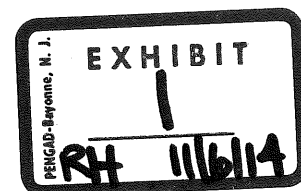


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Circuit Judge, Fourth Judicial Circuit, Seat 2

1. NAME: The Honorable Roger E. Henderson  
BUSINESS ADDRESS: PO Box 311  
Chesterfield, SC 29709  
TELEPHONE NUMBER: (office): 843-623-3080
2. Date of Birth: 1949  
Place of Birth: Wadesboro, 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 May 24, 1975, Sarah Jane Henderson. Never divorced, three children.
6. Have you served in the military?  
May, 1971 – May, 1977, United States Army Reserves  
Specialist Fourth Class, XXX-XX-XXXX Honorable Discharge
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) Wofford College – September 1967–May 1971 – BA;  
(b) USC School of Law – June 1975–December, 1977 - 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 – 1978.
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) Pi Kappa Alpha Fraternity – Intramural Sports Director of Fraternity – 1970-71;  
(b) Phi Alpha Delta Law Fraternity – 1976-77.
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) Family Court Judge's Conference	04/23/08;
(b) 2008 Annual Judicial Conference	08/20/08;
(c) 2008 SC Family Court Bench/Bar	12/05/08;
(d) Family Court Judge's Conference	04/22/09;
(e) 2009 Annual Judicial Conference	08/19/09;
(f) Family Court Judge's Conference	04/22/10;
(g) 2010 Annual Judicial Conference	08/18/10;
(h) 2011 SC Bar Convention Family Law Section	01/21/11;



- |  |     |   |           |
|--|-----|---|-----------|
|  | (i) | Family Court Judge's Conference                       | 06/01/11; |
|  | (j) | 2011 Annual Judicial Conference                       | 08/17/11; |
|  | (k) | 2012 SC Bar Convention Family Law Section             | 01/20/12; |
|  | (l) | 2012 Annual Judicial Conference                       | 08/22/12; |
|  | (m) | 2013 SC Bar Convention Family Law Section             | 01/25/13; |
|  | (n) | Family Court Judge's Conference                       | 04/17/13; |
|  | (o) | NCSC Project on Courthouse Violence, Denver, Colorado | 08/22/13; |
|  | (p) | 2013 SC Family Court Bench/Bar                        | 12/06/13; |
|  | (q) | 2014 SC Bar Convention Family Law Section             | 01/24/14; |
|  | (r) | Family Court Judge's Conference                       | 04/24/14. |
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.
- (a) I lectured at a CLE seminar on October 21, 1994 on the subject of jury selections as part of the "Successful Civil Litigation; Hot topics from the Experts" program;
  - (b) I lectured at the 1997 Conference of Chief Judges for Administrative Purposes and the 1997 Annual Judicial Conference on the subjects of Civil and Criminal Contempt and Courtroom Security;
  - (c) I was a co-presenter of the Family Law Update at the 2000 Annual Judicial Conference;
  - (d) I was a co-lecturer at the 2000 Orientation School for New Family Court Judges Conference;
  - (e) I lectured on new issues in the Family Court at the 2001 Family Court Judge's Conference;
  - (f) I was co-lecturer at the 2001 Orientation School for New Family Court Judges, concerning the areas of Court Rules, Alimony and Equitable Division;
  - (g) I was co-lecturer at the 2002 Orientation School for New Family Court Judges, concerning the areas of Court Rules, Alimony and Equitable Division;
  - (h) I was co-lecturer at the 2004 Orientation School for new Family Court Judges concerning Temporary Hearings & Equitable Distribution;
  - (i) I was a panel member at the 2004 SC Bar Convention concerning Conversations Between the Bench and Bar;
  - (j) I was co-lecturer at the 2004 Seminar for Chief Judges for Administrative Purposes of the Circuit and Family Courts concerning Pre-Trial Status Settlement conferences.
12. List all published books and articles you have written and give citations and the dates of publication for each.  
N/A.
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 – May 16, 1978;
  - (b) United States District Court, District of SC, April 24, 1980.
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.

