

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, At Large, Seat 16

1. NAME: Ms. Deborah B. Barbier
BUSINESS ADDRESS: 1531 Laurel Street, Columbia, SC 29201
TELEPHONE NUMBER: (office): 803-445-1032
2. Date and Place of Birth: 1969, Kansas City, MO
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: Married on March 5, 1994, to Ralph William Barbier, III. Never divorced; two children.
6. Have you served in the military? I have never 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.
 - (a) USC – 1987-90 – BA in Journalism; *cum laude*;
 - (b) USC – 1991-94 – JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

SC, 1994
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.

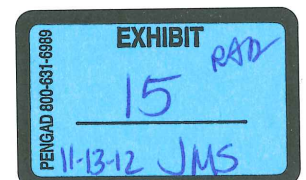
USC School of Journalism (1987-90)

 - (a) Kappa Delta sorority (1987-90);
 - (b) National Golden Key Honor Society;
 - (c) National Dean's List;
 - (d) AERHO Broadcasting Honor Society
 - (e) Society of Professional Journalists;
 - (f) President's List.

*I do not have records of the exact dates that I was inducted into or joined the above groups.

USC School of Law (1991-94)

 - (a) John Belton O'Neall Inns of Court – (1993-94);
 - (b) Dean's List.



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

<u>Conference/CLE Name:</u>	<u>Date(s):</u>
(a) Criminal Asset Recovery Summit	5/15/2007;
(b) Asset Forfeiture Training	9/21/2007;
(c) Annual District Training	12/21/2007;
(d) Legal Issues for USAO Managers	1/23/2008;
(e) Professional Responsibility Issues in Plea Negotiations	2/20/2008;
(f) United States Attorney's Office Training	9/10/2008;
(g) Professionalism Training	12/12/2008;
(h) Federal Sentencing Guidelines	10/15/2009;
(i) Investigating and Prosecuting	10/28/2009;
(j) Annual Training/Legal Updates	12/11/2009;
(k) Bridge the Gap (speaker)	3/8/2010;
(l) LECC Federal Discovery	9/13/2010;
(m) Financial Fraud Coordinators Conference	10/13/2010;
(n) Annual Attorney Legal Updates	12/8/2010;
(o) Mandatory Department Discovery Training	3/21/2011;
(p) The Legal Professional and Abuse Issues	5/19/2011;
(q) Cigarette Traffic and Diversion Seminar	6/14/2011;
(r) 2011 Annual Attorney Legal Updates	9/7/2011;
(s) Symposium on Prosecutorial Ethics and Duties	3/15/2012;
(t) Appellate Advocacy CLE	3/22/2012;
(u) Federal Criminal Advocacy	5/4/2012.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

Over my career, I have lectured and taught on a wide variety of subject matter in the areas of white collar crime, healthcare fraud, defense contracting fraud, drug diversion, mail and wire fraud, seizures, money laundering, and asset forfeiture. I have also spoken on criminal process, civil procedure, expert witness examination, cross examination techniques, ethics, and professionalism.

Over my career, I have presented and lectured to the following organizations:

- (a) Federal Public Defender's Office - CJA Training;
- (b) SC Bar Association - Bridge the Gap;
- (c) National Advocacy Center;
- (d) Drug Enforcement Administration Training;
- (e) Secret Service Annual Training;
- (f) Internal Revenue Service - Criminal Investigative Division Annual Training;
- (g) Criminal Justice Academy - Highway Interdiction Training;
- (h) National Association of Fraud Examiners Annual Conference;
- (i) Health Care Compliance Association;

- (j) SC Medical Association;
 - (k) Women's Law Association;
 - (l) Southern Regional Nursing Home Abuse and Neglect Prevention Conference;
 - (m) Pro Bono Neighborhood Clinics;
 - (n) Lorman Educational Services North Carolina Health Law Update;
 - (o) Association of Regional Healthcare Internal Auditors;
 - (p) SC Association of Nurse Anesthetists;
 - (q) SC Hospital Financial Management Association;
 - (r) US Department of Agriculture - Rural and Economic Development;
 - (s) SC Carrier Advisory Committee.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) SC Damages, Terry E. Richardson and Daniel S. Haltiwanger (S.C. Bar CLE 2004) Authored chapter on Qui Tam Damages;
 - (b) I have written numerous articles for the Law Enforcement Coordinating Committee's newsletters.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the State Courts of SC in 1994;
 - (b) Admitted to practice before the Federal District Court in 1994;
 - (c) Admitted to practice before the Fourth Circuit Court of Appeals in 1998.
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.

