you served in the military?
(a) 19 September 1973—2 February 1974; U.S. Air Force; E-2; 247-04-1659; Honorably Discharged;
(b) 10 January 1982 –30 June 1987; United States Army; 0-3; 247-04-1659; 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 (Magna Cum Laude/Phi Beta Kappa);
(d) USC School of Law; Aug 1978—May 1981, 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 November 1981 (passed bar exam on first attempt);
(b) Georgia January 1993 (passed bar exam on first attempt).
I resigned from the 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.
I was also a member of the Black American Law Students Association (BALSA).
 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) SC Black Lawyers Annual Summit & Retreat | 10/30/2008; |
| (b) Ethics Judicial Family Seminar | 12/05/2008; |
| (c) Non-citizens in the Family Court Proceedings | 02/28/2009; |
| (d) Veterans Disability Benefits | 03/24/2009; |



- (e) SC Black Lawyers Annual Retreat 10/01/2009;
- (f) SC Black Lawyers Annual Retreat 10/01/2010;
- (g) Staying Out Of Trouble 02/26/2011;
- (h) Intellectual Property and the General Practitioner 02/27/2011;
- (i) Digital Law Office 02/27/2011;
- (j) The Virtual Office 02/27/2011;
- (k) SC Association of Justice Convention 08/04/2011;
- (l) SC Black Lawyers Annual Retreat 10/14/2011;
- (m) USC School of Law Annual Reunion Ethics CLE 11/05/2011;
- (n) Capital Litigation for Prosecutors 05/21/2012;
- (o) S C Solicitors Annual Conference 09/23/2012;
- (p) SC Black Lawyers Annual Retreat 09/26/2012;
- (q) S C Solicitors Annual Conference 09/22/2013;
- (r) SC Black Lawyers Annual Retreat 09/26/2013.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

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 November 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.**

**I resigned my membership in the Georgia Bar in November 2001, having decided that I would not be practicing in the state of Georgia.

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.

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.

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

- (a) 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 United States military accused of criminal offenses. I also represented military service members in administrative proceedings;

- (b) Claims Judge Advocate with the United States 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 United States 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 United States Department of Justice;

- (c) 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;

- (d) 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;

- (e) Associate General Counsel, Univ. of SC, from Sep. 1989- Jan.1994. In this position, I provided counsel and advice to University of SC 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.

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

- (g) After reentering private practice in 1994, I 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; representation of clients in federal administrative matters, including EEOC, Merit Systems Protection Board, DOD administrative matters and social security cases.

- (h) 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.

- (i) 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.
 - (j) In addition to maintaining a private practice, since the spring of 2006, I have served as a part-time contract employee in the Office of the General Counsel of the University of SC. 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, and EEO complaints.
 - (k) Additionally, since March 2012, I have served as one of two part-time assistant solicitors in the Lee County office of the Solicitor for the Third Judicial Circuit. Even though I still maintain my private office, since assuming the role as a part-time assistant solicitor in March 2012, the majority of my practice has been devoted to the assistant solicitor and University positions.
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.?
To my knowledge, I am not rated.
16. What was the frequency of your court appearances during the past five years?
- (a) Federal: I was involved in two actions in federal court during the last five years.
One action was a motion/petition to quash a subpoena issued by the Department of Defense, Office of the Inspector General. The Court ruled on the matter based upon the pleadings and memoranda filed with the court. No court appearance was required.
The other action was a criminal matter before a federal magistrate, involving a citation issued to an immigrant working on Fort Jackson without a work permit;
 - (b) State: For the most part, my court appearances since March 2012 have occurred in my role as a part-time assistant solicitor in Lee County. In that role, I handle criminal cases in Lee County General Sessions Court and cases involving juvenile delinquency in the Lee County Family Court. I appear in General Sessions Court during the approximately ten weeks each year which General Sessions Court is held in Lee County. I also appear in Family Court one day approximately every month handling juvenile matters in Lee County Family Court. I also handle preliminary hearings and bond hearings in my role as an assistant solicitor.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) Civil: Prior to 2012: 50%; After 2012: 10% (workers compensation, personal injury and VA matters);
 - (b) Criminal: Prior to 2012: 5%. Since 2012: 50% (In my role as a part-time assistant solicitor);
 - (c) Domestic: Prior to 2012: 5%. Since 2012: 0%;
 - (d) Other: Prior to 2012: 40%. Since 2012: 40% (agency representation—USC).
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?

As I indicated above, since 2012, when I started serving a part-time assistant solicitor in the Third Judicial Circuit, for the most part, my court appearances have occurred in that role.

