

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:  
Circuit Court, At-Large, Seat 15

1. NAME: The Honorable Maité Murphy  
BUSINESS ADDRESS: 5200 E. Jim Bilton Blvd  
St. George, SC 29477  
TELEPHONE NUMBER: (office): 843-832-0001
2. Date and Place of Birth: 1969; Denver, CO
3. Are you a citizen of South Carolina? Yes  
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on August 6, 1994, to Christopher John Murphy. Never divorced; two children.
6. Have you served in the military? I have not served in the military.
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.

I attended Texas State University- (Formerly named Southwest Texas State University). I began college there in the fall of 1987 and graduated with a BA degree in December 1991. I attended law school at Mississippi College School of Law from the fall of 1992 and obtained my JD degree in May 1995.

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.

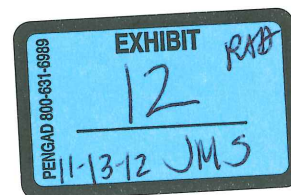
I was admitted to practice law in 1995 in SC. South Carolina is the only state where I have practiced law and taken the bar exam.

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.

I was a member of Delta Zeta sorority in college from 1988-91. I was member of the Environmental Law Association in Law School from 1992-95.

10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Criminal Law Update	01/26/07;
(b) SC Civil Procedure Update	02/16/07;
(c) Sidebar Live	02/22/08;
(d) Criminal Law Update	01/25/08;
(e) Alternative Dispute Resolution	01/22/09;
(f) 7th Annual Civil Law Update	01/23/09;



- |  |     |  |                     |
|--|-----|--|---------------------|
|  | (g) | The Practice of Mediation; I'm a Construction Lawyer | 01/23/09;           |
|  | (h) | Environmental Permits? No, Thanks                    | 01/23/09;           |
|  | (i) | Growing Green: The Direction of SC Environmental Law | 01/23/09;           |
|  | (j) | Real Estate Practice                                 | 01/24/09;           |
|  | (k) | Breakfast Ethics Seminar                             | 01/25/09;           |
|  | (l) | Annual Chief Magistrate Meeting                      | 06/23/09;           |
|  | (m) | Magistrates Orientation Program                      | 07/20/09- 07/31/09; |
|  | (n) | Mandatory Magistrates School                         | 10/30/10;           |
|  | (o) | Mandatory Magistrates School                         | 11/05/10;           |
|  | (p) | Annual Legislative Seminar                           | 03/09/11;           |
|  | (q) | 2011 Annual Judicial Conference                      | 08/17/11;           |
|  | (r) | Masters-in-Equity 2011                               | 10/14/11;           |
|  | (s) | SC Bar Convention                                    | 01/19/12-01/20/12;  |
|  | (t) | MIE Association Meeting                              | 03/09/12.           |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- I taught business law courses at Midlands Technical College in Columbia in 1996 and 1997.
  - I taught the Ethical Issues portion of the Children's Law Center CLE in Orangeburg entitled Training for Attorneys Appointed in Abuse and Neglect Cases on April 30, 2010.
  - I taught Courtroom Procedure Training at the Dorchester County Sheriff's Department in January-May, 2010.
  - I taught Courtroom Case Presentation to the SC Litter Control Association on February 24, 2011.
  - I was a presenter during the March 2012 Orientation School for Magistrates and Municipal Judges.
12. List all published books and articles you have written and give citations and the dates of publication for each. Not applicable.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- I was admitted to practice law in South Carolina November 13, 1995, and admitted to practice in the US District Court, District of SC April 19, 1996.
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.
- I began practicing law in Columbia as a partner with the law firm of Holler, Dennis, Corbett & Garner. I began with said practice in January 1996 and my practice was a general practice. My practice at that time was primarily focused on civil litigation in the Courts of Common Pleas and General Sessions.

I also handled domestic matters in Family Court and cases in Magistrate and Municipal Courts. My husband and I then moved from Richland County to Dorchester County in March 1998 and I was employed as an associate for Richard Wern in North Charleston where I handled civil litigation matters in State and Federal Court until I obtained a position at the First Circuit Solicitor's Office in October 1998.