In 1978, I returned to Chesterfield and began the general practice of law with my father-in-law, the late Edward McIver Leppard. He retired in 1982, and I continued a solo practice until 1985, when I formed a partnership with William O. Spencer, Jr. We continued a general practice of law until I was elected to the bench in May of 1995. During this period of time, we added an associate, Mary Thomas Johnson, in May of 1983. In 1985, I began to concentrate my practice in the areas of Family Law, Criminal Law and Personal Injury.

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.

Prior to becoming a Family Court Judge in 1995, I had a general practice of law that included a substantial amount of criminal work. I represented clients in both State and Federal Court. The types of cases I handled ranged from traffic offenses in Magistrate's Court to drug cases in Federal Court. The bulk of my criminal practice was in the Court of General Sessions where I represented individuals charged with DUI, Assault and Battery of a High and Aggravated Nature, Assault and Battery with Intent to Kill, Armed Robbery, Sex Offenses, Drug Offenses, Arson, Burglary, Breaking and Entering and Murder (one of which was a death penalty case). Many of the cases I handled were disposed of by way of guilty pleas; however, a significant number of them went through the trial process.

On occasion I was privately employed to help prosecute individuals. In addition to my criminal defense work, I also handled post conviction relief matters and parole hearings.

As for my civil practice, I represented clients in State and Federal Courts with personal injury claims, which were mostly automobile accident and slip and fall type cases. I handled several medical malpractice cases individually and in association with other counsel. In addition, I represented individuals in condemnation cases, partition actions, probate matters and numerous workers' compensation claims.

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.?  
AV.
16. What was the frequency of your court appearances during the past five years?  
Prior to 1995 when I went on the Family Court Bench:  
(a) federal: Twice a year;  
(b) state 15-20 times per month.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?

Prior to 1995 when I went on the Family Court Bench:

- (a) civil: 40% (Personal injury cases, 20% - Probate, Workers' Compensation and non-jury matters, 20%);
- (b) criminal: 20%;
- (c) domestic: 40%.

18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?

Prior to 1995 when I went on the Family Court Bench:

- (a) jury: 25%;
- (b) non-jury: 75%.

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) Chesterfield County Rural Water Company, Inc. v. Town of Cheraw, South Carolina: This matter was significant in that we obtained an Order in Federal Court prohibiting the Town of Cheraw from entering the Rural Water Company's service areas. Additionally, I represented the Rural Water Company in law suits against the Town of Pageland and Chesterfield, SC, and obtained out-of-Court settlements which resulted in agreements establishing permanent service territories for the Rural Water Company and the towns.
- (b) Kate G. Laney vs. Bi-Lo, Inc: This was a slip and fall case in which Bi-Lo denied any liability and their defense was that they were not on notice concerning the liquid on the floor, upon which Mrs. Laney slipped and fell. We were able to convince the jury that Bi-Lo was on notice and that they should have removed the liquid before Mrs. Laney slipped and fell. The jury returned a verdict of \$60,000.00 in favor of Mrs. Laney.
- (c) Mary C. Crowley v. Robert Taylor: This matter was significant in that we obtained a jury verdict of \$2,000.00 actual damages for Mrs. Crowley and \$40,000.00 in punitive damages due to the fact that Mr. Taylor was operating an automobile in flagrant violation of the law in that he was driving under the influence of alcohol while being pursued at a high rate of speed by a police officer. The jury saw fit to punish Mr. Taylor with a sentence commensurate with the offense.
- (d) Linda Whittington on behalf of the Estate of Brandon Ray Royer v. Richard D. Loflin, et al: This was a guest passenger automobile accident case which involved the death of my client, Mr. Royer, The defendants alleged that my client was the driver of the car and was under the influence of alcohol. There was no offer made by the defendants so the matter was tried and the jury returned a verdict of \$87,500.00, in favor of my client.
- (e) STATE vs. John Parks: This matter was significant in that Mr. Parks who was charged with criminal sexual conduct with his eight year old stepdaughter, was acquitted after we were able to convince the jury that the child's testimony was without feeling and emotion due to her having been coached by her mother, who was separated from Mr. Parks.