After graduation from the USC School of Law in 1994, I served as a law clerk for the Honorable Joseph A. Wilson, II, Circuit Court Judge for the Fifth Judicial Circuit, for one year. In 1995, I served as a law clerk for the Honorable Joseph F. Anderson, Jr., United States District Court Judge, for one year.

In 1996, I was appointed by United States Attorney General Janet Reno as an Assistant United States Attorney. From 1996 until 2001, I started and led the U.S. Attorney's Office Affirmative Civil Enforcement ("ACE") Division. In this role, I prosecuted multimillion dollar False Claims Act cases against hospitals, physicians, defense contractors, durable medical equipment suppliers, dentists, and pharmacies. I also brought cases under the recordkeeping provisions of the Controlled Substances Act.

In 2001, I began criminally prosecuting violent crimes, drug trafficking, and white collar crime. In 2003, I was chosen by the United States Attorney to lead the Asset Forfeiture Unit. In this role, I was involved

in the seizure and forfeiture of millions of dollars of assets from drug traffickers and white collar criminals.

In 2007, I was asked to lead the White Collar Crime Section for the District of SC. I prosecuted hundreds of white collar criminals and also supervised all of the white collar crime federal prosecutions in the Columbia, Charleston, Florence and Greenville offices.

In December 2011, I left the United States Attorney's Office and went into private practice. My practice focuses on federal and state criminal and civil defense, Qui Tams/False Claims Act actions, and business litigation. While in private practice, I have defended people accused of violent crimes, drug trafficking, mortgage fraud, health care fraud, mail and wire fraud, drug diversion, dui, sexual assaults, domestic violence, and bulk cash smuggling. My civil caseload is smaller but, currently consists of a case in which I represent two defendants, a plaintiff's case in which my client intends to bring an action against two defendants, and two cases in which I represent petitioners in civil forfeiture matters.

- 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.

In 1996, when I was hired to lead the Affirmative Civil Enforcement Division of the United States Attorney's office, I civilly prosecuted numerous individuals and entities under the False Claims Act and the Controlled Substances Act recovering millions of dollars in damages, penalties, and fines. The defendants in these cases were typically sophisticated business people, including doctors, dentists, pharmacists, universities, defense contractors, pharmacies, convenient store owners, and engineers. The cases were typically complex and document intensive.

In approximately 2000, I began working in the criminal division prosecuting violent criminals and drug traffickers. The violations typically included crimes such as felons in unlawful possession of firearms, the Hobbs Act, and drug trafficking with drug related offenses. In approximately 2002, I began prosecuting complex white collar crime cases. I was named the Health Care Fraud Coordinator and specialized in

the criminal prosecution of healthcare professionals and drug diversion. The violations typically included health care fraud, mail fraud, wire fraud, recordkeeping violations, and money laundering. In 2003, I was named the Chief of the Asset Forfeiture Division. Leading this section, I was responsible for the forfeiture of millions of dollars in assets in drug cases and white collar crime cases. The cases involved drug trafficking, highway interdiction seizures, and white collar crimes. I led this division for approximately two and a half years until I moved back into the white collar unit in mid-2005.