During my tenure at the Solicitor's office I rose to the rank of Chief Deputy Solicitor for the First Judicial Circuit. I was second in command to the Solicitor for the entire circuit which is comprised of Calhoun, Dorchester and Orangeburg Counties. I operated under a grant dedicated to prosecuting crimes of violence against women. I was in charge of prosecuting all violent crimes against women and children. I successfully tried cases of murder, kidnapping, arson, armed robbery, burglary, criminal sexual conduct (all degrees), lewd act upon a child, unlawful conduct towards a child, felony child abuse, sexual exploitation of minors, assault and battery with intent to kill, assault and battery of a high and aggravated nature, drug and alcohol offenses and criminal domestic violence. I also assisted Solicitor Walter Bailey with the trials of four death penalty cases.

I left the Solicitor's Office in 2005 to join the practice of Quattlebaum & Murphy, L.L.P. as a partner. The firm as of January 2009 is the Murphy Law Firm, L.L.C. The firm is a general practice and during my time there I specialized in criminal and civil litigation matters in all courts and also handled domestic litigation. On April 30, 2009, I was confirmed by the Senate as a Magistrate Court Judge for Dorchester County. Chief Justice Jean Hoefler Toal appointed me as Associate Chief Magistrate for Dorchester County on June 17, 2009. I served in that capacity until I was appointed as Chief Magistrate by Chief Justice Toal on July 1, 2010. I served as Chief Magistrate part-time and continued my general practice until I was appointed as Master-in-Equity for Dorchester County in May 2011.

I began my term as Master-in-Equity on June 1, 2011. As Master-in-Equity I hear cases referred to me by the Circuit Court. I preside over matters that deal with real property disputes, business cases, injunctions, default cases with unliquidated damages, and supplementary proceedings. The real property cases include mortgage foreclosures, quiet title actions, partitions, boundary disputes and mechanic's liens. On December 22, 2011, Chief Justice Toal also appointed me as a Special Circuit Court Judge.

As a Special Circuit Court Judge I dispose of motions and pretrial proceedings, perform administrative duties necessary to prepare cases for trial or other disposition, including the sounding the trial roster and docket. I am able to try non-jury matters in Common Pleas and General Sessions Court. I hear appeals from Magistrate, Municipal and Probate Courts and approve or disapprove settlements of minor's interest and all other people with an incapacity, and wrongful death and survivor actions settlements. In criminal matters, I am able to accept Grand Jury returns; to preside over guilty pleas,

bond hearings and probation revocations; to hear and dispose of any or all motions and pretrial proceedings and nonjury trials; and to issue search warrants.

- 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.

My experience in the Court of General Sessions is extensive as described in question number 14. I have successfully tried many criminal cases involving complex evidentiary issues. I have handled these matters from the beginning stages of having a bond set through trial. My experience as Chief Deputy Solicitor also gave me valuable experience in managing a docket which I believe is very important experience for a Circuit Court Judge to have considering the high volume of cases currently pending that need to be disposed of in an efficient and fair manner. My service as a Magistrate and as a Special Circuit Court Judge has further extended my experience in all aspects of being able to effectively preside over criminal matters.

My time spent in private practice allowed me to gain valuable experience in also handling effectively civil matters for both plaintiffs and defendants. The types of civil cases that I have had the opportunity to work on have involved personal injury cases for plaintiffs, contract conflicts and the representation of parties involved in the dissolutions of partnerships and corporate entities. My responsibilities as Master-in-Equity and Special Circuit Court Judge as outlined in question number fourteen (14) illustrate my ability to handle complex matters that come before the Circuit Court. I feel that my career to date has prepared me well to serve in such a capacity.

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. I am not subscribed to be listed in Martindale-Hubbell.
16. What was the frequency of your court appearances during the last five years?  
(a) federal: 2%;  
(b) state: 98%.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?

