

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

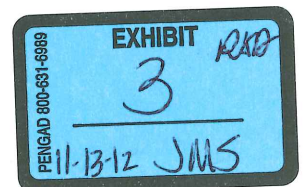
Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 14

1. NAME: Mr. Lucius "Scott" Harvin
BUSINESS ADDRESS: Hetrick, Harvin & Bonds
125 S. Walter Street
P. O. Box 139;
Walterboro, SC 29488
TELEPHONE NUMBER: (office): 843-549-6432
2. Date and Place of Birth: 1965; Columbia, SC
3. Are you a citizen of SC? Yes
Have you been a resident of this state for at least the immediate past five years?
Yes
5. Family Status: Divorced - May 6, 2008; Court: Berkeley County; Grounds: One Year Separation; Name of Moving Party: Lucius Scott Harvin; 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) USC, 1983-84, took various summer courses in anticipation of receiving credit, particularly for the foreign language requirement, at Duke University. I never intended to be a full time undergraduate student at the USC. As a result my departure was planned;
 - (b) Duke University, AB, History, 1987;
 - (c) USC School of Law, JD, 1991.
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, 1991
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.

Duke University Rugby Football Club 1985-86, Match Secretary, Responsible for scheduling all club matches.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2006 SCTL Annual Convention	08/31/2006;
(b) 2007 SCTL Annual Convention	08/02/2007;
(c) 23 rd Annual S.C. Criminal Law Updates	01/25/2008;



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|-----|---|-------------|
| (d) | Kinbrough/Gall Seminar – FPD of SC | 02/01/2008; |
| (e) | 2008 SCTLA Annual Convention | 08/07/2008; |
| (f) | 2008 Federal Bar Association – annual meeting | 09/11/2008; |
| (g) | Federal Criminal Practice – FPD of SC | 10/16/2008; |
| (h) | Sporting Clays/Skeet Shoot (Ethics) | 10/30/2008; |
| (i) | “Fighting to Win DUI Cases” | 10/31/2008; |
| (j) | CJA Mini Seminar-Spring 2009– FPD of SC | 05/01/2009; |
| (k) | National Seminar on Federal Sentencing Guidelines | 06/10/2009; |
| (l) | 2009 SCTLA Annual Convention | 08/06/2009; |
| (m) | Federal Criminal Practice-Fall 2009 | 10/29/2009; |
| (n) | Annual Criminal Practice Parts 1 & 2 | 01/22/2010; |
| (o) | Federal Practice 2010 | 04/01/2010; |
| (p) | Sporting Clays CLE (Ethics) | 04/29/2010; |
| (q) | SCAJ 2010 Annual convention | 08/05/2010; |
| (r) | Sporting Clays CLE (Ethics) | 10/28/2010; |
| (s) | Sporting Clays CLE (Ethics) | 04/14/2011; |
| (t) | Federal Criminal Defense Practice-2011 | 04/21/2011; |
| (u) | Case Law & Procedure Update - Colleton County Bar | 03/23/2012; |
| (v) | Seminar for Criminal Defense Bar | 04/05/2012; |
| (w) | Federal Criminal Defense Practice | 04/20/2012; |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
University of SC - Salkahatchie, 2005-07
Political Science S201 – American National Government
Study of the formation and development of the national Government, its organization and powers.
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.
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|-----|--|
| (a) | Admitted to practice before the SC Bar in 1991; |
| (b) | Admitted to practice in the United States District of SC in 1991; |
| (c) | Admitted to practice before the United States Court of Appeals for the Fourth Circuit in 2001; |
| (d) | Admitted to practice before the United States District Court Federal Circuit in 2002. |
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) | Hood Law Firm, Charleston, SC, 1991-93 Junior Associate in Asbestos Defense Litigation and General Insurance Defense Practice; |
| (b) | Ninth Circuit Solicitor’s Office, Charleston, SC, 1993-94 |

- Associate Solicitor prosecuting general criminal offenses, but with a primary emphasis on driving under the influence enforcement;
- (c) Harvin Law Firm, Charleston, SC, 1994-97
Solo practitioner in general litigation practice with a primary emphasis on criminal defense and driving under the influence defense;
 - (d) Hetrick, Harvin & Bonds, Walterboro, SC, 1997-present
Partner in small firm practice concentrating equally in plaintiff personal injury litigation and criminal defense.

14.(b) 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.

I began practicing law as an Assistant Solicitor with the Ninth Circuit Solicitor's Office in 1993-94. Although I prosecuted a variety of criminal offenses, my main concentration was on driving under the influence cases in Circuit Court. Upon leaving the Solicitor's Office, my solo practice was at least fifty percent criminal defense with an emphasis on defending those charged with driving under the influence and drug offenses.