In 2007, I became the Deputy Chief of the General Crimes Division wherein I was responsible for approximately 14 attorneys in the District of SC's white collar crime division. I also handled my own caseload which included a wide variety of crimes. I have prosecuted and/or supervised the prosecution of crimes involving bank fraud, insurance fraud, arson, mortgage fraud, securities fraud, tax fraud, consumer fraud, RICO / Racketeering, bank robbery, environmental crimes, public corruption, conspiracy, counterfeiting, money laundering, internet crimes, child pornography, bribery/extortion, customs violations, and perjury.

In private practice, my practice consists of a wide variety of criminal and civil cases. I have active criminal cases in municipal, magistrate, circuit and federal courts throughout the state. While in private practice, I have defended people accused of violent crimes, drug trafficking, mortgage fraud, health care fraud, mail and wire fraud, drug diversion, dui, sexual assaults, domestic violence, and bulk cash smuggling. My civil caseload is smaller but, currently consists of a case in which I represent two defendants, a plaintiff's case in which my client intends to bring an action against two defendants, and two cases in which I represent petitioners in civil forfeiture matters.

I believe that I have the experience necessary to be a circuit court judge. Although the majority of my trial experience has been in federal court, I believe that it has prepared me well to preside in a circuit court. My clerkship in circuit court allowed me to be in the courtroom a great deal and to see exactly what a circuit court judge does and deals with on a daily basis. Throughout my career, I have worked with state and local law enforcement and have interacted with solicitors and county public defenders. I have been on numerous statewide task forces that included people from various state agencies and state law enforcement. I have personally prosecuted many cases that were adopted from county solicitor's offices and I have supervised a great number of these cases. In private practice, I have defended criminal cases in state court at every level.

I am a great believer in constantly trying to improve my skills and increase my experience levels. I plan to continue in my CLE

training on topics on which I do not have as much experience. Furthermore, I will read the advance sheets and keep abreast of all areas of the law.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. I am AV rated by Martindale-Hubbell.
16. What was the frequency of your court appearances during the past five years?
(a) federal: average one time per week, sometimes more;
(b) state: since January 2012 – 1-2 times per month in circuit court, city court and magistrate courts.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
(a) civil: 30%;
(b) criminal: 70%;
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: approximately 10% - The majority of my cases have either involved guilty pleas or settlements;
(b) non-jury: 1%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

I have handled many cases as sole or chief counsel. In the jury trials that I have handled, I most often worked on a trial team wherein I served in a variety of roles which included chief counsel, second chair and third chair.

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) United States v. Shanita McKnight, et al, Criminal No. 4:07-CR-787;
United States v. George Simmons, et al, Criminal No. 4:06-CR-1227: These cases involved a public corruption initiative in Lake City, SC which resulted in the prosecution and conviction of multiple public officials including the Town Administrator, the Town Financial Director, and two police officers, as well as multiple high level drug dealers. I tried the case against Ms. McKnight and handled the cases of her co-defendant and several of the related cases, including the Town Administrator and Finance Director. She was convicted on all counts and sentenced to twenty years. These cases made a significant impact on the Lake City community and hopefully, helped to restore its citizens' confidence in government;
- (b) United States v. Edgar J. Melvin, et al, Criminal No. 3:10-CR-580: This was a public corruption, RICO prosecution against the former sheriff of Lee County, SC. This case went to trial. The defendant was convicted on more than 30 counts and was sentenced to 17 ½ years

of imprisonment. It was a significant case because numerous dangerous, drug dealers were taken off the streets of Lee County and a corrupt public official was taken out of office;

- (c) United States v. Paul Moore, Criminal No. 3:09-CR-187: This case involved the prosecution of the Director of Finance at the SC Department of Social Services who conspired to steal more than \$5 million dollars from the State of SC. In addition, approximately, 227 people who were also involved in the scheme and were used to cash the stolen SC Treasury checks were prosecuted by me and ordered to make restitution to the state of SC. This was a significant case because it involved a large sum of money taken from the SC taxpayers and a large number of people were prosecuted;
- (d) United States v. Charlene Corley and C & D Distributors, et al , Criminal No. 3:07-CR-929: This case involved the prosecution of a defense contractor in Lexington, SC who bilked the Department of Defense for more than \$20 million dollars. The defendant received a lengthy jail sentence and millions of dollars in assets were returned to the United States Treasury after a massive effort to locate the proceeds of this crime was undertaken. This case was significant because the Department of Defense completely changed its procedures for disbursing funds to contractors after the fraud was uncovered and the case received national attention;
- (e) United States v. ESICORP, Inc, et al, Civil Action No.1:00-CV-827- This case and its related cases involved the civil prosecution of multi-million dollar per diem fraud by defense contractors at the Savannah River Site. These cases were significant because it resulted in millions of dollars in recovery for the United States.