- (a) Jury: Seven (7) cases in which a jury was selected to try the case, including those that were resolved prior to trial;
- (b) Non-jury: Approximately 125 guilty pleas. In addition, with the other Lee County assistant solicitor, I handle preliminary hearings in the Lee County Magistrate Court, as well as bond hearings heard by Circuit Court judges. Also, as indicated above, I handle juvenile cases for the Third Circuit Solicitor's office in the Lee County Family Court.

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) Unfortunately I do not remember the case name, and my call to the United States Court of Appeals for the Armed Forces (which, at the time, was the United States Court of Military Appeals) did not prove fruitful. The case occurred in 1983 or 1984, while I was a member of the United States 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 United States 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;
- (b) United States vs. Charles Ragins, 840 F.2d 1184 (4th Cir. 1988). This case was an appeal from the United States 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;
- (c) State v. Corley, 1987-1988 time period. This was a case tried in the Court of General Sessions in Orangeburg County. The case was significant because, at the time, the defendant was considered by local law enforcement to be one of the more active drug dealers in the county;
- (d) State vs. Lynch; tried in Lee County in 2005. The case was significant, because it involved two defendants who were charged with starting a riot and taking hostages at Lee Correctional Institution. The case received significant media coverage at the time of the prison riot;
- (e) 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.

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).

- (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).
- (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 while an associate with the law firm of Johnson, Toal and Battiste, P. A.
22. Have you ever held judicial office? I have never held judicial office.
24. Have you ever held public office other than judicial office? Not Applicable.
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.
Not Applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
I applied for Fifth Judicial Circuit Court Seat Number Three in August 2011. I was nominated as one of the three candidates for consideration by the General Assembly. The Honorable Robert E. Hood was elected to that seat in February 2012.
I applied for At-Large Circuit Court Seat Number Fourteen in 2012. I was nominated as one of the three candidates for consideration by the General Assembly. The Honorable R. Keith Kelly was elected to that seat in February 2013.
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 toy character for children called PJoeBrown and created an item of religious jewelry called The Birth of Life pendant, which I attempted to market without much success. (This was during the late 1990s and early 2000s). In 2012 I acquired a business license, which I renewed in 2013 with the intention of again marketing the The Birth of Life pendant, but never did so.
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?
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, some time 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.

Have you ever defaulted on a student loan? No.

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?

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 court. 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 University General Counsel and myself. Ultimately, as I indicated above, the lawsuit was determined to be without merit and was dismissed.

My wife and I were also sued approximately 15 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 a verdict was rendered for us.

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?

I have been covered by malpractice insurance since I entered private practice on my own on January 31, 1994, with the exception of a brief period (from January 4, 2010 through May 14, 2010) after my insurer at the time (Minnesota Lawyers Mutual) stopped providing coverage for attorneys in SC and I was required to secure coverage with another insurer. Current Coverage: \$1,000,000 per Occurrence; \$1,000,000 per Annual Aggregate, Deductible: \$5,000.

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 or a member of a social media or Internet site. I had a face book account in years past which was cancelled. I also had a twitter account which has been cancelled.

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;
 - (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;
 - (d) Former member of The SC Bar's House of Delegates;
 - (e) During the mid1990s, I was vice president and president of the SC Black Lawyers Association, and I currently serve as treasurer of that organization.
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) Pee Dee Area Veterans Advisory Council (former member);
 - (b) 2000 Compleat Lawyer Gold Award.
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. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

This statement will perhaps seem redundant, the essence of it having been stated in my earlier judicial application. It is included here, because it still reflects how I feel.

I come from a humble background. 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 out 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 United States.

Since becoming an attorney, my background has been quite varied. I believe the variety of my experience, 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.

When I was a young adult, perhaps not more than 19 or 20 years old, my great aunt (the sister of my maternal grandmother) told me I was "one in a hundred". She obviously saw something in me that caused her to believe I had the potential to do great things in life. I recognize I probably haven't fully realized the potential she saw in me.

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 overly sentimental, 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.

52. References:

- (a) Ernest A. Finney, III, Solicitor
Third Judicial Circuit
141 North Main Street
Sumter, SC 29150
803-436-2185
- (b) Walter H. Parham, Esquire
General Counsel
USC
Columbia, SC 29208
803-777-7854
- (c) Paul M. Fata, Esquire
Stuckey, Fata and Segars, LLC
115 East Church Street
Post Office Drawer 568
Bishopville, SC 29010
803-484-5409
- (d) Eddy L. Lane, Esquire
Attorney at Law
2026 Assembly Street, Suite 202
Columbia, SC 29201
803-400-1181
- (e) Mr. Chester Leaks, Branch Manager
TD Bank, NA
1501 Main Street
Columbia, SC 29201
803-540-2750

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

Signature: Clifford Scott

Date: August 5, 2014