As I have become older, more experienced and more established, my criminal practice has grown. Over the past five years, I have handled 386 criminal cases of all types as chief or sole counsel in the Circuit, Magistrate and Municipal Courts. My jury trial experience is diverse. I have acted as chief or sole counsel in matters ranging from assault and battery with intent to kill, armed robbery, burglary, drug distribution, driving under the influence, and exploitation of an elderly person/vulnerable adult. I have also sat as associate counsel with my law partners in several cases including a highly publicized dog fighting case.

While criminal defense represents roughly half of my practice, I also maintain a very extensive civil litigation practice. The majority of this practice consists of personal injury litigation; however, I also handle various other torts and insurance questions, almost exclusively on the plaintiff's side. I estimate that I personally handle 50-75 civil litigation matters per year.

Of the personal injury cases, the majority involve automobile accidents. Five years ago, more than half of these cases would have settled prior to filing suit. Today with the poor economy and changing attitudes, I file suit on nearly all. My practice is not unique but, the vast majority of these cases settle prior to trial; however, I have taken a significant number to jury verdict. I do not track the

exact number that have reached a verdict, but estimate that as lead or assistant counsel, it would exceed 40. Over the last five years, I believe the number of jury trials would average about 2 per year.

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.

Currently listed as BV rated by Martindale-Hubbell.

16. What was the frequency of your court appearances during the last five years?
- (a) Federal: Over the last 5 years I have handled 12 civil cases and 7 criminal cases in Federal Court;
- (b) State: I routinely make an appearance in various state courts including Circuit, Magistrate, and Municipal Courts at least once a week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
- (a) civil: 49%;
- (b) criminal: 50%;
- (c) domestic: 0%;
- (d) other: 1%.
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?
- (a) jury: I estimate that seventy percent to ninety percent (70-90%) of my practice is devoted to matters in which a jury trial has been demanded;
- (b) non-jury: I handle 3 to 5 foreclosures cases per month as Special Referee.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

I most often serve as sole counsel on matters that do not actually reach trial. My law firm has an informal policy where we prefer to have two lawyers attend, and participate in every jury trial no matter the size. In half of these trials, I would have served as chief counsel, and half as associate 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.

One of the things that I have learned over my years of practice is that there is no insignificant case to a client. What we as lawyers sometimes view as routine, almost always holds vast importance to our clients. This in particular with regard to many of my local clients charged with driving under the influence. I have faith in the old adage that good people sometimes do bad things. Often people engage in destructive behavior when their lives are otherwise under tremendous stress from the loss of a job, a divorce or some other seminal event in their lives. One of the things of which I am most proud as an attorney, is the

number of people in my community who thank me for helping them through difficult times in their lives. As a result, I suspect that my most significant case is not listed here and may be one that I would not have anticipated. Nevertheless, I submit the following list:

- (a) Upchurch v. Upchurch, 367 S.C. 16, 624 S.E.2d 643 (2006);
In this appeal, the Supreme Court clarified that a judicial order is not final when a judge signs an order and distributing it to counsel, but it is final only upon filing with the Clerk of Court..
- (b) USA v. Tyrone Lorenzo Robinson, 9:00-CR-00263-SB-19;
This trial was significant to my growth as a criminal defense attorney. The drug conspiracy alleged in the indictment included dozens of defendants. Fourteen defendants went to trial. My client and one other were acquitted. The trial lasted approximately five weeks. I learned much from the prosecuting assistant United States attorneys, and some of the most esteemed defense attorneys in the State such as James "Punky" Holler, Lionel Lofton, and Mike Macloskie. Of course, any lawyer who ever aspired to be a judge would be fortunate to participate in a five week trial presided over by The Honorable Sol Blatt, Jr. Finally, the case has additional personal meaning because it was tried over the period including September 11, 2001.
- (c) William A. Smith vs. Financial Independence Group, Inc., David F. Ward (individually), and Assurity Life Insurance Company, 2008-CP-15-938;
My law partner, Bobby Bonds, and I represented William Smith, a blue collar gentleman in his seventies, who retired after many years of hard work. He had amassed a sizable retirement account. Unfortunately, Mr. Smith was approached one day by a disreputable life insurance agent who encouraged Mr. Smith to roll his tax-free retirement account into a whole life insurance policy. As a result, Mr. Smith incurred a tremendous tax bill he could not afford to pay. Even more reprehensibly, the agent convinced Mr. Smith to borrow money from his this policy to purchase additional life insurance. As a result, Mr. Smith's retirement account was nearly eliminated. Mr. Bonds and I were fortunate to the return these funds to Mr. Smith
- (d) Thomas "Tommy" Hucks v. Pilgrim's Pride Corporation, PPC Transportation, and Russell Mixon, 5:10-2479-MBS;
Mr. Hucks was a driver for United Parcel Service making a delivery when his vehicle was struck in the rear by another vehicle. Mr. Hucks suffered a traumatic brain injury. Given the difficulty that this particular injury presented to the medical providers, I feel great satisfaction in assisting him.
- (e) State of SC v. Phillip Maffei, Sr., 2006-GS-15-0230;
This prosecution involved a highly publicized dog fighting case in Colleton County. The trial occurred during the Michael Vick hysteria. In addition, the SC Attorney General's office invested a significant amount of resources into their prosecution including retaining a special canine DNA laboratory in