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) United States v. Endicott, Fourth Circuit Court of Appeals, June 24, 1999;
- (b) Hodges v. Thompson, Fourth Circuit Court of Appeals, 311 F.3d 316 (4thCir. 2002) (I worked on this case in conjunction with two lawyers at the Department of Justice and did not actually argue the appeal, but handled the case in the District Court and was on the appellate team assisting in writing the appellate brief);
- (c) United States v. Felix Herrera and Jorge Azahares, Fourth Circuit Court of Appeals, March 14, 2006.

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.

- (a) United States v. Charles Penland, Fourth Circuit Court of Appeals, 2007 WL 2985299 (4th Cir. October 15, 2007). This is one of many opinions issued in this case. The most recent opinion was issued on February 2, 2012;

- (b) United States v. Nova Johnson, Fourth Circuit Court of Appeals, April 28, 2011;
 - (c) United States v. Danny Roney, Fourth Circuit Court of Appeals, 2010 WL 2852675 (4th Circuit July 21, 2010);
 - (d) United States v. Dramane Diombera, Fourth Circuit Court of Appeals, 2005 WL 3542411 (4th Cir. December 28, 2005);
 - (e) United States v. Richard Robinson, Fourth Circuit Court of Appeals, 2006 WL 871126 (4th Cir. March 31, 2006).
22. Have you ever held judicial office? No. I have never held judicial office.
24. Have you ever held public office other than judicial office? No.
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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
28. Are you now an officer or director or involved in the management of any business enterprise?
 Yes. I am the sole member of my law practice which I started in December of 2011 after I left the United States Attorney's Office. My duties include representing individuals and entities in state and federal criminal and civil courts.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
 I do not believe that I have any financial arrangements or business relationships that could constitute or result in a possible conflict of interest. However, if I did have a potential conflict of interest, I would disclose the conflict to all of the parties and determine whether I should recuse myself from hearing the matter. I would err on the side of recusing myself to avoid the appearance of impropriety.
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?
 When I was approximately 15, I was briefly detained (not in a jail cell) by the Myrtle Beach police department, but not charged with a crime. When I was 17, I was charged with a driving offense the potential fine of which may

have been more than \$125 (I do not have a record of this). The charge was dismissed and I did not pay a fine.

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?

To my knowledge, I have been sued twice in my professional capacity by pro se litigants. In both instances the cases were dismissed. The first case is Eddy v. Barbier, Civil No. 3:04-810. This case was brought by a defendant whom I prosecuted for the illegal possession of firearms. He was found incompetent and committed to a psychiatric institution. The second case is Missouri v. United States, et al, Civil No. 2:09-3269. This case was brought by a defendant whom I prosecuted on a supervised release violation. He was arrested while in possession of crack cocaine and the court revoked his probation. He sued 17 government employees, including Judge Margaret Seymour and alleged numerous constitutional and civil rights claims.

During the course of building our residence in 2010, there were 3 mechanics liens filed against our property by subcontractors. The general contractor resolved these liens with the subcontractors and the liens were cancelled. No lawsuits were filed.

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? If so, please explain when you were covered by a tail policy.

Yes. I have been covered by malpractice insurance since approximately 1998. Currently, my coverage is \$1,000,000 and my deductible is \$5,000.

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 have no knowledge of any such charges or allegations.

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 have no knowledge of any such charges or allegations.

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 made no 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.

I have made no contributions since the announcement of my intention to seek election.