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) Leaton E. Jenkins vs. Marjorie E. Jenkins – SC Supreme Court – No decision was rendered as the Appellant died after briefs had been file and the matter was dismissed by the Court;
  - (b) James H. Dixon v. Nucor Steel Corporation – SC Court of Appeals, May 9, 1988, 368 SE 2d 680, 295 SC 297 (1988);
  - (c) Kate G. Laney vs. Bi-Lo, Inc. – SC Court of Appeals, June 22, 1992, 419 SE 2d 809, 309 SC 37 (1992).
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.
- None.
22. Have you ever held judicial office?
- Yes.
- 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.
- (a) 1978-1982 Assistant Recorder and Recorder for the Town of Chesterfield, appointed by the Mayor. This Court handled all traffic and criminal offenses in which he punishment did not exceed 30 days or a \$200 fine;
  - (b) July 1, 1995 to Present – Family Court Judge for the Fourth Judicial Circuit, Seat No. 1, Elected by the SC General Assembly. Statewide jurisdiction to hear all domestic relations matters.
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) 95-DR-16-0712 – Leslie Douglas Stewart vs. Susan Fellows Van Epps  
This was a multi-day trial involving a divorce on the ground of habitual drunkenness as to the wife and the significance of this case was that custody was granted to the father;
  - (b) 97-DR-42-1170 – Charles Tyrone Courtney vs. Carol Lynn W. Courtney  
This was a five day trial involving a state senator. The issues in the case dealt with an invalid foreign divorce decree and custody. The wife was granted a divorce on the grounds of adultery and awarded custody of the children;
  - (c) 03-DR-16-0593 – Karen Allen Hines vs. Franklin Hines – Unpublished Opinion No. 208-UP-198;  
This was a three day trial which involved equitable distribution and alimony. This case was addressed by the Court of Appeals twice;
  - (d) 05-DR-34-340 – Ronald H. Stanton vs. Tracy P. Stanton  
This was a multi-day trial for custody and relocation. The mother was granted custody and allowed to relocate to Tennessee;
  - (e) 07-DR-16-0487 – Alice Ball Fitzwater vs. Floyd A. Fitzwater 396 S.C. 361, 721 S.E.2d 7 (Ct. App. 2011)

This was a divorce tried over several days that involved complex equitable distribution issues and attorney fees. My decision was affirmed by the Court Appeals in published opinion No. 4919 filed December 14, 2011;

(f) 07-DR-42-2787 – Arthur Stuart Lazarus vs. Katrina H. Lazarus

This was an eight day trial involving divorce, significant marital assets issues, equitable distribution and attorney fees. The parties appealed my decision; however, the matter was settled during the appeal.

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

(a) October 29, 1979–January 23, 1984, Chairman, Chesterfield County Election Commission–appointed;

(b) June 27, 1986–July 23, 1993, Member, SC Commission on Higher Education – appointed;

(b) April 6, 1995–May 25, 1995, Member, Chesterfield County District Board of Education – elected.

Two of the positions did not require report. I served as a member of the County Board of Education for a period of only two months since I was elected to the Family Court Bench just after being elected to the school board. If I filed a report I am unable to locate it, but I am certain that I was never 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.

1978-82 Assistant Recorder and Recorder for Town of Chesterfield, supervised by the Mayor and Town Council. Major responsibilities were to issue warrants and preside over Recorder's Court.

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) January 1972–September 1972 – Circulation Manager, Wing Publications;

(b) October 1972 – October 1974 – Supervisor, Burlington Industries, Reidsville, North Carolina, and Rocky Mount, North Carolina.