California, as well as presenting nationwide experts on dog fighting. This case changed my perspective on dealing with the media, and with how to screen jurors for potential bias during a high profile case.

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.
- (a) Upchurch v. Upchurch, 367 S.C. 16, 624 S.E.2d 643 (2006);
 - (b) Upchurch v. Upchurch, 359 S.C. 254, 597 S.E.2d 819 (Ct. App. 2004);
 - (c) Summersell v. SC Department of Public Safety, 337 S.C. 19, 522 S.E.2d 144 (1999);
 - (d) Summersell v. SC Department of Public Safety, 334 S.C. 357, 513 S.E.2d 619 (Ct. App. 1999);
 - (e) SC Department of Public Safety and SC Department of Motor Vehicles vs. John E. Voss; Case No.: 11-ALJ-21-0624-AP; Filed May 31, 2012.
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) State v. Taylor, 355 S.C. 392, 585 S.E.2d 303 (2003);
 - (b) State v. Taylor, 348 S.C. 152, 558 S.E.2d 917 (Ct. App. 2001);
 - (c) State v. Casey, 325 S.C. 447, 481 S.E.2d 169 (Ct. App. 1997).
22. Have you ever held judicial office?
I have never held judicial office.
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. Not applicable
24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. I
I was appointed to the Colleton County Board of Elections & Voter Registration on March 3, 2011, and have served continuously since. I was cited on or about November 4, 2011, for a failure to file a Statement of Economic Interests. I had originally filed a paper copy with the State Ethics Commission, but had failed to complete the online disclosure. When I was notified that the online requirement was not completed, I attempted to electronically file the public disclosure. While I saved my disclosure on the system, I was unaware that this would not actually file the report. Apparently, a second step was required which I neglected. Upon discussing this with a member of the SC Ethics Commission's office, I realized this error and promptly completed the technical requirements of the electronic system. I was fined One Hundred Dollars (\$100.00) by the State Ethics Commission, and I did not appeal the fine.
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 have not previously sought any elective, judicial, or other public office.

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) Honorable Floyd Spence, Member of Congress; Projects Coordinator
June 1987- August 1988;

(b) Citizens & Southern Bank, Commercial Loans Processing Clerk and Bank Teller, 1984-86 (during school breaks).

28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

I am the managing member of 47 Eugenia, LLC, the rental management entity for my family's vacation home on Kiawah Island, SC. I advertise and coordinate rentals for property, as well as scheduling maintenance and maintaining the financial records for the property.

I am also the general partner in Weehaw Associates, LP, which manages a family tree farm and hunting property in Georgetown County. The majority of the limited partnership is held by family trust for which I am a beneficiary.

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.

In addition to the vacation rental management limited liability corporation disclosed in answer to question 28 above, I am currently a partner in the law firm of Hetrick, Harvin & Bonds. In addition, I own a farm with my law partners. As judge, I would recuse myself from any matter which the law firm was handling while a partner in the firm. On any other matters, I would disclose the above-referenced business relationships, and entertain a motion to recuse.

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?

(1) March 1990, Charlotte, North Carolina. While attending the Atlantic Coast Conference Basketball Tournament, one of my friends was arrested for disorderly conduct. During his arrest, he received a large laceration to his forehead. Afterwards, I accompanied his girlfriend to file a complaint about the manner of his arrest. The officers were still interviewing my friend when we arrived. I was arrested for interfering with police, and spent the night in jail. The charges were dropped the next morning.

(2) August 1985, Forest Acres, SC. My sister, who is a diagnosed paranoid schizophrenic and who has since been adjudged incompetent, called law

enforcement alleging that I was assaulting her. When law enforcement arrived, I asked to speak with one of the officers outside of the presence of my sister; he refused. When I insisted, he gave me the choice of remaining where I was or going to jail. I chose the latter and was arrested, upon information and belief, for criminal domestic violence. I do not recall exactly, because I was never served with a warrant or summons. I was booked, but my understanding is that any charges were dropped about an hour later when law enforcement received additional information about my sister's condition.