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? No.

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;

(b) Richland County Bar;

(c) Federal Bar Association;

(d) National Association of Assistant United States Attorneys (1996-2010);

(e) Fellows of the American Bar Foundation (2010).

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) Ronald McDonald House – Board member (2009- present);

(b) Trinity Episcopal Church – (2001-present);

(c) Middle School Mock Trial Team Co-Coach – Dent Middle School (2010)

- present);

Awards and Recognitions:

- (d) 1998 - United States Attorney's office -Healthcare Fraud Award;
 - (e) 1999 - Drug Enforcement Administration Appreciation Award;
 - (f) 2000 - Workhorse Award - for "Outstanding Work Ethic and Contributions to the Overall Mission of the United States Attorney office";
 - (g) 2001 - Exceptional Service Award - United States Department of Energy;
 - (h) 2002 - Civil Division Award;
 - (i) 2003 - Exceptional Dedication Award - "Operation Fast Track" 2006 - Award for Leadership of Asset Forfeiture Unit;
 - (j) 2006 - Team Player Award 2007 - Outstanding Contributions to the Asset Forfeiture Unit;
 - (k) 2008 - United States Attorney's Award;
 - (l) 2008 - Award for Excellence - Presidents Council on Integrity and Efficiency;
 - (m) 2010 - United States Department of Agriculture - OIG Award;
 - (n) 2012 - Compleat Lawyer Award - USC Law School - silver medallion;
- Law Enforcement Organizations and Leadership Roles:
- (o) Chairman of the SC Financial Fraud Task Force (2009-11);
 - (p) Co-leader of public corruption task force (2005-11);
 - (q) Criminal and Civil Health Care Fraud Coordinator (1998-2002);
 - (r) Corporate Fraud Coordinator (2005-10);
 - (s) Identity Theft Coordinator (2005-10);
 - (t) Initiated and led Suspicious Activity Report ("SAR") Team (2007-12);
 - (u) Environmental Crimes Task Force (2010);
 - (v) Violent Crime Task Force (2001-03);
 - (w) SC Working Group on Nursing Home Abuse & Neglect (former Chairperson) (1999-2001);
 - (x) SC Health Care Fraud Task Force (1997-2011);
 - (y) SC Procurement Fraud Task Force;

Community Service: The following are organizations and programs for which I have volunteered:

- (z) Law School for Non-Lawyers;
- (aa) Childrens Garden Committee;
- (bb) Youth in Government Mock Trial Judge;
- (cc) Project Safe Neighborhoods;
- (dd) Project Sentry;
- (ee) Safe Schools;
- (ff) Trinity Episcopal Church Youth Group;
- (gg) Youth Corps.

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 am very grateful for the opportunity to seek Circuit Court, At Large, Seat 16. Throughout my career, I have seen the tremendous impact judges make upon our society. They have the ability to affect the lives of all who come before them and even those who are not before them. It is important to remember that each individual coming to court probably considers it one of the most important days of their lives. Being a judge is an extremely powerful position which must be undertaken by people with humility, integrity and character.

My professional background and experience has been outlined in detail in this application. However, some of the most important information to have about me and anyone seeking this office is my personal background and what leads me to seek this judgeship. Public service has been a very important part of my entire life. My father served two tours in Vietnam as an Army Ranger and after coming home from the war, he had a decorated career as a Special Agent in the Federal Bureau of Investigation. My brothers were military pilots who have also proudly served this country, sometimes during war. I was raised to believe that performing public service is a high calling. It comes with sacrifices and it is not always glamorous, but it can be extremely rewarding when it is done with diligence and honor.

I have strived my entire career to not only be a leader, but to lead by example. In my professional and personal lives, I believe in treating all people with respect, dignity, patience, compassion, and professionalism. I believe in not asking others to do something that I wouldn't be willing to do myself. I believe that these are important character traits, particularly for a judge. A judge must be an effective leader who has earned the respect of his or her peers.