- (a) civil: 40%;
- (b) criminal: 40%;
- (c) domestic: 20%.

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: 30%;
- (b) non-jury: 70%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I most often serve as 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) One of my most significant litigated matters that I personally handled was the murder case of State v. Robinson in Dorchester County. This was a significant trial for several reasons. It was a significant accomplishment to obtain a just verdict of guilty due to the fact that the case was based purely on circumstantial evidence. The victim in the case was a young mother who was brutally murdered with a tire iron tool in her home. Her body was then taken to a neighboring county and dumped in the woods and her home was set on fire. I worked closely with law enforcement to piece together the evidence necessary to try the murder case. Although the murder weapon was never found, we were able to establish that the tire iron tool from the victim's car was missing. Through manufacturing records of the car companies I was able to obtain a tire iron tool from the car manufacturer which would have been like the one missing from the victim's car. I was then able to match the skull fracture patterns to the missing tire iron tool shape through expert forensic testimony. I was able to establish the estimated time of death through expert testimony from analyzed larvae and the related growth stages of the larvae from the body at the autopsy. This testimony assisted in placing the defendant at the time and place of the murder. I worked with SLED arson and blood spatter experts to establish the manner in which she was murdered in the home and how the home was then set on fire in an attempt to destroy the evidence of the murder. There were many evidentiary and procedural issues in this trial which had to be handled effectively to ensure that the victim's killer was properly brought to justice.

(b) Another significant trial that I handled was felony child abuse trial involving a five year old developmentally delayed victim. The child was sent by helicopter to the Medical University of SC in an unresponsive state with a significant bruise on his chest and another bruise on the side of his head behind his ear. The defendant was the child's father and he had called an ambulance and stated that the child had fallen in the bath tub. The child barely survived the brutal attack and upon

receiving the case it was obvious that it would be a difficult case to get to a jury due to the fact that the child was only five years old, non-communicative and unable to testify as to the cause of his injuries. Further, his mother was not cooperative and protective of the defendant. I prosecuted her as well for failing to protect her child. I began preparing for this case by obtaining a complete medical history of the child and discovered by review of numerous scattered medical records that the child had been blinded in his right eye as an infant, and had suffered two broken femurs before the attack in question. I was able to obtain experts to review the previous injuries to establish a pattern of abuse and neglect by the defendants. It was determined that the eye injury was to a reasonable degree of medical certainty caused by violent shaking of the child as an infant and the two femoral breaks were not accidental in nature but were caused as a result of physical abuse to due to the pattern of the breaks in question. Both parents of the child in question were convicted and the child was taken in by a relative and began to thrive and grow once being placed outside of an abusive environment.

- (c) I successfully prosecuted another significant felony child abuse trial in which a three year old child's hand was submerged in scalding hot water as punishment for sucking his thumb. The child received third degree burns as a result of his injuries and was left in pain in his home without medical treatment until the following day when he was discovered by his aunt who then took him to the hospital. Unfortunately, by the time he was taken for medical treatment the severity of the burns had caused his fingers to become webbed together. The child's hand was at risk of having to be amputated but was saved. He had to undergo and will continue to have to undergo numerous surgeries throughout his life as a result of the burns inflicted on him. Due to his age and horrific justifiable fear of the defendant I had to prosecute the case without the testimony of the child and had to rely on the only other witness that placed the defendant in the bathroom with the victim. My corroborating witness was only seven years of age but was competent to testify and I was able to obtain and introduce at trial sufficient other medical and physical evidence which proved that the defendant was the one that inflicted the injuries on the child.
- (d) I personally handled the trial of State v. Inman which resulted in a life sentence for the defendant in question. The defendant in this case was charged with kidnapping three young children at gunpoint and holding them hostage in his trailer. He locked two of the male victims in one room while he proceeded to sexually assault the young female in the living room of his home. The defendant had a prior record which included a violent, most serious offense and therefore I served him with notice to seek a life sentence at the trial of his case. I was able to

successfully try the case with all three children being competent to testify as well as being able to successfully present the testimony of law enforcement and other forensic experts to prove his guilt beyond a reasonable doubt.