- (3) April 1983, Pottstown Pennsylvania. I was at a party with high school friends with beer present and consumed. I was charged with underage possession of alcohol, plead guilty and paid a fine of one hundred forty dollars (\$140.00).
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
To my knowledge, I have never been investigated by any federal, state or local law enforcement agency.
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?
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? If so, give details, including but not limited to dates, and resolution.
- (a) Stephen Wendell v. Scott Harvin, 97-SC-15-770; Filed: September 24, 1997; Disposed: December 16, 1997. Plaintiff Stephen Wendell brought suit for return of earnest money after withdrawing from a contract to purchase my former residence in Charleston, SC. This matter was resolved by the return of half of said deposit.
- (b) Jimmy L. Duncan v. Vera Jenkins, et al; C/A No.: 8:08-0499-MBS
Plaintiff, a former client to whom I was appointed as counsel in a criminal case, brought an action under 42 U.S.C § 1983, alleging that he was entitled to monetary damages, the reversal of his conviction, his sentence to be vacated and release from the SC Department of Corrections. Duncan's § 1983 action was dismissed by the Honorable Margaret B. Seymour on May 6, 2008.
- (c) Janis D. Headden v. Hetrick Law Firm d/b/a Hetrick, Harvin & Bonds, et al., 2012-CP-15-247. In a matter which is still pending, a former client is alleging legal malpractice for the alleged failure to file suit within the applicable statute of limitations. The suit involves a matter that I did not personally handle, but was handled by a member of my firm.
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?

To my knowledge, I have never been investigated by the Department of Social Services.

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? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

I have been covered by my practice insurance since I left the Ninth Circuit Solicitor's Office, and entered private practice in December 1994. When I left my solo practice in Charleston in 1997 to join my current firm, I purchased a tail policy to cover any claim made during my time as a solo practitioner. If elected, I intend to purchase another tail policy to cover my more recent practice. My law firm is currently insured under a Lawyers Professional Liability Policy issued by CNA, Post Office Box 8317, Chicago, Illinois 60680-8317, with liability limits of \$1,000,000.00 for each claim, and aggregate liability of \$2,000,000.00.

38. 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)?

I have never been employed as or engaged by a "lobbyist" or "lobbyist principal" as defined in S.C. Code § 2-17-10(13) or § 2-17-10(14).

39. 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?

I have not received nor accepted any 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.

40. 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."

I am not aware of any allegations where I may have used any official office, including my position in the Colleton County Board of Elections and Voter Registration, to obtain an economic interest for myself, a member of my immediate family, an individual with whom I am associated, or a business with which I am associated.

41. 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."

I am not aware of any formal charges or informal allegations where I have used government personnel, equipment, materials, or an office building in an election campaign.

42. 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.

To date, I have not made any financial expenditure other than copy and mailing costs in furtherance of my candidacy.

43. 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.

I have made no political contribution since my notice of interest to seek election to a judgeship and am unaware of any contributions made by others on my behalf or otherwise.

44. 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?

I have neither directly nor indirectly sought the pledge of any member of the General Assembly, nor have I received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly.

45. 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?

I have made no such request to a friend or colleague to contact members of the General Assembly on my behalf.

46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?

Neither I nor anyone acting on my behalf has solicited or collected funds to aid in the promotion of my candidacy.

47. 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?

Neither I nor anyone acting on my behalf has contacted members of the Judicial Merit Selection Commission about my candidacy or my intention to become a candidate.

48. 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) Colleton County Bar Association;
- (c) National College for DUI Defense- Founding Member;
- (d) SC Association for Justice;
- (e) SC Association of Criminal Defense Lawyers;
- (f) Federal Bar Association.

49. 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) St. Jude's Episcopal Church, Walterboro, SC;
 - (b) Walterboro/Colleton County Chamber of Commerce;
 - (c) Boy Scouts of America- Coastal Carolina Council, Pineland District Chairman, 2011- Present;
 - (d) Colleton County Arts Council;
 - (e) Hill School Alumni Association, Pottstown, Pennsylvania;
 - (f) Duke University Alumni Association;
 - (g) Duke University, Iron Dukes, Athletic Booster Association;
 - (h) University of SC Alumni Association;
 - (i) University of SC, Gamecock Club Athletic Booster Association;
 - (j) Elks Club, Walterboro, SC;
 - (k) Dogwood Hills Country Club, Walterboro, SC;
 - (l) Forest Lake Club, Columbia, SC;
 - (m) Kiawah Island Community Association, Kiawah Island, SC.

50. 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.