I do not take for granted the fact that it is a privilege to practice law in this state. I have an enormous amount of respect for our profession and for the lawyers in the SC Bar. I believe that our legal system, while it is not perfect, is the best in the world. I would be humbled and privileged to serve as a Circuit Court judge and I would strive each day to maintain the excellent reputation our state judiciary enjoys in this nation.

51. References:

- (a) The Honorable Joseph F. Anderson, Jr.
United States District Judge
901 Richland Street
Columbia, SC 29201
(803) 765-5136
- b) The Honorable W. Walter Wilkins
Solicitor for the Thirteenth Judicial Circuit
305 East North Street

- Greenville, SC 29601
(864) 467-8647
- (c) Robert Coble, Esq.
Nexsen Pruet
1230 Main Street, #700
Columbia, SC 29201
(803) 771-8900
- (d) Jeff Becraft, Executive Director
Youth Corps
P.O. Box 50964
Columbia, SC 29250
(803) 665-5640
- (e) Adam Davis, Private Banking Relationship Manager
First Citizens Bank
1230 Main Street
Columbia, SC 29201
(803) 931-1875

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: Deborah B. Barbier

Date: August 7, 2012

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

Circuit Court
(New Candidate)

Full Name: Deborah B. Barbier
Business Address: 1531 Laurel Street
Columbia, South Carolina 29201
Business Telephone: (803) 445-1032

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

My first job as a lawyer was serving as a law clerk to the Honorable Joseph A. Wilson, II, who at the time was the Chief Administrative Judge for the Fifth Judicial Circuit. The experience of being his law clerk helped to shape my career path and had a lasting impression upon me. I enjoyed tremendously the trial work and the interaction with the members of the Bar. I had an enthusiasm for the different challenges he faced every day which included working through complicated legal issues and making difficult decisions on a daily basis that affected many peoples' lives. I learned the important role played by our state judiciary in the fair administration of justice. I learned the difference between having a career and having a calling for public service.

Having practiced law now for approximately 18 years as an Assistant United States Attorney and in private practice, I have a tremendous amount of respect for this state's judiciary. There is no more important role in the administration of justice than that of a judge. I feel that my broad range of experience will effectively allow me to serve the people of South Carolina. I believe that serving as a Circuit Court judge would afford me the opportunity to uphold the rule of law, to protect individual liberties, and to promote the fair administration of justice. It would be an honor and a privilege to serve my state in this 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 elected, I would have no plans to return to private practice.
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?

Generally, my philosophy is that *ex parte* communications are inappropriate. There are, however, circumstances when hearing *ex parte* matters are authorized by law. Furthermore, under very limited

circumstances related to scheduling, administrative matters or emergencies, *ex parte* communications may be appropriate as long as the information is relayed to the other parties. The critical inquiry with *ex parte* communications is whether one side has received an unfair advantage or whether there is a perception that they have received an unfair advantage. If elected, I would avoid *ex parte* communications unless they were authorized by law or fell within the limited circumstances I have described.

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

My philosophy on recusal is that it should be done consistent with the Code of Judicial Conduct, specifically Canon 3. Whenever my impartiality could be reasonably questioned, I would recuse myself out of an abundance of caution. It is extremely important for the public to have confidence in the integrity of the judicial system. Each case should be looked at on a case by case basis. I do not believe that situations involving lawyer-legislators, former associates or law partners are an automatic basis for recusal, but I would take great care to ensure that all parties in my courtroom had confidence that I would be 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 a disclosure that I made caused a party to request my recusal based upon an appearance of bias, I would exercise significant caution and afford the requesting party considerable deference to avoid the appearance of impropriety or any suggested lack of impartiality. If my impartiality was reasonably being questioned, I would disqualify 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 would make all necessary disclosures regarding the financial or social involvement of my spouse or a close relative. After disclosing the relevant information, I would inquire with the parties whether they had any concerns. I would give great deference to their concerns and recuse myself if there were even an appearance of impropriety.