- (e) I tried a case that led to a 60-year sentence for a defendant that was convicted of sexually assaulting his own teenage daughter at knife point and he was also convicted of attempting to intimidate the potential witnesses that were subpoenaed to testify at the trial of his case in the trial of State v. Brown. This was a significant case as not only did I have to prove the criminal sexual conduct had occurred, but I also had to deal with witnesses that had been physically threatened and did not want to testify for fear of their safety. Procedurally, the rape case was difficult in that the assault was not immediately reported, thereby not giving us the opportunity of having physical forensic evidence to link the defendant to the crime. As is the case with many trials of criminal sexual conduct it is necessary to know how appropriate expert testimony is presented to explain the lack of forensic evidence and one must also be able to understand procedurally how to present appropriate psychological testimony which can corroborate symptoms consistent with trauma caused by sexual and or physical abuse.

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).

I did not handle appellate work while in private practice. I have presided over appeals as listed in question number 14.

21. List up to five criminal appeals that you have personally handled.

I have not done appellate work.

22. Have you ever held judicial office?

I currently serve as Dorchester County Master-in-Equity. I began serving my term on June 1, 2011. I was appointed by the Governor with the advice and consent of the General Assembly on May 19, 2011. As Master-in-Equity I hear cases referred to me by the Circuit Court. I preside over matters that deal with real property disputes, business cases, injunctions, default cases with unliquidated damages, and supplementary proceedings. The real property cases include mortgage foreclosures, quiet title actions, partitions, boundary disputes and mechanic's liens. I conduct public judicial auctions of real property pursuant to mortgage foreclosure actions. I further execute and deliver Master's Deeds conveying title to real property to successful bidders at the public auctions. If appropriate, I also execute and deliver Master's Deeds to parties to suits that establish their legal interests in real property. My jurisdiction is limited to Dorchester County as Master-in-Equity.

On December 22, 2011, Chief Justice Jean Hoefler Toal also appointed me as a Special Circuit Court Judge. As a Special Circuit Court Judge I dispose

of motions and pretrial proceedings, perform administrative duties necessary to prepare cases for trial or other disposition, including the sounding the trial roster and docket. I am able to try non-jury matters in Common Pleas and General Sessions Court. I hear appeals from Magistrate, Municipal and Probate Courts and approve or disapprove settlements of minor's interest and all other people with an incapacity, and wrongful death and survivor actions settlements. In criminal matters, I am able to accept Grand Jury returns; to preside over guilty pleas, bond hearings and probation revocations; to hear and dispose of any or all motions and pretrial proceedings and nonjury trials; and to issue search warrants. I work closely with our resident Circuit Court Judge and our Chief Administrative Judge to carry out these duties in an effort to assist the County in effectively managing the pending dockets. This jurisdiction is also limited to Dorchester County to assist with the docket.

I previously served as Chief Magistrate for Dorchester County. I was appointed as a Magistrate by the Governor, with the advice and consent of the Senate. My appointment was confirmed on April 30, 2009. As a Magistrate Court Judge I had jurisdiction to hear civil actions within the County where the amount in controversy did not exceed \$7,500.00. This included actions for breach of contract, damages for injury to rights pertaining to the person or personal or real property as well as all landlord and tenant matters, and actions to recover the possession of personal property whose stated value does not exceed \$7,500.00. I had limited jurisdiction over mechanics' liens, agricultural liens, repair or storage liens and animal owner's liens.

I also had jurisdiction in the county to handle criminal and traffic offenses which are subject to a fine or forfeiture not exceeding five hundred dollars or imprisonment not to exceed thirty days or both. I also heard cases transferred from General Sessions Court where the penalty did not exceed one year imprisonment or a fine of \$5,000.00, or both. These cases were transferred to the Magistrates Court upon petition from the Solicitor and with the consent of the defendant. I was also responsible for setting bail, conducting preliminary hearings and issuing arrest and search warrants.