51. I believe that I am an especially qualified candidate for the circuit court not only because of my education and legal experience, but because of the life journey that has brought me to seek judicial office. I was raised by two wonderful and loving parents, John Roland Harvin, M. D. and Margaret Barnwell Harvin. My father was a pediatrician in Columbia, who served on Forest Acres City and Richland County Councils. My mother is a housewife, who returned to work at the Internal Revenue Service when I was in the fourth (4th) grade. Later she worked for H & R Block. My parents taught me the value of hard work and to maintain the utmost regard for the feelings of others.

I was born in 1965, during segregation. However as a young child, I had no concept of what this meant. I attended Hammond Academy through the eighth grade. Up until the time I left Hammond, I had been exposed to very few people different from me. Starting in the ninth (9th) grade, I attended prep school at the Hill School in Pottstown, Pennsylvania. The Hill School is one of the best high schools in the country. I am extremely thankful that my parents could afford to provide me with this opportunity, one denied to all but a few.

My early childhood years were comfortable. However, they were also very sheltered. At the Hill School, I was first exposed to discrimination directed towards me. During the very first few minutes of my very first class at the Hill School, I was ridiculed for being from SC. I was only a fourteen (14) year old and five hundred (500) miles from home. The teacher asked each of us to introduce ourselves and tell the class where we lived. When I announced I was from Columbia, SC, the teacher said "Well, that is your fault". Unfortunately, I began

to let other people define who I was. I began to act as people expected of me rather than who I was. At times, I acted ignorant. This was far from the truth. My parents had raised me in a loving environment where I had been taught to have respect for each and every human being.

I graduated from Hill School with what I believe to be the best high school education I possibly could receive, and enrolled at Duke University in Durham, North Carolina. I was emotionally unprepared for college life, and over indulged in alcohol. After making several poor choices, including a prank where I removed a sign from Duke University Hospital, I was asked to take a one year leave of absence. As part of the requirements to return, I enrolled and completed drug and alcohol rehabilitation. I will be forever loyal to Duke University. Many other universities would have expelled and abandoned me. Duke recognized that sometimes good people do bad things. They provided me not only with one of the best college educations available, but provided me with support and encouragement to continue on with my life.

It has now been 25 years since I graduated from college. I am proud to consider myself successful. Every day, I work with individuals of all races, religions, and creeds. I work in a small law office, in a small town. I help people deal with real problems. I build personal relationships with my clients. There are few things more satisfying in one's professional life than hearing how much you have helped a client/friend in need.

While I was preparing this application last weekend, I posted on social media that I was grumpy and doing paperwork on a Saturday evening. One of my former clients posted back "I am sorry u are knee deep in paperwork but without u doing that paperwork ... a lot of ppl would not be in a grateful, happy position. Like me! I can never repay u ... So hey, thanks for doing that paperwork!"

I have come a long way in my lifetime since that little boy was born in 1965. SC has come a long way since that little boy was born in 1965. I want to continue helping real people through hard times in their lives. I think I can do that best by being a circuit court judge in the State of SC.

52. References:

- (a) Lee Petrolawicz
SC Bank & Trust
520 N. Jefferies Boulevard
Walterboro, SC 29488
843-549-1553.
- (b) Isaac McDuffie Stone, III,
Solicitor, Fourteenth Circuit Solicitor's Office
Post Office Box 1880
Bluffton, SC 2991
843-255-5893.
- (c) Margie Bright Matthews, Esquire
Bright Matthews Law Firm, LLC

205 E. Washington Street
Walterboro, SC 29488
843-549-6028.

- (d) John E. Parker, Esquire
Peters Murdaugh Parker Eltzroth & Detrick, PA
Post Office Box 457
Hampton, SC 29924
803-943-2111.
- (e) Weston Adams, Esquire
Weston Adams Law Firm
Post Office Box 291
Columbia, SC 2920
803-254-1675.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: Lucius "Scott" Harvin

Date: August 9, 2012

#43 PQQ

HETRICK, HARVIN & BONDS

ATTORNEYS AT LAW
P.O. BOX 139
125 WALTER STREET
WALTERBORO, SOUTH CAROLINA 29488

JOHN R. HETRICK
L. SCOTT HARVIN
ROBERT J. BONDS

(843) 549-6432
FAX (843) 549-1973

September 28, 2012

Jane O. Shuler, Esquire
Chief Counsel
Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

Re: Judicial Circuit

Dear Ms. Shuler:

Please allow this letter to act as an amendment to my application for Circuit Court, At-large, Seat 14. Please note that today I contributed Two Hundred, Fifty Dollars (\$250.00) to Courson for Senate. In addition, my law firm, Hetrick, Harvin & Bonds, also contributed Two Hundred, Fifty Dollars (\$250.00) to the Senator's re-election campaign.