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?  
SC Tax Lien in the amount of \$37.29 dated January 20, 1983, filed in File Number 7878 in the office of the Clerk of Court for Chesterfield County, SC, for penalties and interest which were satisfied on March 2, 1983. This tax lien was filed as a result of my oversight in not mailing a check for penalty and interest owed on my 1981 tax return to the Tax Commission prior to the due date.  
Have you ever defaulted on a student loan?  
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?  
No.
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.?  
No.
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.  
I know of no allegations against me or any other candidate for violations of these provision.
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.  
I know of no allegations against me or any other candidate for violations of these provision.

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) Chesterfield County Bar Association;  
(b) SC Bar;  
(c) SC Conference of Family Court Judges, Treasurer – August 2001–August 2002.  
Vice President – August 2002–August 2003, President, August 2003–August 2004.
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) American Legion Post Number 74;  
(b) Chesterfield High School Athletic Booster Club;  
(c) Chesterfield Touchdown Club;  
(d) Chesterfield Marlboro Technical College Hall of Fame.
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.

I grew up in a family with two brothers and both parents, and I now have my own family of two daughters, one son and three grandchildren. My parents were married for 60 years, and I have been married for over 39 years. Therefore, I have experienced a lot of the



ups and downs that affect most families. When dealing with litigants before me, I draw on my personal experiences when considering how children feel about their parents, how parents feel about their children and how a husband and wife feel about one another when dealing with the various issues that affect every family.

After graduating from college, I had several different experiences that I have fallen back on when dealing with those who appear before me. I spent six years in the Army Reserves so I can relate to those who appear before me who are in the National Guard and Reserves and who are on active duty. I realize that their schedules and responsibilities must be considered when making certain decisions. After completing my active duty for the Reserves, I worked for a publishing company as an hourly employee. This experience has enabled me to relate to those who struggle on a meager income to make ends meet.

I left the publishing company job to take a job in textiles (Burlington Industries) for two years as a salaried employee. This experience helps me to relate to those who work in factories or for "big business". I had to depend on unemployment compensation for a while, and had to supplement my income by substitute teaching. I can relate to those who appear before me who have lost jobs and are doing all they can to make ends meet. I also use this experience when considering those before me who don't make attempts at gainful employment. My experience while substitute teaching has given me a perspective of young people that I might not have otherwise had. It has allowed me to see how teachers feel in certain situations.

Four years after graduating from college I entered law school. Upon graduation from law school, I practiced law for seventeen years before being elected to the bench. Having practiced law for seventeen years, I saw a lot of different situations and different types of people that I think about and sometimes reflect back on when making certain decisions.

Finally, I have spent about twenty years coaching youth baseball and football teams. Because of this experience, I know how a lot of juveniles from all walks of life think and what is important to them as well as their parents. Also, I know how they are affected by various situations.

My life experiences have made me realize that there is no one solution for all problems. I realize that every case is different, just as all people are different and all situations are different. Every case I deal with must be dealt with individually and the law applied in accordance with the unique facts found in each individual case.

52. References:

- (a) Henry Suggs, Branch Manager  
Carolina Bank, 166 Main Street  
Chesterfield, SC 29709  
(843) 623 7393
- (b) Rev. Lee Coyle  
Chesterfield Baptist Church  
207 E Main Street  
Chesterfield, SC 29709  
(843) 623 2390
- (c) Tommy Atkinson  
Retired Pharmacist  
505 W Main Street

- Chesterfield, SC 29709  
(843) 623 2646
- (d) Charles H. Gray, III, CEO  
Chesterfield County Rural Water Co., Inc.  
PO Box 270  
Chesterfield, SC 29709  
(843) 623-2339
- (e) Terry J. Rogers  
CHESCO Services Executive Director  
1224 E Blvd.  
Chesterfield, SC 29709  
(843) 623-9016

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

Signature: Roger E. Henderson

Date: July 22, 2014