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

I would not accept gifts from individuals or attorneys who appeared before me in court. Most of my closest friends twenty years ago are still my closest friends today, so I would continue to accept personal gifts and attend social functions with these close friends. I would continue to attend bar functions and social events related to the practice of law as long as my attendance was consistent with the Judicial Code of Conduct.

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

First, I would take the necessary steps to determine whether the information I had acquired regarding the misconduct was accurate. If I determined that misconduct had occurred, I would inform this person of their duties pursuant to the Code of Professional Responsibility or Code of Judicial Conduct. If I believed that the misconduct impaired their judgment, trustworthiness or fitness for the position, I would be obligated to report the misconduct.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No.
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?

If elected, I would draft the vast majority of the orders with the assistance of my law clerk. Occasionally, I would request counsel to submit proposed orders and submit them to opposing counsel. After the proposed orders were received, I would review and prepare the final version of all orders.

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

I would set up a docketing system for all deadlines and ensure that they were always met. My staff would be trained extensively on this, as I believe that all court matters should be handled timely and efficiently. One of the chief complaints of most litigants is how slowly the wheels of justice sometimes turn. I would work diligently to alleviate the backlog of cases in some circuits and ensure that the administration of justice was fair and efficient.

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

Regardless of their personal views, I believe that judges are obligated to interpret and adhere to the rule of law. Judges should defer to the Legislature and the appellate courts to advance the law. When novel issues of state law are presented, a judge should analyze the facts, look to precedents in other states, examine public policy, and rule using their best judgment.

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 all lawyers and judges have an obligation to give back to their communities and to the legal profession. If elected and absent a conflict of interest, I would continue to be active in continuing legal education, mentoring youth programs such as Youth Corps and Mock Trial competitions, bar activities, and community events. The improvement of the legal system, our law schools, continuing legal

education classes, and the profile of the legal profession in our community, would be a priority of mine.

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?

In my experience, having meaningful work makes me happy. All of my relationships have always been at their strongest points when I am fulfilled and enjoying my work. Although being a judge carries with it certain stresses and awesome responsibilities, I believe that my family is well equipped to deal with these pressures. I am extremely fortunate to have a supportive spouse who is also an attorney with an understanding of the demands of our profession and the sometimes unpopular decisions that judges are required to make. I have spent my entire legal career facing pressures of many sorts. For example, over the last sixteen years, my work has required me to try cases in different parts of the state for sometimes more than three weeks at a time. I have had to travel a great deal both within South Carolina and all over the United States. Our family unit has not only survived, but thrived. With respect to my relationships with lawyers and personal friends, I am confident that those friendships would be maintained. As a prosecutor and in private practice, I have been faced with making many unpopular decisions sometimes in very high profile cases. I have never allowed my personal relationships to interfere with my sworn duties and I plan to continue on that path.

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.

I believe that each case and each defendant is unique. I learned very early in my legal career that it is very difficult to categorize people and determine how they should be treated before hearing the facts of their individual case. My philosophy, in general, is that people should be held accountable for their crimes. I believe that some people are capable of being rehabilitated and that our society should invest in successful community programs for this purpose. I have found that some people have demonstrated that they are not capable of being rehabilitated and sometimes incarceration is the only alternative. I believe that the rights of victims should be respected. In sum, I believe that everyone who encounters our criminal justice system should walk away believing that they and/or their family members were treated fairly and justly.

a. Repeat offenders: Generally speaking, I would be less tolerant of repeat offenders particularly those who have demonstrated a history of violence and indifference to human life. I would consider their criminal histories, their role in the crime, and any mitigating circumstances.

b. Juveniles (that have been waived to the circuit court): Generally speaking, when a juvenile had been waived into circuit court, I

would look to the juvenile's mental capacity, the circumstances surrounding the crime, their education level, the role they played, and their criminal history. It would be important to consider whether there was a family structure or support system in place. I would also explore all available options in terms of rehabilitation and alternate forms of incarceration.