If you should have any further questions regarding this matter, please do not hesitate to contact me.

With warmest regards, I am

Very truly yours,



L. Scott Harvin

LSH/tmc

HETRICK, HARVIN & BONDS

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125 WALTER STREET
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(843) 549-6432
FAX (843) 549-1973

October 19, 2012

Jane O. Shuler, Esquire
Chief Counsel
Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

Re: Judicial Circuit

Dear Ms. Shuler:

Please allow this letter to act as an amendment to my Personal Data Questionnaire and Financial Statement completed on or about August 8, 2012 for Circuit Court, At-Large, Seat 14. Please note in reference to questions #33 of the Personal Data Questionnaire I have no liens filed against me and to my knowledge have no tax liens. In addition, I ask you allow this letter to amend my Financial Statement to reflect that all estimated taxes due for 2012 have now been paid.

Thank you for your time and attention in this matter. If you should have any further questions regarding this matter, please do not hesitate to contact me.

With warmest regards, I am

Very truly yours,

L. Scott Harvin

LSH/tmc

CC: Emma T. Dean, Esquire

HETRICK, HARVIN & BONDS

ATTORNEYS AT LAW
P.O. Box 139
125 WALTER STREET
WALTERBORO, SOUTH CAROLINA 29488

JOHN R. HETRICK
L. SCOTT HARVIN
ROBERT J. BONDS

(843) 549-6432
FAX (843) 549-1973

October 19, 2012

Senate Ethics Committee
Post Office Box 142
Columbia, South Carolina 29202

House Ethics Committee
Post Office Box 11867
Columbia, South Carolina 29211

State Ethics Commission
500 Thurmond Mall, Suite 250
Columbia, South Carolina 29201

Re: Judicial Circuit

To whom it may concern:

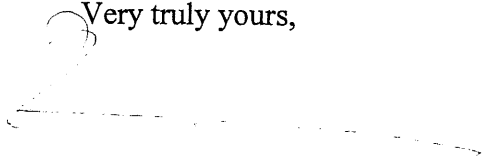
Please allow this letter to amend my application for Circuit Court, At-Large, Seat 14. Please note on September 28, 2012, I contributed Two Hundred, Fifty Dollars (\$250.00) to Courson for Senate. In addition, my law firm, Hetrick, Harvin & Bonds, also contributed Two Hundred, Fifty Dollars (\$250.00) to the Senator's re-election campaign. In addition, on October 18, 2012, I contributed Two Hundred, Fifty Dollars (\$250.00) to Paul Thurmond for South Carolina Senate Campaign.

Please allow this letter to amend my previous Ethics filing to reflect I have spent approximately One Hundred Dollars (\$100.00) on campaign mailings.

Thank you for your time and attention in this matter. If you should have any further questions regarding this matter, please do not hesitate to contact me.

With warmest regards, I am

Very truly yours,



L. Scott Harvin

LSH/tmc

CC: Jane O. Shuler, Esquire
Emma T. Dean, Esquire

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: Lucius Scott Harvin
Business Address: Hetrick, Harvin & Bonds
125 S. Walter Street
Post Office Box 139
Walterboro, South Carolina 29488
Business Telephone: (843) 549-6432

1. Why do you want to serve as a Circuit Court judge?

I have deep respect for our judicial system. I believe that as a circuit court judge, I can play a greater role in the administration of justice. As an attorney, I have often questioned how I would handle a particular matter before the Court. I am ready to put those exercises into practice.

I believe that our civil justice system is the best system in the world for resolving disputes. However, the system only works if we have dedicated public servants who will commit their time and energy.

I am willing to commit my time and energy, and am willing to resolve disputes fairly and with impartiality.

I also believe our criminal justice system is the best in the world. I believe that my own life experiences would be an asset to making determinations regarding criminal defendants. I have made many mistakes in my life, but I am thankful that I was given an opportunity to rectify them. As a result, I believe that I have the compassion necessary to exercise the responsibility of circuit court judge. Finally, I believe that the position of circuit court judge would provide me with the greatest opportunity to assist people. I have more fully addressed this issue in my answer to question 50 of Judicial Merit Selection Commission Personal Data Questionnaire, and would ask that my response to that question be incorporated herein as fully as if repeated herein verbatim.

2. Do you plan to serve your full term if elected?

Yes, I intend to serve my full term if elected.

3. Do you have any plans to return to private practice one day?

I intend to remain a Circuit Court Judge as long as the legislature is kind enough to elect me.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.

5. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications

being tolerated?