As Chief Magistrate I worked hard to ensure that both of our Magistrate's Courts within the county operated effectively. We established procedures to ensure compliance with Orders issued by the Chief Justice and the rules set forth by the Office of Court Administration.

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.

As Master-in-Equity, and as Special Circuit Court Judge, I have issued several significant orders. None of these orders have been reported and there has not been an appellate review. However, they have dealt with the following issues:

- (a) I presided over a highly contested partition action that included nine family members and an out of wedlock child. The parties disputed how



to divide two tracts of land they inherited from their parents and whether or not the out of wedlock child should be included in said distribution. I felt that this was a significant decision in that it directly affected many families. There were numerous witnesses, attorneys, and experts involved in the litigation. Of course, litigation between family members can be very emotional for the participants, and I felt that I presided over the trial in an effective manner so that although some may not have been happy with the outcome, each felt as if they had their day in court and it was handled in a fair and efficient manner for them and the order allowed for closure to their family's disputes.

- (b) I presided over an appeal which dealt with the town of Summerville having condemned a highly visible commercial property. The property owners had gone before the Construction and Code Board of Adjustments and Appeals Board to appeal the town's demolition notice. The town's Condemnation Order was upheld and the matter was then referred to me to hear and issue an Order. I upheld the matter as I found that the town had correctly interpreted the pertinent sections of the International Property Maintenance Code which was incorporated into a town ordinance section. This was a significant order due to the size of the property, the costs of demolition, the property's location and great potential safety hazard to the residents of the town of Summerville.
- (c) Sitting as a Special Circuit Court Judge I issued an Order Granting a Defendant's Motion for Partial Summary Judgment. The Plaintiff in said action attempted to proceed in an action to collect damages claimed on a fixed price contract for home repairs on a private residence. I issued the Order on the grounds that the Plaintiff was barred from enforcing its mechanic's lien as it was prohibited by Dorchester County Code and due to illegality and contravention of public policy. This was due to the Plaintiff having conducted the underlying renovations without a County builder's license as was required by ordinance; that the renovations were conducted without obtaining the required electrical permit, plumbing permit or mechanical permit as it had agreed to do in the contract. Further, the Plaintiff knowingly made material false statements in its application for a building permit to the County.
- (d) I issued an Order of Foreclosure in a highly litigated commercial property case that dealt with the sale of a self-storage business. This matter was significant in that the litigation up until the final hearing included not only complex discovery matters, but also the appointment of a receiver for the business. The Order appointing the receiver had to be very detailed in outlining the duties and responsibilities of each of the parties.
- (e) As a special Circuit Court Judge I issued an Order approving the settlement of a wrongful death action of a young man who was tragically killed in an automobile accident. The accident was caused by

defective used tires that had been sold to the young man contrary to applicable industry standards. It was important to review the expert evidence submitted as well as to consider the impact to the plaintiff's family and whether or not the settlement was fair and in the parties' best interests.

I did not include any reference to orders from my service as a Magistrate as Magistrate courts are not courts of record. Therefore, the proceedings are summary in nature and orders and opinions are not reported or published.

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

I have not held a public office.

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.

I was previously a partner in the Murphy Law Firm which is located in Dorchester County. This employment, while serving as a judge, was during all of my tenure as a Magistrate as I held that position part-time. This was from April 2009 until my appointment as Master in Equity in 2011. During the month of June 2011, I began work as Master-in-Equity on a part-time basis and wound down my private practice. As of July 1, 2011, I have worked as a full-time Judge and I have not had any other employment. I practiced law with my husband, Christopher J. Murphy and our firm had four support staff employees upon my departure. I was responsible for handling a variety of litigation cases in Common Pleas, General Sessions, Family and Federal Courts

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I was a candidate for Circuit Court Judge of the First Judicial Circuit in 2008. I was found qualified to serve, but was not nominated to the office. I was a candidate for Circuit Court Judge, At-Large Seat 8 position in 2009. I was found qualified to serve and nominated by the Judicial Merit Selection Commission but was not elected to the position by the Legislature. I was a candidate for Circuit Court, At-Large Seat 9 position in 2010. I was found qualified to serve, but was not nominated to be elected.

