

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, At Large, Seat 10

1. NAME: The Honorable James Rezner Barber, III
BUSINESS ADDRESS: P.O. Box 2766
1701 Main Street, Room 223
Columbia, SC 29202
TELEPHONE NUMBER: (office): (803) 576-1779
2. Date of Birth: 1943
Place of Birth: Birmingham, Alabama
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 March 9, 1979, to Susan Preston Foster Barber, three children, one deceased. Divorced (first marriage) in September 1978, Richland County Family Court, James R. Barber, III moving party.
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) Washington & Lee University, 1962-64;
 - (b) USC, 1964-66, BA Degree in Political Science;
 - (c) USC School of Law, 1966-69, 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.
SC, 1969
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) Sigma Alpha Epsilon Social Fraternity, 1965-66;
 - (b) Intra-Fraternity Council, 1965-66;
 - (c) Varsity Soccer Team, 1962-63.
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) SCCJC Judge's Conference	05/14/2008;
(b) 2008 Judicial Conference	08/20/2008;
(c) 7 th Annual Civil Law Update	01/23/2009;
(d) 24 th Annual SC Criminal Law Update	01/23/2009;
(e) JBOIC March Meeting	03/17/2009;



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| (f) | SCCJC Judge's Conference | 05/06/2009; |
| (g) | A Time to Kill: Dostoyevsky | 10/20/2009; |
| (h) | Learning Ethical Behavior from | 11/17/2009; |
| (i) | Criminal Law Update-Part 2 | 01/22/2010; |
| (j) | Criminal Law Update | 01/22/2010; |
| (k) | SC Circuit Court Judges Association | 05/05/2010; |
| (l) | SCAJ 2010 Annual Convention | 08/05/2010; |
| (m) | Opening Statements: A Civil Trial | 09/07/2010; |
| (n) | Direct Examination: A Civil Trial | 09/14/2010; |
| (o) | Cross-Examination: A Civil Trial | 09/21/2010; |
| (p) | Closing Argument: A Civil Trial | 09/28/2010; |
| (q) | Remarks by Rt Hon Lord Justice | 10/20/2010; |
| (r) | SCDTAA 43 rd Annual Meeting | 11/11/2010; |
| (s) | SC Circuit Court Judges' Conference | 05/04/2011; |
| (t) | SCAA 2011 Annual Judicial Conference | 08/17/2011; |
| (u) | SCDTAA Annual Meeting | 11/03/2011; |
| (v) | Part 2 Criminal Law Section | 01/20/2012; |
| (w) | Trial & Appellate Advocacy Section | 01/20/2012; |
| (x) | SCCJC Annual Circuit Court Judges Conference | 05/02/2012; |
| (y) | SCCA 2012 Annual Judicial Conference | 08/22/2012; |
| (z) | Prosecutorial Misconduct | 10/16/2012; |
| (aa) | SCDTAA Annual Meeting | 11/08/2012; |
| (bb) | Trial and Appellate Advocacy Section | 01/25/2013; |
| (cc) | Part 2: Criminal Law Section | 01/25/2013; |
| (dd) | The Unconstitutionality of the Senate | 03/19/2013. |
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 was an instructor at the USC College of Applied Science. I taught Business Law to undergraduate students which primarily covered contracts;
 - I have participated in a number of legal seminars as a speaker on various topics;
 - I am presently an Adjunct Professor at the USC School of Law teaching trial advocacy.
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.
- All State Courts in SC, 1969;
 - United States District Court for the District of SC, 1969;
 - United States Circuit Court of Appeals for the Fourth Circuit, 1969;
 - Supreme Court of the United States of America, 1995.
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.

2/70 United States Department of Justice, Internal Security Division, Washington DC.

Initially I was employed in the Foreign Agents Registration Section which had the responsibility for enforcing the Foreign Agents Registration Act. The work was primarily administrative and regulatory.

I then moved to the Special Litigation Section. The work involved grand jury, United States District Court, and Circuit Court Appeals practice throughout the United States. It was primarily a criminal practice arising out of anti-Vietnam war criminal activities by various individuals and groups. I also handled Selective Service evasion cases in various courts.

10/72-8/77 Law Office of Henry H. Edens, Columbia, SC

This was a two-person office primarily engaged in civil litigation practice, a substantial portion of which was workers' compensation, personal injury and domestic practice. We did practice some criminal law.

8/77-6/97 Todd & Barber, PC, Columbia, SC (successor to the firm of Marchant, Bates, Todd & Barber)

I have engaged in the practice of administrative, domestic, corporate, real estate and workers' compensation law.

8/97-present SC Court Administration, Circuit Court Judge, Columbia, SC

8/12-present Adjunct Professor at the USC School of Law

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.

22. Have you ever held judicial office?

Circuit Court Judge; July 1997-present.

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) Susan Olson v. Faculty House of Carolina, Inc.

354 S.C. 161, 580 S.E.2d 440 (S.C. 2003);

(b) Sharon B. Koon v. Soraya Farid Fares and Dr. Marie A. Faltas

379 S.C. 150, 666 S.E.2d 230 (S.C. 2008);

(c) The State v. Gary A. White

372 S.C. 364, 642 S.E.2d 607 (Ct. App. 2007);

(d) Linda Gail Marcum v. Donald Mayon Bowden

372 S.C. 452, 643 S.E.2d 85 (S.C. 2007);

(e) City of Camden v. Fairfield Electric Cooperative, Inc.

372 S.C. 543, 643 S.E.2d 687.

24. Have you ever held public office other than judicial office?

(a) Richland County Council- 1977-86 (Elected);

(b) Richland Memorial Hospital Board of Trustees- 1990-94 (Appointed by Governor Carroll Campbell).

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.
8/2012-present: Adjunct Professor at the USC School of Law teaching trial advocacy. My supervisor is Dean Wilcox.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
I ran unsuccessfully in the Democratic Primary for the office of Lt. Governor in 1986. I ran unsuccessfully for At Large Circuit Court Seat No. 13 in 1996.
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?
I was a principal in a title insurance agency. I am a licensed real estate broker.
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.
I recuse myself from all legal matters involving my former law firm.
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?
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?
I was sued in my capacity as a County Councilman for Richland County on several occasions. I, along with the other Council members serving at the time of the lawsuits, was named as a defendant. The cases primarily involved zoning matters or employment matters.
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?
Not applicable.
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.?
None.

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) Richland County Bar Association;
 - (b) SC Bar Association;
 - (c) American Bar Association;
 - (d) John Belton O'Neill Inn of Court.
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.
- USC Alumni Association
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.
- (a) Order of the Palmetto, 1986;
 - (b) Recipient of President's Cup for distinguished service to SC Association of Counties, 1981;
 - (c) Named honorary President of SC Association of Counties, 1986.
52. References:
- (a) Mr. Thomas E. Collins
26 Mahalo Lane
Columbia, SC 29204
(803) 765-0113 (h)
 - (b) Mr. Daniel Blackman
NBSC
4840 Forest Drive
Columbia, SC 29206
(803) 790-7310
 - (c) Mr. Walter B. Todd
P.O. Box 1549
Columbia, SC 29202
(803) 779-4383 (o)
 - (d) Mr. John D. Gregory
1211 Adger Road
Columbia, SC 29205
(803) 748-1285
 - (e) Mr. Culver P. Choate
850 Abelia Road
Columbia, SC 29205
(803) 252-4014

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

Signature: James Rezner Barber, III
Date: July 17, 2014