I believe that ex parte communications should be strictly avoided except in the most limited of circumstances. Those limited circumstances are most often found within court rules. For example, Rule 65 (b) of the South Carolina Rules of Civil Procedure allows for the issuance of a temporary restraining order under very specific circumstances even without notice to the opposing party. Likewise, an attorney representing an indigent criminal defendant may petition the Circuit Court ex parte for necessary defense costs such as hiring an expert witness. Finally, there may be limited times where one party, with the consent of the others, may contact the Court for scheduling purposes.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

(a) I have no general objection to lawyers-legislators appearing before me. Every circuit judge in this state is elected by the Legislature. If lawyer-legislators were barred from appearing before judges for whom they may vote, these lawyers would lose their ability to practice their vocation. Nevertheless, where there are specific facts and circumstance to suggest a conflict or appearance of a conflict, the matter should be fully disclosed, and if necessary, the Court should recuse itself.

(b) As to former associates or law partners, I would recuse myself from any matter in which the law firm was engaged prior to my appointment to the bench. Thereafter, I would fully inform any opposing party of my prior relationship, and entertain any motion for recusal. I would be very liberal with granting such motions; however, I recognize there may be circumstances where all parties would wish to waive any potential conflict, and request that I hear the matter.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I believe the appearance of bias is every bit as damaging to the public perception of our justice system as actual bias or prejudice. If a full disclosure of the facts and circumstances does not dissolve the appearance of bias, I would recuse myself.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I believe that the appearance of impropriety because of the involvement of a spouse or relative should be imputed to the Court, and where necessary the Court should recuse itself.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

I would accept no gifts or social hospitality from individuals other than those from whom I have or would have received gifts prior to my

decision to seek judicial office. This would be limited to family and close friends. Likewise, I would refrain from undue social entanglement. I recognize because judges are lawyers first and foremost, there is a grey area between social and professional contact. A judge should be vigilant in maintaining a separation between social and professional contacts.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

If the misconduct arises to the level of an ethical violation, I believe it is my duty to report the misconduct to the proper authorities.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?

I am currently a member of the Colleton County Board of Elections and Voter Registration. As a result of the constitutional ban on dual office holding, I would resign that post upon my election to the office of circuit court judge.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I intend to continue to manage the family vacation property on Kiawah Island.

13. If elected, how would you handle the drafting of orders?

If I were to make a ruling from the bench, I would ask the prevailing party provide me with a proposed order, and provide a copy to opposing counsel. If I took the matter under advisement, I would ask all parties to submit propose orders. In either event, I would ask that the submitting attorney provide an electronic copy of the proposed order so that I could amend it to reflect my ruling.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I believe an effective calendaring system is mandatory for any attorney, including circuit court judges. In addition, I would encourage attorneys who had not received a response to jointly contact the Court after a designated period of time. Many lawyers do not feel comfortable contacting a judge regarding the status of a delayed order; however, I would encourage lawyers to inquire.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

I believe that judges and all other public officials should first follow their oath to obey the Constitutions of the United States and of South Carolina. I also believe the power to legislate lies with the Legislature. With the exception of those policies and procedures dealing directly with the Courts' administration of justice, Courts should refrain from setting public policy.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I believe that the election to the bench makes a circuit court judge one of the leaders of the legal community. In addition to holding court, a judge acts as symbol of the justice system. This brings responsibility to represent the legal community in activities to improve the public perception of the judicial system. Not only must a judge comport himself with dignity at all times in the community, but he must actively encourage members of the general public to educate themselves about the judicial system. This may include inviting school children to observe court. It may mandate engaging in speaking opportunities before civic organizations. Finally, I believe that a judge must participate in continuing legal education, not only to educate themselves, but fellow members of the bar as well.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

I do not feel that family relationships would be strained in any way by my position as a circuit court judge. My family is very supportive of my decision to seek this position. Obviously, the job requires vast amounts of time and effort; however, I do not believe the time commitment is greater than made by any successful attorney.

I recognize there may be some times where attorney friends appearing before me may dislike my decisions. However, I have had cases against many of these same friends. Often, these cases became highly contested. These attorneys and I have remained friends and colleagues despite these battles. Ultimately, I do not think that lasting friendships would be damaged by impartiality and civility.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders: I believe very strongly that many of the individuals that come through our criminal justice system are at their core of good moral character. However, there are those who repeatedly come before the court system having committed a multiple criminal violations. For these individuals, rehabilitation is unlikely to be successful. Unless these individuals can show in mitigation some specific event or action which makes clear that they are unlikely to offend again, the only remaining option is to protect the general public. Certainly, incarceration of these individuals will be the norm.