c. White collar criminals: I believe that all persons should be treated equally in the eyes of the law regardless of their socioeconomic status. As the former Chief of the White Collar Crime Division in the United States Attorney's Office, I know that many white collar crimes are egregious and do significant damage to the victims of these crimes. I have been involved in cases which involved vulnerable victims who have had their entire life savings stolen. In such cases, I would consider these facts very important. Restitution is an important component of the sentencing for white collar crimes. A defendant's criminal history would be an important consideration for me. The duration and severity of the crime would be important factors. When vulnerable victims were involved, I would be less tolerant. For minor offenses where the defendant was incapable of making restitution, I would consider ordering many different types of community service. When the crime was purely economic, non-violent, and of a low dollar amount, I would consider alternatives to incarceration such as home detention, halfway houses and electronic monitoring.

d. Defendants with a socially and/or economically disadvantaged background: The background of every defendant is a relevant factor to consider in sentencing. Unfortunately, many criminal defendants have been raised in an economically or socially disadvantaged environment. The critical inquiry for me, however, would be to determine whether they are truly a victim of their poor circumstances or whether they have been using these circumstances as an excuse to make bad decisions. I would consider the defendant's role in the offense, the severity of the crime, and the harm to the victim.

With respect to non-violent, first time offenders, I would strive to find alternative sentencing options and opportunities for them to improve their education or gain employment. I would look to assistive programs in the community which provide mentoring and training.

e. Elderly defendants or those with some infirmity: I would not automatically lessen a sentence based upon the fact that someone was elderly or had health issues. I would consider the type of crime committed, the criminal history of the defendant, the victim's rights, and the condition of the defendant. Serious health issues wherein someone had very little time left to live which involved extraordinary health care costs to the taxpayers would be important considerations.

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? No.
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?
I believe that a judge should treat everyone who enters his courtroom with the utmost courtesy, patience and respect. A judge is a leader and should lead by example. Litigants, witnesses, court personnel, and spectators should always have faith that the judge is conducting a fair and orderly proceeding. A judge should not demand respect, but should command respect by his or her attitude, actions and demeanor. A judge must also exhibit control in the courtroom and ensure that the lawyers are exercising appropriate courtroom demeanor.
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?
These rules apply at all times.
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?
Anger is not an appropriate or an effective tool for a judge in dealing with a frustrating lawyer or pro se litigant. I feel that there are numerous effective ways in which to deal with a frustrating pro se litigant or attorney all of which involve a calm, cool and even temperament.
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 spent any money on my campaign to date.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
28. Have you sought or received the pledge of any legislator prior to this date?
I have not sought or received the pledge of any legislator prior to this date.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No. I have not been offered a conditional pledge of support by any legislator pending the outcome of my screening.
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?

I have not asked any third parties to contact members of the General Assembly on my behalf. I am not aware of any friends or colleagues contacting members of the General Assembly on my behalf.

31. Have you contacted any members of the Judicial Merit Selection Commission?

No, I have not contacted any member of the Judicial Merit Selection Commission.

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 am aware of that rule.

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

Deborah B Barbier

Sworn to before me this 7 day of August, 2012.

Notary Public for S.C.

My Commission Expires: 02/15/18

DEBORAH B. BARBIER
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September 17, 2012

VIA FACSIMILE (803) 212-6606 AND U.S. MAIL:

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

Re: Supplement to Application for Circuit Court, At Large, Seat No. 16

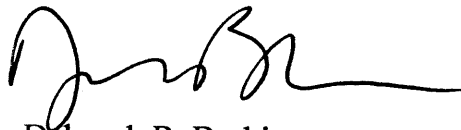
Dear Ms. Shuler:

This letter should serve as notice of my intent to amend my response to question #42 on the Personal Data Questionnaire. At the time I answered the question, I had made no expenditures. Currently, these are my expenditures to date:

Envelopes and paper - \$132.96
Postage - \$122.10
Total - \$255.06

I truly appreciate your assistance with this matter. If you have any questions, please do not hesitate to contact me at (803) 445.

Sincerely,



Deborah B. Barbier