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? No.

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.

The only business relationships that would constitute a conflict of interest would be the business relationship with my former law partners that I am related to. I would recuse myself from hearing any matters in which they would be a party or have an interest in.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

I was involved in a probate action in California which was filed as a petition to determine the ownership of a leasehold interest in a parcel of property previously owned by my grandfather, Dr. Arman F. Frederickson, in the British Virgin Islands. My grandfather owned the leasehold interest in said property and transferred it to my husband and me approximately three years prior to his death in 2008. Subsequent to his death, his estate filed a petition to rescind said transfer despite clear evidence of the validity of the transfer to include: an original handwritten letter from him asking us to accept the leasehold interest as a gift; an affidavit which he executed which was filed with the government of the British Virgin Islands; notarized lease documents which he executed in California; and, various witnesses to include legal counsel in the British Virgin Islands that were witnesses to his competency and desire to transfer the property as a gift to me and my husband. This matter was resolved through mediation in November 2009. The agreement was subsequently approved by the court and there were no admissions or findings of fact of any misconduct against my husband or me.

I was sued in a professional capacity by an inmate by the name of Denny Bates. I prosecuted Mr. Bates for criminal sexual conduct with a minor in the first degree. Mr. Bates entered a plea of guilty before the Honorable Luke N. Brown, Jr. and received a fifteen year sentence. Mr. Bates filed suit naming me as a Defendant, along with the Solicitor, Walter Bailey, Judge Brown and, the cook at the Department of Corrections. The allegation in the suit was that the cook subjected Mr. Bates to cruel and unusual punishment for the food that was presented to Mr. Bates during his incarceration. The remainder of the suit alleged a conspiracy in the prosecution and sentence handed down by Judge Brown. The allegation stated that the conspiracy existed to prosecute him due to the fact that the victim in the case's last name was Bailey and that there was a witness in the case whose last name was

Brown. There was no relation to the case or witnesses with Solicitor Bailey or Judge Brown. Solicitor Bailey turned the Complaint over to the Budget Control Board to defend and the case was subsequently dismissed.

36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? I am not in private practice.
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)? No.
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? No.
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 such allegations against me for violation of said provisions.

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 such allegations against me for violation of said provisions.

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.

I have not had any expenditures to date.

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.

No contributions have been made by me or on my behalf to members of the General Assembly.

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 fully complied with Section 2019-70 (c) and JMSC Rule 24 and have not sought pledges of support either directly or indirectly from 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? No.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
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? No.
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 – 1995-present;
  - (b) SC Women’s Bar Association – 1995-present;
  - (c) Dorchester County Bar Association  
Past President- 2006-May 2010  
Vice- President 2005  
Treasurer 2003- 2004;
  - (d) Member of the Richland County Bar-1996-98;
  - (e) SC Summary Court Judges Association- 2009-11; and,
  - (f) Master-in-Equity Association-2011-present.
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) YMCA- Board of Directors- January 2006 to December 2011. I served on the Executive and Finance Committees and was the former Chair of Programs Committee;
  - (b) Summerville Rotary Club- 2005 to present. Paul Harris Fellow, Programs Chair 2007-09;
  - (c) Summerville Meals on Wheels- Board of Directors 2007-08;
  - (d) Summerville Republican Women’s Club- Past President and Vice-President. Resigned during my past candidacy for the Circuit Court and upon being appointed Magistrate Court Judge;
  - (e) Dorchester Children’s Center Development Committee;
  - (f) Summerville Journal Scene “Women to Watch” 2011 Award.
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.

I would propose that my past experiences have well prepared me to serve as a Circuit Court Judge. I have had the unique opportunity throughout my career to serve on all sides of the bench. From that, I have had the

opportunity to learn from other, attorneys, judges, litigants and victims of crimes or circumstances. I continually strive to be, and will continue to strive to be the kind of judge that is above all fair, well- versed in the law, and one that treats all witnesses, jurors, litigants and their counsel respectfully.

51. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.

- (a) Gerald D. Davis, Jr.  
Summerville City Executive, Vice President  
Tidelands Bank  
1510 Old Trolley Road  
Summerville, SC 29485  
843-871-7202  
843-209-9449
- (b) The Honorable Cheryl Graham  
Dorchester County Clerk of Court  
5200 Jim Bilton Blvd.  
St. George, SC 29477  
843-832-0121
- (c) Jaime Moore  
230 Marion Avenue  
Summerville, SC 29483  
843-821-1436  
843-408-5419
- (d) Bruce Owens/ Summerville Police of Police  
300 West 2<sup>nd</sup> North Street  
Summerville, SC 29483  
843-871-2463
- (e) The Honorable William C. Collins  
Mayor, Town of Summerville  
200 S. Main Street  
Summerville, SC 29483  
843-871-6000

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: Maité Murphy

Date: July 30, 2012

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

**Circuit Court**  
**(New Candidate)**

Full Name: Maité D. Murphy  
Business Address: 5200 Jim Bilton Blvd.  
St. George, SC 29477  
Business Telephone: 843) 832-0001

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

I believe that I can have a positive impact on our legal system by serving as a Circuit Court Judge. My career to date has afforded me the opportunity to obtain extensive experience, both criminal and civil, to prepare me to serve in such a capacity.

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

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

If appointed to the Circuit Court, I would plan to serve in the judiciary for the remainder of my career, barring any unforeseen circumstances.

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?

*Ex parte* communications are improper and should not be allowed except in circumstances allowed and outlined in the Rules Governing the Judiciary. These exceptions include circumstances for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits provided that: the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication; and, that the judge makes provision promptly to notify all other parties of the substance of the communication and allows the other party an opportunity to respond. A judge may also obtain the advice of a disinterested expert on the law if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. A judge may also consult with court personnel that aid the judge in carrying out his or her adjudicative responsibilities or with other judges. A judge may also meet separately with the parties and their counsel in an effort to mediate or settle matters before the court if all parties consent to said meeting. Any other *ex parte* communications may happen only if expressly

authorized by law.

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

I would disqualify myself in any proceeding where my impartiality might reasonably be questioned. I would recuse myself if I had any personal biases or knowledge regarding the evidentiary facts of the proceeding or had an interest in the proceeding. Two of my former law partners are within the third degree of relationship and I would therefore not hear any matters that they had pending before the court. In regards to former associates or lawyer-legislators, I would disclose the relationship on the record for the parties to consider relevant to the issue of disqualification and allow the parties to consider outside of my presence whether or not they would waive disqualification. Said agreement would need to be fully placed on the record. The fact that a person is a lawyer– legislator would not automatically require recusal. If that were the case, no member of the legislature would be able to practice law. All precautions should be taken to ensure that there is not a true conflict of interest or an appearance of bias or prejudice for or against either party. Parties should be satisfied that the court is fair and impartial.

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?

If there was an expression of bias or prejudice that was perceived by the parties, even though I believed I could be fair and impartial, I would give deference to a motion for my recusal. This decision would be based upon the fact that said expression of bias could potentially cast a reasonable doubt on my capacity to act impartially in the proceeding.

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

If there is an appearance of impropriety because of financial or social involvement of my spouse or close relative, then that appearance applies to me as well. I would apply the same standard as if that appearance was due to my involvement in the situation.

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

Ordinary social hospitality is acceptable, but a judge must not accept gifts from lawyers or their firms if they are likely to come before that judge. Such gifts would raise an appearance of impropriety. Gifts from relatives or friends are acceptable so long as the gift is commensurate with the occasion and the relationship.



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

I would report such misconduct to the appropriate authority.

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

I resigned all such positions upon my appointment as a Magistrate Court Judge in 2009.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.