b. Juveniles (that have been waived to the circuit court): Juveniles who have been waived to the Circuit Court often present a unique problem. They are young enough and inexperienced enough that they merit mercy, and whatever aide the court may give them in rehabilitation. Unfortunately, because their cases have been waived to the Circuit Court, they are likely to have been charged with a very serious offense. These offenses cannot be excused based merely

because of the individual's age. Rather what to do in these cases must be based on the individual circumstances of the crime and the individual.

c. White collar criminals: White collar criminals are often charged with fraud or breach of trust. These crimes are as synonymous with stealing as shoplifting or larceny. The fact that white collar criminals are often well educated, "come from good families", or well spoken, does not mitigate against the choices they have made. There should be treated no differently than any other person charged with a property crime.

d. Defendants with a socially and/or economically disadvantaged background: There are many people in our society that for one reason or another has not been provided with the resources or opportunities that all citizens merit. When these disadvantaged individuals come before the Court, these disadvantages should be considered, and where appropriate the Court should take each defendant's background into consideration and should craft a sentence which would encourage the individual to improve his or her opportunities. For example, the Court may impose as a condition of probation the individual obtain his GED or undergo drug rehabilitation. On the other hand, it is important to recognize that no matter the background from where one comes, he or she is responsible for his or her own choices. A disadvantaged background does not excuse poor choices, particularly the choice to commit a crime. The court must consider all of relative factors, including the nature and severity of the crime.

e. Elderly defendants or those with some infirmity: The court should look into and consider all facts and circumstances regarding a defendant's background. This includes the age and/or infirmity of the individual. Where an individual has not committed a crime until he or she is older, the Court should consider in mitigation if there is some unusual circumstance which contributed to the aberrant behavior. Likewise, an individual's age should be considered in the length of incarceration, if any. What would otherwise reasonable sentence may in practice be unreasonable long when compared to the person life expectancy. Physical or mental infirmities should also be considered, along with all other facts and circumstances.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

None

20. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?

If the financial interest is truly de minimis, I do not believe there would be any conflict of interest requiring recusal. However, there still could be appearance of impropriety which, if not dissolved upon full disclosure, may require recusal.

21. Do you belong to any organizations that discriminate based on race,

religion, or gender?

I am a member of the Forest Lake Country Club in Columbia, South Carolina. I believe that this club is moving towards more inclusiveness; however, I recognize that it has a past history of racial discrimination. I am also aware that several other public officials have recently been publicly criticized for their membership.

Like virtually every other organization in the South, Forest Lake Country Club has a known history of racial discrimination. It is my understanding that several years ago, the club took steps to remove racially discriminatory language from its bylaws. However, I am not aware of any African-American members.

My membership status of Forest Lake Country Club is as an out-of-town member. As such, I do not regularly participate in club activities, other than an occasional dinner with my eighty-six (86) year old mother. I have never been to a membership meeting. I have been provided with a list of individuals on the waiting list, but do not know if any are African-American.

I am a third generation member of the club. I believe that it is only a matter of time that Forest Lake Country Club inducts its first African-American member, and I hope to still be a member when it does.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.

23. What do you feel is the appropriate demeanor for a judge?

I believe a judge should always remain professional and cordial whether he or she is in a business or social environment. Judges are the public face of the justice system. Their behavior reflects on the whole legal community. The Court should respect each and every participant whether attorney, party, witness or staff. The Court should always remember that even if the matter before the court seems routine or trivial, it is most often deeply significant for the parties.

While maintaining cordiality and professionalism, the Court must also maintain control of the court room. The judge should be firm where necessary, and demand that all other participants of the justice system maintain proper decorum in the court room. The Court remains responsible for seeing all participants comply with appropriate rules of conduct, procedure and ethics.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

I believe that a judge should comport himself or herself no differently whether on the bench or not. There is no substitute for good manners.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in

dealing with attorneys or pro se litigants?

I do not think it is appropriate for a judge to act in anger. It is important for a judge to try and remain free from emotions which may prejudice him or her. Anger is an emotion that can most cloud ones judgment. Furthermore, a judge's attitude reflects on the whole judicial system. On the other hand, there are times that a Court may need to reprimand an attorney or some other participant. A judge should be able to be stern when necessary. I would be more tolerant with pro se litigants, as they have not been trained in the procedure or expected demeanor of the court room.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

Other than mailing and copying costs, I have not spent any money on this campaign. I estimate the amount spent to date as five dollars (\$5.00), or less.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

Not applicable

28. Have you sought or received the pledge of any legislator prior to this date? No

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No

30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No

31. Have you contacted any members of the Judicial Merit Selection Commission? No

32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

Yes

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

Lucius Scott Harvin

Sworn to before me this 8 day of August, 2012.

Notary Public for S.C.

My Commission Expires: 10/17/17 _____