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

That would depend on the type of order. The court has a duty to take reasonable measures for prompt disposition of matters. There are circumstances in which it would be permissible for the court to request that a party submit proposed findings of fact and conclusions of law, so long as the other party is aware of the request and afforded an opportunity to respond to the proposed order. There are many circumstances, such as bond reduction hearings, where parties have form orders that upon review by both parties, they can submit to the court for approval. Should the matter be something of a complex nature, I would draft the order myself.

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

I would ensure effective communication with my staff so that they understood what was expected and required of their service.

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

Judicial activism is improper. The role of the judiciary is to at all times comply with and apply the applicable law, not to make law, based upon his or her own personal beliefs or agendas.

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 would participate in efforts through the bar association or other organizations which are dedicated to the improvement of the law. I believe in being an active participant and giving time to my community.

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 as serving as a Circuit Court Judge would strain my personal relationships with my family. I currently serve as a full time member of the Judiciary and I have been able to manage both my professional and personal responsibilities successfully. I am fortunate to be able to accomplish this by having full support of my family in this endeavor.

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 that repeat offenders need to be closely evaluated and each type of offender should be considered on a case by case basis. Violent repeat offenders should receive harsher penalties as they pose a threat to the safety of our community. Crimes which have been classified as violent, most serious offenses are just that. Those that commit said crimes should not be treated lightly. There are circumstances where a judge could consider alternative sentencing options for different types of repeat offenders. For example, if you have a soccer mom that got addicted to pain killers after foot surgery and had a relapse, the court should consider treatment options that may be available to rehabilitate. The court should always be mindful that sentencing serves the purpose of punishment as well as a deterrent to other offenders.

b. Juveniles (that have been waived to the circuit court): In order for a juvenile to be waived to circuit court they must have been charged with a crime which allows such a waiver statutorily. Said crimes are not petty offenses, but serious in nature and should be treated as such. The court should consider all mitigating and aggravating circumstances presented at sentencing. Age alone, should not be the determining factor of what type of sentence is imposed.

c. White collar criminals: White collar criminals can have an equally devastating effect on victims as any other type of criminal. The court should consider victim impact testimony and potential restitution issues in sentencing as well as appropriate punishment and deterrent factors for the community.

d. Defendants with a socially and/or economically disadvantaged background: It is very common for Defendants that come before the court to come from socially and/or economically disadvantaged backgrounds. Many such defendants may be high school drop outs and as such, do not have significant employment opportunities to be able to support their families. This situation is widely used as an excuse to deal drugs for profit or commit crimes involving theft. The court has the option to impose requirements as a part of a sentence that the offenders get a GED for example. This can be done whether the sentence is one that calls for incarceration or probation. The court must be cognizant of all mitigating and aggravating circumstances in each case when fashioning an appropriate sentence.

e. Elderly defendants or those with some infirmity: An elderly or infirm defendant that sexually abuses a child or commits an armed robbery poses the same danger to the community as a younger or healthy defendant and should be treated accordingly. The court should consider the type of infirmity involved and how that affects not only the

department of corrections ability to house and treat such infirmity, but also how said infirmity would limit the defendants ability to be a further danger to the community and what sentencing and treatments options are available that would be fair and just.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.

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

Yes, a *de minimis* interest denotes an insignificant interest that could not raise a reasonable question as to a judge's impartiality.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

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?

A judge should always be courteous, respectful, patient and dignified to all litigants, jurors, lawyers, and anyone with whom the judge deals with in their official capacity.

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?

Yes. Judges at all times should act in a manner that promotes the public confidence in the integrity and impartiality of the judiciary.

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?

A judge must not express emotions, to include anger, in all proceedings. The court shall require order and decorum at all times. The court is charged with remaining impartial and to not manifest any form of conduct or reaction to include body language that would suggest an appearance of judicial bias.

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?

I have not expended any money on my campaign.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No.

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.

Maite D Murphy

Sworn to before me this 30 day of July, 2012.

Notary Public for S.C.

My Commission Expires: 02/04/21 \_\_\_\_\_